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Friday
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Federal Register

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

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: This regulation amends the interim procedures of the Merit Systems Protection Board with respect to discovery and subpoenas. This action provides a simplified procedure for discovery as an aid to parties in preparing their cases for hearing.

DATE: Effective February 4, 1983.

FOR FURTHER INFORMATION CONTACT: Charles J. Stanislav, (202) 653-8900.

SUPPLEMENTARY INFORMATION: On June 29, 1979, the Board published final regulations (44 FR 38342) implementing its adjudicatory responsibilities under the Civil Service Reform Act of 1978 (Pub. L. 95-454). After three years' experience adjudicating cases under those regulations, it was determined that the Board's procedures with respect to discovery and subpoenas should be changed for the purpose of clarification, and to recognize the willingness and ability of the parties and practitioners to proceed in an orderly and cooperative manner. Accordingly, on July 2, 1982, the Board published amended regulations which provided a more simplified procedure for the discovery and subpoena process. The amended regulations became effective upon publication (July 2, 1982) on an interim basis, to permit public comment and to provide for a period of testing before issuance of final amended regulations.

The Board received comments from various federal agencies and labor unions. These comments have been carefully considered by the Board and

the Board has adopted, in whole or in part, the suggestions made. The comments received were supportive of the concept of direct discovery between the parties, establishing time limits, and distinguishing between parties and nonparties as provided for in the interim regulations. These final rules adopt suggestions which more clearly define the scope of discovery directed to nonparties generally; set time limits for initial and subsequent discovery based upon receipt; provide for objections to discovery and motions to compel; allow reasonable time for preparation for a hearing following discovery; and provide that a failure to deny a request for admission does not constitute a binding admission. Also, motions to quash may be filed by the parties as well as the person to whom directed, and may be served by any person of proper age and detachment.

Subpart B—Hearing Procedures for Appellate Cases

Discovery

Section 1201.71 Statement of purpose.

This paragraph has been revised to state that discovery is designed to enable a party to obtain relevant information needed for preparation of the party's case, rather than just the presentation of the case.

Section 1201.72 Explanation and scope.

Paragraph (a) has been revised to redefine relevant information, to avoid confusion and to eliminate unnecessary information.

Paragraph (b) has been revised to reflect that relevant information has been defined in paragraph (a) and to limit the scope of discovery directed to nonparties.

Paragraph (c) has been revised to add that a failure to deny a request for admission is not to be deemed to constitute a binding admission, in recognition of the fact that persons appearing before the Board need not be admitted to the bar.

Section 1201.73 Procedures governing discovery.

Paragraph (a) has been revised to apply only to a party.

Paragraph (b) has been revised to

apply to nonparties, and to encourage attempts at voluntary cooperation before requesting Board assistance.

Paragraph (c)(1) has been revised to eliminate unnecessary words.

Paragraph (c)(2) has been revised to require that copies of a motion to compel be served on the other party and on the person from whom discovery was sought.

Paragraph (c)(2)(i) is revised to remove redundant words.

Paragraph (c)(2)(ii) is not changed.

Paragraph (c)(3) has been added to allow response to a motion to compel by the other party and by the person from whom discovery was sought.

Paragraph (d)(1) has been revised to set the time limits to initiate *initial* requests for discovery and to mark the time from the Board's order rather than from the date of appeal.

Paragraph (d)(2) has been revised to require prompt response to a discovery request and to mark the time for response after receipt of the request, rather than the date of filing; and to establish a time limit for subsequent discovery requests.

Paragraph (d)(3) has been revised to correct grammatical errors.

Paragraph (d)(4) has been revised to set the time limit based upon receipt, rather than filing date, and to set time limits for filing an opposition to a motion to compel.

Paragraph (d)(5) has been revised to make grammatical corrections, and to provide for the completion of discovery within a reasonable time prior to the date set for the hearing.

Paragraph (d)(6) has been revised to permit the presiding official to alter the time limits for discovery upon a showing of good cause, provided the parties have 14 days after completion of discovery to prepare for the hearing, unless the parties do not object to less preparation time.

Section 1201.74 Orders for discovery.

Paragraph (a) has been revised for technical corrections.

Paragraph (b) has been revised for technical corrections.

Paragraph (c) has been added to provide that failure to comply may result in sanctions.

Section 1201.75 This section has not been changed.

Subpenas

Section 1201.81(b) This section has not been changed.

Section 1201.82 Motions to quash.

This section has been revised to make grammatical corrections and for clarity.

Section 1201.83 Service.

This section has been revised to delete service by a U.S. Marshal or Deputy Marshal, and to describe who may serve a subpoena.

Section 1201.84 Return of service.

This section has been revised to delete reference to U.S. Marshals and Deputy marshals.

Section 1201.85 Enforcement.

This section has been completely revised to describe what is necessary to obtain enforcement.

Regulatory Flexibility Act

The Chairman, Merit Systems Protection Board, certifies that the Board is not required to prepare an initial or final regulatory analysis of this final rule, pursuant to section 603 or 604 of the Regulatory Flexibility Act, because of his determination that this rule would not have a significant economic impact on a substantial number of small entities, including small business, small organizational units, and small governmental jurisdictions.

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, Civil rights, Government employees.

Accordingly, the Merit Systems Protection Board amends 5 CFR by amending Part 1201, Subpart B, as follows:

PART 1201—PRACTICES AND PROCEDURES

Discovery

1. Section 1201.71 is revised to read as follows:

§ 1201.71 Statement of purpose.

Proceedings before the Board shall be conducted as expeditiously as possible with due regard to the rights of the parties. Discovery is designed to enable a party to obtain relevant information needed for preparation of the party's case. These regulations are intended to provide a simple method of discovery. They will be interpreted and applied so as to avoid delay and to facilitate adjudication of the case. The parties are expected to initiate and complete

needed discovery with a minimum of Board intervention.

2. Section 1201.72, paragraphs (a), (b), and (c) are revised to read as follows:

§ 1201.72 Explanation and scope.

(a) *Explanation:* Discovery is the process apart from the hearing whereby a party may obtain relevant information from another person, including a party, which has not otherwise been provided. Relevant information includes information which appears reasonably calculated to lead to the discovery of admissible evidence. This information is obtained for the purpose of assisting the parties in preparing and presenting their cases. The Federal Rules of Civil Procedure may be used as a general guide for discovery practices in proceedings before the Board. However, the federal rules shall be deemed to be instructive rather than controlling.

(b) *Scope:* Any person may be examined regarding any nonprivileged matter which is relevant to the issues involved in the appeal, including the existence, description, nature, custody, condition, and location of documents or other tangible things, and the identity and location of persons having knowledge of relevant facts. Discovery requests to nonparties and nonparty federal agencies and employees are limited to information which appears directly material to the issues involved in the appeal.

(c) *Methods:* Discovery may be obtained by one or more of the methods provided under the Federal Rules of Civil Procedure, including: written interrogatories, depositions, production of documents or things for inspection or copying, and requests for admission addressed to parties. Failure to deny a request for admission shall not be deemed to constitute a binding admission.

3. Section 1201.73, paragraphs (a), (b), (c), and (d) are revised to read as follows:

§ 1201.73 Procedures governing discovery.

(a) Discovery from a party. A party seeking discovery from another party shall initiate the process by serving a request for discovery on the other party. The request for discovery shall—

(1) state the time limit for responding, as prescribed in § 1201.73(d), and

(2) in the case of a request for deposition of a party or an employee of a federal agency party, (i) shall specify the time and place of the taking of the deposition, and (ii) shall also be served on the person to be deposed.

When a request for discovery is directed to an officer or employee of a

federal agency party, the agency shall make the officer or employee available on official time for the purpose of responding to the request, and shall assist the officer or employee as necessary in providing relevant information that is available to the agency. For purposes of discovery under these regulations, a party includes an intervenor. (See 5 CFR 1201.4(f))

(b) Discovery from a nonparty including nonparty federal agencies. Parties are encouraged to attempt to obtain voluntary discovery from nonparties whenever possible. A party seeking discovery from a nonparty federal agency or employee shall initiate the process by serving a request for discovery on the nonparty federal agency or employee. Discovery from other nonparties may be initiated by serving a request for discovery on the nonparty directly. Absent such a request or upon failure to obtain voluntary cooperation, discovery from a nonparty may be obtained by a written motion directed to the presiding official, showing the relevance, scope and materiality of the particular information sought and, in addition in the case of a deposition, the date, time, and place of the proposed deposition. A ruling on the motion will be issued by an authorized official of the Board and will be served on the moving party together with a subpoena, if approved, directed to the individual or entity from which discovery is sought, specifying the manner and time limit for compliance. It shall be the responsibility of the moving party to serve or arrange for service of a Board-approved discovery request and subpoena on the individual or entity.

(c) Responses to discovery requests. (1) A party, or a federal agency which is not a party, shall answer a discovery request within the time provided by § 1201.73(d)(2), either by furnishing to the requesting party the information or testimony requested or agreeing to make deponents available to testify within a reasonable time, or by stating an objection to the particular request, and the reasons for objection.

(2) Upon the failure or refusal of a party to respond in full to a discovery request, or a nonparty to respond in full to Board-approved discovery, the requesting party may file with the presiding official a motion to compel. A copy of the motion shall be served on the other party and on any nonparty entity or person from whom the discovery was sought. The motion shall be accompanied by:

(i) A copy of the original request and a statement showing the relevancy and materiality of the information sought.

(ii) A copy of the objections to discovery or, where appropriate, a verified statement that no response has been received.

(3) The other party and any other entity or person from whom discovery was sought may respond to the motion to compel within the time limits set forth in (d)(4) below.

(d) Time limits.

(1) Initial requests or motions for discovery shall be initiated within 25 days after the date of issuance of the Board's order to the respondent to produce the agency file and response.

(2) A party or nonparty shall respond to a discovery request promptly, but not later than 15 days after receipt of the request or order of the Board. Any discovery requests following the initial request shall be served within 10 days of receipt of the prior response, unless otherwise directed.

Deposition witnesses shall give their testimony at the time and place stated in the request for deposition or in the subpoena, unless otherwise agreed by the parties.

(3) A motion to depose nonparties (along with a request for a subpoena) shall be submitted to the presiding official within the time limits set forth in paragraph (d)(1) above or as otherwise directed.

(4) A motion for an order compelling discovery shall be filed with the presiding official within 5 days of the expiration of the time limit for response when no response is received. Opposition to a motion to compel must be filed with the presiding official within 5 days of receipt of the motion.

(5) Discovery shall be completed within the time designated by the presiding official, but no later than 65 days after the filing of the appeal. A different time limit may be set by the presiding official after due consideration of the particular situation, including the dates set for hearing and closing of the case record. In cases involving a hearing, discovery shall be completed 14 days prior to the date set for hearing, unless the parties consent to a later completion date.

(6) The time limits prescribed in this section may be altered by the presiding official upon a showing of good cause; however, even upon such a showing, the presiding official should not normally permit discovery to be completed later than 14 days prior to the date set for hearing if a party objects thereto.

4. Section 1201.74, paragraphs (a) and (b) are revised and paragraph (c) added to read as follows:

§ 1201.74 Orders for discovery.

(a) *Motion for an Order Compelling Discovery.* Motions for orders compelling discovery and motions for appearance of nonparties shall be submitted to the presiding official in accordance with section 1201.73(c)(2) and (d)(4) above.

(b) *Content of Order.* Any order issued shall include, where appropriate:

(1) Provision for notice to the person to be deposed as to the time and place of such deposition;

(2) Such conditions or limitations concerning the conduct or scope of the proceedings or the subject matter as may be necessary to prevent undue delay or to protect a party or other individual or entity from undue expense, embarrassment or oppression;

(3) Limitations upon the time for conducting depositions, answering written interrogatories, or producing documentary evidence; and

(4) Other restrictions upon the discovery process as determined by the presiding official.

(c) *Noncompliance.* Failure to comply with an order compelling discovery may subject the noncomplying party to sanctions under 5 CFR 1201.43.

* * * * *

5. Section 1201.82 is revised to read as follows:

§ 1201.82 Motion to quash.

Any person to whom a subpoena is directed or any party may file a motion to quash or limit the subpoena, setting forth the reasons why the subpoena should not be complied with or why it should be limited in scope. This motion shall be filed with the presiding official.

(6) Section 1201.83 is revised to read as follows:

§ 1201.83 Service.

A subpoena may be served by any person at least 18 years of age who is not a party, including a private process server or other person authorized to serve process in actions brought in state courts of general jurisdiction or in federal courts.

7. Section 1201.84 is revised to read as follows:

§ 1201.84 Return of service.

The person who has served the subpoena shall certify on the return of service that service was made (1) by delivery to the witness in person, (2) by registered or certified mail, or (3) by delivery to a responsible person (named) at the residence or place of business (as appropriate) of the person to be served, and that the prescribed fees have been tendered or provided for.

8. Section 1201.85 is revised to read as follows:

§ 1201.85 Enforcement.

If a person has been served with a Board subpoena but fails or refuses to comply with its terms, the party seeking compliance may apply to the presiding official, orally or in writing for enforcement. The party shall present the return of service and, except where the witness was required to appear before the presiding official, shall submit affidavit evidence of the failure or refusal to obey the subpoena. The Board, pursuant to 5 U.S.C. 1205(c), may then request the appropriate United States district court to enforce the subpoena.

Dated: January 27, 1983.

Herbert E. Ellingwood
Chairman.

[FR Doc. 83-2962 Filed 2-3-83; 9:45 am]

BILLING CODE 7400-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

[Docket No. 83-303]

Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. These amendments establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Plant Protection and Quarantine performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: February 4, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lanier, Assistant Director, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 643, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION:**Executive Order 12291**

This final action has been reviewed under Executive Order 12291, and has been determined to be exempt from those requirements. Nicholas E. Bedessem, Special Assistant to the Administrator, made this determination because commuted traveltime allowances are strictly a function of where the APHIS employee lives in relation to the place overtime or holiday duty is performed. As employees are transferred or change their residence or as the place of inspection changes, the number of hours of commuted traveltime allowed may change. These amendments merely reflect such changes and serve to notify the public of the new allowed hours.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

List of Subjects in 7 CFR Part 354

Agricultural commodities, Exports, Government employees, Imports, Plants (Agriculture), Quarantine, Transportation.

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, are amended by adding or removing (in appropriate alphabetical sequence) the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

(In Hours)

Location covered	Served from	Metropolitan area	
		Within	Out-side
Remove:	.	.	.
New York:	.	.	.
Jamaica, Long Island.	3
Add:	.	.	.
California:	.	.	.
Tecate	San Ysidro	3	

COMMUTED TRAVELTIME ALLOWANCES—

Continued

(In Hours)

Location covered	Served from	Metropolitan area	
		Within	Out-side
New York:	.	.	.
Jamaica, Long Island.	2
.	.	.	.

(84 Stat. 561: (7 U.S.C. 2280))

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the Federal Register.

Done at Washington, D.C., this 26th day of January 1983.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

(FR Doc. 83-2670 Filed 2-3-83; 8:45 am)

BILLING CODE 3410-34-M

Agricultural Marketing Service**7 CFR Part 910**

(Lemon Reg. 397; Lemon Reg. 396, Amdt. 1)

Lemons Grown in California and Arizona Limitation of Handling**AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period February 6-12, 1983, and increases the quantity of lemons that may be shipped during the period January 30-February 5, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

EFFECTIVE DATES: The regulation becomes effective February 6, 1983, and the amendment is effective for the period January 30-February 5, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under

Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982-83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on February 1, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons has improved somewhat.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders,
California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.697 is added as follows:

§ 910.697 Lemon Regulation 397.

The quantity of lemons grown in California and Arizona which may be handled during the period February 6, 1983 through February 12, 1983, is established at 210,000 cartons.

2. Section 910.696 Lemon Regulation 396 (48 FR 3935) is revised to read as follows:

§ 910.696 Lemon Regulation 396.

The quantity of lemons grown in California and Arizona which may be handled during the period January 30, 1983, through February 5, 1983, is established at 200,000 cartons.

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

Dated: February 3, 1983.

D. S. Kuryloski,

*Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.*

[FR Doc. 83–3267 Filed 2–3–83; 11:58 am]

BILLING CODE 3410–02–M

**NUCLEAR REGULATORY
COMMISSION****10 CFR Part 35****Physician's Use of Radioactive Drugs**

AGENCY: Nuclear Regulatory
Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to provide an exception from certain regulatory requirements for technetium-99m pentetate (a Food and Drug Administration (FDA)-approved drug) used for lung function studies which is a use not yet approved by FDA. Prior to this final rule, NRC regulations required that a physician using an approved drug for an unapproved procedure follow FDA-approved labeling for (1) physical form, (2) route of administration, and (3) dosage range. Because in the lung function studies, technetium-99m pentetate is used as an aerosol and administered by inhalation, it does not meet the FDA-approved method for use of this radiopharmaceutical, and an exception is necessary. The preamble to this rulemaking also sets out the criteria and procedures that NRC will use to evaluate similar requests for exceptions

of other diagnostic radiopharmaceuticals. This final rule responds to the petition filed by the late Dr. George V. Taplin to approve the use of technetium-99m pentetate for lung function studies (PRM 35–1). The final rule will relieve many of NRC's medical licensees from applicable regulatory requirements. The final rule and the new exception procedures are intended to remove unnecessary restrictions on the physician in patient treatment while continuing to provide an adequate level of radiation protection for the patient and the worker.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Deborah A. Bozik, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC, 20555 (Phone 301–427–4566).

SUPPLEMENTARY INFORMATION: On April 13, 1982, the NRC published a proposed rule (47 FR 15798) to amend its regulations to provide an exception from certain regulatory requirements for technetium-99m pentetate in § 35.14 of 10 CFR Part 35, which contains the specific license requirements for certain groups of medical uses of byproduct material. In addition, this proposed rule also offered criteria and information for evaluation of similar future exceptions to NRC regulations.

This rulemaking was developed in response to a petition filed by George V. Taplin, M.D. (deceased) for a rulemaking to remove NRC restrictions that apply when a physician uses an FDA-approved radioactive drug for a clinical procedure that does not have FDA approval. Specifically, the petitioner sought the nonrestricted use of technetium pentetate as an aerosol for lung function studies (PRM–35–1; 44 FR 28817; May 1, 1979). The NRC grants that portion of the petition that requests a specific exception for technetium-99m pentetate used for lung function studies. The NRC denies the petitioner's request that NRC remove all restrictions on the physician's use of an FDA-approved radioactive drug for a clinical procedure that does not have FDA approval. However, the procedures and criteria established in this rulemaking create an appropriate mechanism for addressing future requests for exceptions to these restrictions and, as such, are an attempt to provide the greater flexibility desired by the petitioner.

The public was invited to submit written comments on the proposed rule by June 14, 1982, and 35 comment letters were received. Thirty-one commenters supported the proposed rule, and 15 specifically noted their support of the criteria and procedures for evaluating

similar future exceptions. Copies of the public comments received and the Commission analysis of the comments may be examined in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

Two commenters opposed the proposed rule because of their feeling that NRC would be authorizing the addition of non-FDA-approved procedures to its regulations, thereby starting a precedent for such procedures to be added without close evaluation. Careful consideration was given to the questions raised by these commenters, but the NRC does not believe that patient protection is being compromised. Technetium-99m pentetate gives several times less radiation to the lung than other radiopharmaceuticals which are more slowly absorbed and thus are retained longer in the lungs. Taplin and Chopra, "Inhalation Lung Imaging with Radioactive Aerosols and Gases," *Prog. Nucl. Med.*, Vol. 5, pp. 119–143 (Karger, Basel 1978), and Taplin and Chopra, "Lung Perfusion-Inhalation, Scintigraphy in Obstructive Airway Disease and Pulmonary Embolism," *Radiological Clinics of North America*, Vol. XVI, No. 3, pp. 491–513, December 1978.

It is noteworthy that NRC and FDA have sought a solution to the general problem of drug labeling for unapproved uses, and FDA currently is considering a program to add presently unapproved uses of approved radiopharmaceuticals. However, until such a program is implemented, NRC believes that this rulemaking is the most appropriate way to resolve the problem in this interim period. Nine commenters either addressed topics not specifically covered in this rulemaking or requested that NRC consider other unapproved uses of FDA-approved radiopharmaceuticals. The most common requests centered on the uses of technetium-99m pertechnetate for voiding cystograms and technetium-99m sulfur colloid for evaluation of LeeVeen shunt patency. NRC developed criteria and procedures for evaluating exceptions to § 35.14(b)(6). These procedures and criteria were published in the April 13, 1982 proposed rule and were open to the public for comment. They were very favorably received. The Commission will use these criteria to determine whether an exception from the requirements in § 35.14(b)(6) of 10 CFR Part 35 will result in an unreasonable risk to the health and safety of the public or will minimize danger to life or property.

Any interested person should submit a request for an exception to NRC's Office of Nuclear Material Safety and

Safeguards detailing the following information:

- Description of the procedures,
- Justification for the exception (including an explanation of why the procedure is not included in the product labelling),
- Purpose and benefits of the procedure,
- Analysis of the radiation dose, and
- Supporting technical and scientific information, including any provisions necessary to ensure occupational safety and patient safety.

In order to reach a conclusion regarding the possible inclusion of these radiopharmaceuticals in the regulations, NRC would expect that such requests would provide evidence that the following two criteria, upon which NRC will conduct its assessment, would be met:

- No unjustified radiation dose to the patient, and
- Demonstration of adequate occupational radiation protection measures.

The NRC staff would review a request, and based upon its findings as well as the recommendation of its Advisory Committee on the Medical Uses of Isotopes (ACMUI), would publish in the *Federal Register* a notice of rulemaking. The notice would provide for a 30- to 45-day comment period. The final rule establishing the exception would be made immediately effective.

Environmental Impact: Negative Declaration

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in 10 CFR Part 51, that promulgation of this regulation is not a major Federal action significantly affecting the quality of the human environment and therefore an environmental impact statement is not required. The environmental impact appraisal and negative declaration on which this determination is based are available for public inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.), the NRC has made a determination that this rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that

this rule will not have a significant economic impact upon a substantial number of small entities. The final rule affects about 2,000 specific licenses under §§ 35.11, 35.12, and 35.14 of 10 CFR Part 35. These licenses are issued principally to medical institutions. Small business entities, primarily physicians in private practice, comprise about 275 of the specific medical licenses.

The final rule relieves NRC's medical licensees from regulatory requirements by relaxing restrictions on the physician concerning patient care. The final rule has no significant economic impact on these licensees. In the proposed rule, the NRC specifically requested comments on this conclusion as to impact on small entities. No comments were received that questioned this conclusion.

List of Subjects in 10 CFR Part 35

Byproduct material, Drugs, Health facilities, Health professions, Medical devices, Nuclear materials, Occupational safety and health, Penalty, Radiation protection, Reporting and recordkeeping requirements.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 35, are published as a document subject to codification.

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

1. The authority citation of Part 35 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 68 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 35.2, 35.14(b), (e) and (f), 35.21(a), 35.22(a), 35.24, and 35.31 (b) and (c) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 35.14(b)(5) (ii), (iii), and (v) and (f)(2), 35.27 and 35.31(d) are issued under sec. 161o, 68 Stat. 950 as amended (42 U.S.C. 2201(o)).

2. Section 35.14 is amended by revising paragraph (b)(6) and adding paragraphs (b)(7) and (b)(8) to read as follows:

§ 35.14 Specific licenses for certain groups of medical uses of byproduct material.

* * * * *

(b) * * *

(6) Except for those radiopharmaceuticals listed in paragraph (b)(7) of this section, for Groups I, II, and III any licensee using byproduct material for clinical procedures other than those specified in

the product labeling (package insert) shall comply with the product labeling regarding:

- (i) Chemical and physical form;
- (ii) Route of administration; and
- (iii) Dosage range.

(7) The following radiopharmaceutical(s) when used for the listed clinical procedure(s), are not subject to the restrictions in paragraph (b)(6) of this section:

(i) Technetium-99m pentetate as an aerosol for lung function studies.

(8) Radioactive aerosols must be administered with a closed, shielded system that either is vented to the outside atmosphere through an air exhaust or provides for collection and disposal of the aerosol.

* * * * *

Dated at Bethesda, MD, this 28th day of January, 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-3221 Filed 2-3-83; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

10 CFR Part 810

Unclassified Activities in Foreign Atomic Energy Programs

AGENCY: Energy.

ACTION: Final rule.

SUMMARY: Pursuant to the Nuclear Non-Proliferation Act of 1978 (NNPA) and in accordance with the Executive Branch Procedures established and published June 9, 1978 (43 FR 25326), the Department of Energy (DOE) is amending its regulations, 10 CFR Part 810 "Unclassified Activities in Foreign Atomic Energy Programs." The amended regulations reflect changes made by the NNPA to Section 57.b. of the Atomic Energy Act and incorporate the additional export criteria mandated by the NNPA to govern the export of sensitive nuclear technology for peaceful purposes. The amended regulations update the list of countries to which the general authorization contained in § 810.7(a) does not apply. Added to the listed countries are all non-nuclear weapon states that are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (except for those that accept fullscope safeguards or for which the Treaty of Tlatelolco is currently in force) and certain countries in regions of particular volatility and sensitivity. Withdrawal of the general authorization to these countries will assure that authorizations

by the Secretary of Energy under 10 CFR Part 810 involving these countries are consistent with other U.S. export licensing requirements under the NNPA. Many sections of the final rule are unchanged from the proposed rule of September 17, 1982 (47 FR 41320).

EFFECTIVE DATE: These regulations are effective February 4, 1983.

FOR FURTHER INFORMATION CONTACT:

Mrs. Johnnie Raymond (202) 252-2129

or

Robert Newton, Esquire (202) 252-6975

SUPPLEMENTARY INFORMATION:

I. Background

On March 10, 1978, the Nuclear Non-Proliferation Act of 1978 (NNPA), Pub. L. 95-242, was enacted. The NNPA specifically addressed nuclear export licensing and procedures and amended the procedures and criteria governing DOE action under Section 57.b.(2) of the Atomic Energy Act (42 U.S.C. 2077). In particular, Section 305 of the NNPA amended Chapter 11 of the Atomic Energy Act of 1954, as amended, by adding at the end thereof a new Section 127, "Criteria Governing United States Nuclear Exports" (42 U.S.C. 2156). This section added criteria which, in addition to other requirements of law, govern exports for peaceful nuclear uses from the United States of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology. Section 306 of the NNPA also amended Chapter 11 of the Atomic Energy Act by adding at the end thereof a new Section 128, "Additional Export Criterion and Procedures," (42 U.S.C. 2157), which establishes a further condition on exports of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology. All requests for specific authorization submitted pursuant to Section 57.b.(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2077), will be handled in accordance with the procedures required by Section 302 of the NNPA and agreed to by the Departments of Energy, State, Commerce, and Defense, the Arms Control and Disarmament Agency and the Nuclear Regulatory Commission. These agreed upon procedures were published on June 9, 1978, by the Departments of State, Energy, and Commerce in the Federal Register, "Procedures Established Pursuant to the Nuclear Non-Proliferation Act of 1978," (43 FR 25326).

II. Regulatory Changes

The major changes to Part 810 are summarized below in the order in which they appear:

1. § 810.3. Definitions have been deleted for "Administration" and "Administrator of ERDA" and added for "Secretary," "Department of Energy," "IAEA," "NNPA," "NPT," "retransfer," "sensitive nuclear technology," "source material," and "special nuclear material."

2. § 810.6. The requirement for authorization under Section 57.b. of the Atomic Energy Act of 1954, as amended, has been changed to reflect the language as amended by the NNPA. The NNPA amendment to Section 57.b. established the requirement for formal review by the Departments of State, Defense, and Commerce, the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission, of applications submitted pursuant to Section 57.b.(2).

3. § 810.7(a)(1). The list of countries to which the general authorization will not apply has been expanded to include the following categories of countries: (1) Those countries which are non-nuclear weapon states that are not parties to the NPT (however, the general authorization will continue for those non-nuclear weapon countries which accept full scope safeguards or for which the Treaty of Tlatelolco is currently in force); (2) Afghanistan, which has been added to the list of countries in accordance with current U.S. policy; (3) additionally, the general authorization is withdrawn from certain countries in regions of particular volatility and sensitivity; and (4) the list of countries is revised to update and modernize the names of countries. (Since publication of the proposed rule, Uganda has become a party to the NPT; therefore, it has been deleted from the list of countries to which the general authorization does not apply.) The new requirement for specific authorization for activities in these countries or, in some instances, a report under these regulations, will provide timely information on nuclear activities which do not presently require specific authorization.

4. A new paragraph (5) has been added to § 810.7(b) to permit the furnishing of information and assistance at an operating nuclear power plant outside the United States, related to the prevention or correction of an imminent radiological emergency posing a danger to the public health and safety. This is not intended to cover routine exports and assistance, but is intended only to apply to imminent radiological emergencies in rare circumstances.

5. § 810.8. A new paragraph (c) is added to reflect the requirement established by Section 305 and 306 of the NNPA (new Section 127 and 128 of the Atomic Energy Act) for additional criteria which must be met for

authorization to export "sensitive nuclear technology."

The NNPA amendments to Section 57.b. did not substantively change the provisions of the Atomic Energy Act that apply to the export of unclassified, unpublished technology, other than that defined as "sensitive nuclear technology."

6. § 810.8. A new subparagraph (d)(3) is added to reflect the provision of Section 129 of the Act, added by Section 307 of the NNPA, (42 U.S.C. 2158), concerning termination of nuclear exports of sensitive nuclear technology to a country or countries which engage in any of the proscribed activities identified in Section 129 of the Act.

7. A new paragraph (4) has been added at § 810.10(b) to require a report on the furnishing of radiological emergency assistance to operating nuclear reactors outside the United States.

8. A phrase is added to § 810.11 to permit the Secretary to request additional information on actions approved pursuant to § 810.8.

If the Department decides on further significant modifications to Part 810, it is the intention of the Department, unless urgent national security or foreign relations interest of the United States dictate otherwise, to seek public comment in advance of making those modifications effective, under procedures similar to those used for the current revisions.

III. Statutory Requirements

Pursuant to Section 57.b.(2) of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (NNPA), and with the concurrence of the Department of State and following consultations with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission, the Department of Commerce and the Department of Defense, the Secretary of Energy has authorized these proposed revisions to Part 810 of Title 10 CFR.

IV. Saving Clause

Except for any action taken by DOE pursuant to § 810.8(d), this revision shall not affect the validity or terms of any specific authorization granted under the regulations previously in effect, or generally authorized activities in the identified countries for which contracts, orders or licensing arrangements were in place prior to September 17, 1982.

V. Reporting Requirements

It should be stressed that the reporting requirements in § 810.10 of these regulations extend to most of the

activities covered by the general authorization in § 810.7. Reports under § 810.10 are required within 30 days after commencement of the activity in question.

VI. Rulemaking Requirements

Sec. 501(a)(1) of the DOE Organization Act (Pub. L. 95-91) provides that the provisions of subchapter II of chapter 5 of title 5, United States Code (Administrative Procedure Act, "APA") shall apply in accordance with their terms to any rule or regulation issued pursuant to authority vested by law in, or transferred or delegated to, the Secretary of Energy. Section 553(a)(1) of the APA provides an exemption to the normal notice and comment procedures or rules involving a foreign affairs function of the United States.

Because the amendments deal with the export of sensitive nuclear technology and the need for authorization for activities which assist in the production of special nuclear material in certain countries, these amendments involve the foreign affairs functions of the United States. Therefore, the exemption of Section 553(a)(1) applies and notice and comment are not required. Nevertheless, DOE provided interested persons 45 days in which to submit comments on the proposed rule. These comments are addressed in section VII of the Supplementary Information section.

Because notice and comment are not required for this rule, this rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. as provided in Section 601(2). This rule is also not subject to the requirements of Executive Order 12291 [46 FR 13193, February 19, 1981], because it relates to a foreign affairs function of the United States. See Section 1(a)(2).

VII. Analysis of Public Comments

On September 17, 1982, the Department published a proposed revision to 10 CFR Part 810 in the *Federal Register* (47 FR 41320). During the forty-five day period allowed for public comment, comments were received from six interested parties. These letters were available for public inspection in the DOE Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. These comments were considered in drafting the final rule, as noted below.

1. As a result of comments received, the following changes and clarifications in the proposed rule were made.

(a) Two changes were made in the Supplementary Information section. At the end of II.5., a new sentence has been added to clarify that the NNPA did not change substantive standards for technology exports other than those involving transfers of "sensitive nuclear technology."

At the end of paragraph II of the Supplementary Information section, a new sentence has been added to note that an opportunity for public comments will also be provided in the event of any further revisions to Part 810.

(b) Several deletions and changes were made in the definitions section at § 810.3. The definitions of "production facility" and "utilization facility" at § 810.3 (n) and (v) were dropped as unnecessary and the definitions of "Department" and "Secretary" were placed in their proper alphabetical order. The lettering of all the definitions was changed in accordance with these revisions. In addition, the definition of "nuclear material" was revised, to be consistent with the definition of "nuclear material" in the Nuclear Regulatory Commission regulations, 10 CFR Part 110. Finally, the definition of "sensitive nuclear technology" (now at § 810.3(q)) has been revised by deleting plutonium fuel fabrication from the definition. The revised definition is now consistent with the definition of "sensitive nuclear technology" in the NNPA. Assistance to foreign plutonium fuel fabrication activities will continue to require a specific authorization under § 810.7(a)(2).

(c) A new subparagraph (5) has been added to § 810.7(b) to permit radiological emergency information and assistance to be furnished to countries on the list at § 810.7(a)(1) without specific authorization by the Secretary of Energy.

(d) A new subparagraph (3) has been added to § 810.8(d) to clarify that the provisions of Section 129 of the NNPA also serve as reason for the revocation of a specific authorization to export "sensitive nuclear technology." Section 810.8(e) of the proposed rule has been deleted and § 810.8(f) has been changed to § 810.8(e), which has been revised to clarify the language with regard to the grandfathering of previous authorizations.

(e) A phrase has been added to § 810.10(c)(1)(v) in order to clarify the range of nuclear-related activities that are exempt from the reporting requirements of that section.

2. A number of comments or suggestions were not accepted.

(a) Several of the comments advocated that the proposed revision be delayed or withdrawn, pending

additional review of the reserved issues, consultation with industry and further Congressional hearings and study. These suggestions were not accepted as the Executive Branch has determined that it is necessary to proceed with the final rule in order to advance the non-proliferation objectives of the United States.

(b) A proposal to permit technology transfers only under U.S. nuclear cooperation agreements was rejected as being an overly restrictive control on the flow of unclassified information, much of which is already widely available to the public. Section 57.b. of the Atomic Energy Act clearly permits technology transfers either as specifically authorized under an agreement for cooperation or upon authorization by the Secretary of Energy. A proposal to allow transfers to take place only under agreements for cooperation would unnecessarily restrict technology transfers.

(c) A proposal to extend the criteria of Section 127 and Section 128 of the NNPA to all Part 810 cases was also not accepted. Such an extension would go beyond the requirements of the NNPA and would apply the very strict criteria of these provisions, that are intended to apply only to transfers of sensitive nuclear technology, to non-sensitive technology.

(d) One comment recommended advance notice to Congress and the public of pending Part 810 applications and public notice and reporting to Congress on all activities subject to Part 810. The adoption of such a procedure could violate the confidential and proprietary nature of these activities. Many of the proposed activities are at the negotiation stage between the applicant and potential foreign customer at the time of Part 810 application. An advance public disclosure could adversely affect these negotiations. DOE provides a summary of Part 810 activities in its annual unclassified reporting to Congress, and the Congress receives more detailed information on a confidential basis as requested. Where feasible, additional information is also released in response to public inquiries.

(e) One comment requested establishment of time limits for DOE action on Part 810 cases. A review time period already exists in section 1 of Part D of the Executive Branch procedures, 43 FR 25326, 28-29 (June 1978).

(f) A comment proposing to interpret rather than quote Section 57.b. of the Atomic Energy Act at § 810.8 was not accepted since it was felt that the specific language of the statute should be retained.

(g) A suggestion to require specific authorization for transfers of uranium hexafluoride conversion and uranium fuel fabrication technology was considered overly restrictive and unnecessary. Such technology is widely available and possible transfers to specific countries of concern will continue to be regulated pursuant to § 810.7(a)(1).

(h) A request to include South Korea and Taiwan on the list at § 810.7(a)(1) was not accepted as they meet the criteria for exclusion as described in Supplementary Information II.3.

(i) A comment suggested that § 810.8(e)(2) be modified to refer to the date of the final rule and to clarify the impact of § 810.8(e)(2). DOE believes that § 810.8(e)(2) is sufficiently clear and appropriate as drafted. Questions regarding the application of this provision in specific situations may be directed to the Department of Energy, Office of International Security Affairs.

(j) Another comment maintained that under the present regulations, the Secretary of Energy could still authorize the transfer of sensitive technology, which was "dangerous." This comment was considered to be without merit for the following reasons. First, we note that the statute contemplates the possibility that sensitive nuclear technology may be transferred where criteria set forth in the statute are met. Second, the requirements of the statutory findings "that such activity will not be inimical to the interest of the United States," as well as the findings of § 810.8 (b) and (c), ensure that no "dangerous" transactions will be authorized.

3. In addition to the comments discussed above, one comment requested a clarification of the application of Part 810 to Commerce-licensed items. The revisions do not change the present situation—a Commerce validated license is required in some cases even after a Part 810 authorization has been granted. However, the Executive branch is exploring the feasibility of a system of unified review for such exports. Finally, several comments were received on the subject of retransfers, including a suggestion to establish retransfer guidelines. As indicated in the September 17, 1982, Federal Register notice and repeated here in the final rule (end of paragraph II of Supplementary Information), DOE intends to conduct a review of the retransfer issue in the future which would be directed at clarifying the extent to which Part 810 covers retransfers.

List of Subjects in 10 CFR Part 810

Foreign relations, Nuclear energy, Reporting and recordkeeping requirements.

(Secs. 57, 127, 128, 129, 161, and 223 of the Atomic Energy Act of 1954, as amended by Nuclear Non-Proliferation Act of 1978 (Pub. L. 95-242), 68 Stat. 932, 948, 950, 958, 92 Stat. 126, 136, 137, 138 (42 U.S.C. 2077, 2156, 2157, 2158, 2201, 2273); Sec. 104, Energy Reorganization Act of 1974 (Pub. L. 93-438); Sec. 301, Department of Energy Organization Act (Pub. L. 95-91))

For the reasons set out in the preamble, Part 810 of Title 10 of the Code of Federal Regulations is revised as set forth below.

Issued at Washington, D.C., January 31, 1983.

Herman E. Roser,

Assistant Secretary for Defense Programs.

PART 810—UNCLASSIFIED ACTIVITIES IN FOREIGN ATOMIC ENERGY PROGRAMS

- Sec.
- 810.1 Purpose.
- 810.2 Scope.
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- 810.5 Interpretations.
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Authority: Sections 57, 127, 128, 129, 161, and 223, Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 (Pub. L. 95-242), 68 Stat. 932, 948, 950, 958, 92 Stat. 126, 136, 137, 138 (42 U.S.C. 2077, 2156, 2157, 2158, 2201, 2273); Section 104, Energy Reorganization Act of 1974, (Pub. L. 93-438); Section 301, Department of Energy Organization Act (Pub. L. 95-91).

§ 810.1 Purpose.

The regulations in this part incorporate a general authorization made by the Secretary under Section 57.b(2) of the Atomic Energy Act of 1954, as amended (92 Stat. 126); establish reporting requirements applicable to persons who engage in certain unclassified activities in foreign atomic energy programs; and establish procedures governing applications for specific authorizations to engage directly or indirectly in the production of special nuclear material outside the United States.

§ 810.2 Scope.

The regulations in this part apply to all persons within or under the jurisdiction of the United States.

§ 810.3 Definitions

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919, 42 U.S.C. 2011), as amended.

(b) "Agreement for Cooperation" means an agreement for cooperation with another nation or group of nations concluded under Sec. 123 of the Act.

(c) "Atomic weapon" means any device utilizing atomic energy (exclusive of the means for transporting or propelling the device where such means is a separate and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, or weapon prototype or a weapon test device.

(d) "Classified information" means National Security information classified pursuant to Executive Order 12356 or any superseding order; or Restricted Data classified under the Atomic Energy Act of 1954, as amended.

(e) "Commission" as used in this regulation refers to the Nuclear Regulatory Commission.

(f) "Department" means the United States Department of Energy.

(g) "IAEA" means the International Atomic Energy Agency.

(h) "NNPA" means the Nuclear Non-Proliferation Act of 1978 (Pub. L. 95-242).

(i) "NPT" means the Treaty on the Nonproliferation of Nuclear Weapons of July 1, 1968.

(j) "Nuclear material" means special nuclear material or source material, deuterium or nuclear grade graphite.

(k) "Nuclear reactor" means an apparatus, other than an atomic weapon, or nuclear explosive device, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(l) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Department; any State or any political subdivision of, or any political entity within a State; and (2) any legal successor, representative agent or agency of the foregoing.

(m) "Research and development" means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative facilities and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of motors, devices, equipment, materials, and processes.

(n) "Restricted Data" means all data concerning (1) design, manufacturing or utilization of atomic weapons; (2) the

production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include any data declassified or removed from the Restricted Data category pursuant to Section 142 of the Act.

(o) "Retransfer" means the transport from one foreign country or group of nations to another such entity of information which has been exported from the United States or of nuclear material or equipment produced through the use of such information.

(p) "Secretary" means the Secretary of the United States Department of Energy.

(q) "Sensitive nuclear technology" means any information (including information incorporated in a production or utilization facility or important component part thereof) which is not available to the public and which is important to the design, construction, fabrication, operation or maintenance of a uranium enrichment or nuclear fuel reprocessing facility, or a facility for the production of heavy water, but shall not include Restricted Data controlled pursuant to Chapter 12 of the 1954 Act. The information may take a tangible form, such as a model, prototype, blueprint, or operation manual; it may also take an intangible form such as technical services.

(r) "Source material" means:

- (1) Uranium or thorium, other than special nuclear material; or
- (2) Ores which contain by weight 0.05% or more of uranium or thorium, or any combination of these.

(s) "Special nuclear material" means plutonium, uranium-233 or uranium enriched above 0.711 percent by weight in the isotope U-235.

(t) "United States", when used in a geographical sense, includes all territories and possessions of the United States.

§ 810.4 Communications.

All communications concerning regulations in this part should be addressed to the Secretary, U.S. Department of Energy, Washington, D.C. 20585, Attention: Office of International Security Affairs, DP-332. Communications and reports may be delivered in person at the Department's main offices at 1000 Independence Avenue, S.W., Washington, D.C. Any clearly marked trade secret, commercial or financial, or other proprietary information shall be afforded the maximum degree of protection allowed by law.

§ 810.5 Interpretations.

Except as specifically authorized by the Secretary in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Department other than a written interpretation by the General Counsel will be binding upon the Department.

§ 810.6 Authorization requirement.

Section 57.b. of the Act, as amended by the Nuclear Non-Proliferation Act of 1978, provides that:

It shall be unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States except (1) as specifically authorized under an agreement for cooperation made pursuant to Section 123, including a specific authorization in a subsequent arrangement under section 131 of this Act, or (2) upon authorization by the Secretary of Energy after a determination that such activity will not be inimical to the interest of the United States: *Provided*, That any such determination by the Secretary of Energy shall be made only with the concurrence of the Department of State and after consultation with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission, the Department of Commerce, and the Department of Defense: * * *

§ 810.7 Generally authorized activities.

(a) In accordance with Section 57.b.(2) of the Act, the Secretary has determined with the concurrence of the Department of State and after having consulted with the Departments of Commerce and Defense, the Nuclear Regulatory Commission and the Arms Control and Disarmament Agency, that any activity which constitutes directly or indirectly engaging in the production of any special nuclear material outside of the United States will not be inimical to the interest of the United States and is authorized, provided that it:

(1) Does not constitute directly or indirectly engaging in any such activity in any of the following countries or areas:

Afghanistan
Albania
Algeria
Andorra
Angola
Antigua and Barbuda
Argentina

Bahrain
Belize
Bhutan
Brazil
Bulgaria

Burma
Chile
Comoros
Cuba

Czechoslovakia
Democratic People's
Republic of Korea

Djibouti
Dominica
Estonia
Equatorial Guinea
German Democratic
Republic (and Berlin,
eastern sector)
Guyana
Hungary
India
Iran
Iraq
Israel
Kampuchea
Kiribati
Kuwait
Laos
Latvia
Libya
Lithuania
Malawi

Mauritania
Mongolian People's
Republic
Mozambique
Niger
Oman
Pakistan
People's Republic of
China
Poland
Qatar
Romania
Saint Vincent and the
Grenadines
Sao Tome and Principe
Saudi Arabia

Seychelles
Solomon Islands
South Africa
Soviet Union
Syria

Tanzania
United Arab Emirates
Vanuatu
Vietnam
Yemen Arab Republic
Zambia and
Zimbabwe

(2) Does not constitute directly or indirectly engaging in any of the following activities outside of the United States:

(i) Designing or assisting in the design of facilities for the chemical processing of irradiated special nuclear material, facilities for the production of heavy water, facilities for the separation of isotopes of any source or special nuclear material, facilities especially designed for the fabrication of nuclear fuel containing plutonium, or equipment or components especially designed, modified, or adapted for use in any of the foregoing; or

(ii) Constructing, fabricating, operating, or maintaining such facilities; or

(iii) Constructing or fabricating equipment or components especially designed, modified, or adapted for use in such facilities; or

(iv) Training foreign persons in the design, construction, fabrication, or operation or maintenance of such facilities or equipment or components especially designed, modified, or adapted for use in such facilities; or

(v) Furnishing information not available to the public in published form¹ for use in the design, construction, fabrication, operation or maintenance of such facilities or equipment or components especially designed, modified, or adapted for use in such facilities; and

(3) Does not involve the communication of Restricted Data or other classified information; and

(4) Is not in violation of other provisions of law.

(b) In accordance with Section 57.b.(2) of the Act, the Secretary has determined with the concurrence of the Department

¹ For purposes of this section, "information which is available to the public in published form" shall include, but not be limited to any information contained in an application filed in accordance with the regulations of the U.S. Patent Office and eligible for foreign filing under 35 U.S.C. 184. In addition, information which has been made available from the department pursuant to 5 U.S.C. 552 (the Freedom of Information Act) shall, for purposes of this section, be deemed to be information available to the public in published form.

of State and after having consulted with the Departments of Commerce and Defense, the Nuclear Regulatory Commission and the Arms Control and Disarmament Agency, that any activity not generally authorized pursuant to paragraph (a) of this section, which constitutes directly or indirectly engaging in the production of any special nuclear material outside of the United States, will not be inimical to the interest of the United States, and is authorized by the Secretary, provided that it:

- (1) Does not involve the communication of Restricted Data or other classified information; and
- (2) Is not in violation of other provisions of law; and either
- (3) Is limited to participation in (i) meetings of or conferences sponsored by educational institutions, laboratories, scientific or technical organizations; (ii) international conferences held under the auspices of a nation or group of nations; (iii) exchange programs approved by the Department of State; or (iv) implements the Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America; and
- (4) Is limited to the furnishing of information which is available to the public in published form; ¹ or
- (5) Is limited to the furnishing of information and assistance at an operating nuclear power plant outside the United States, related to the prevention or correction of an imminent radiological emergency posing a danger to the public health and safety. This authorization does not extend to the furnishing of components or equipment under the licensing jurisdiction of other agencies. Any person intending to export information or provide assistance under this subparagraph should notify the Department before taking such action. This does not negate the reporting requirement in § 810.10(b)(4).

§ 810.8 Grant and revocation of specific authorization.

(a) Any person who proposes to directly or indirectly engage in the production of special nuclear material outside of the United States may apply, unless such proposed activity is specifically authorized pursuant to an agreement for cooperation or is authorized by § 810.7, for a specific authorization to the Department of Energy, Washington, D.C. 20585, Attention: Office of International Security Affairs, DP-332.

(b) In accordance with Section 57.b.(2). of the Act, the Secretary, with the concurrence of the Department of

State and after having consulted with the Departments of Commerce and Defense, the Nuclear Regulatory Commission and the Arms Control and Disarmament Agency, will approve an application for a specific authorization to directly or indirectly engage in the production of special nuclear material outside of the United States by conducting any of the activities enumerated in § 810.7(a) if, after taking into account the following factors, he determines that such activity will not be inimical to the interest of the United States:

- (1) Whether the United States has an agreement for cooperation with the nation or group of nations in which the proposed activity will be conducted.
- (2) Whether the country in which the proposed activity will be conducted is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) or is a full party to the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) and, pursuant to either or both of these treaties, has entered into an agreement with the International Atomic Energy Agency (IAEA) for the application of safeguards to all its peaceful nuclear activities;
- (3) Whether the country in which the proposed activity will be conducted, if not a party to the NPT or Treaty of Tlatelolco, accepts IAEA safeguards on all its peaceful nuclear activities;
- (4) Whether the country in which the proposed activity will be conducted, if not a party to the NPT or Treaty of Tlatelolco, will accept IAEA safeguards with respect to the project;
- (5) The relative significance of the proposed activity and availability of comparable assistance from other sources; and
- (6) Any other factor which may bear upon the political, economic, or security interests of the United States including U.S. obligations under international agreements or treaties.

(c) In addition to consideration of the above factors, if the proposed activity involves the export of "sensitive nuclear technology" as defined in § 810.3(q), other requirements of law (Section 127 and Section 128 of the Act) and the requirements of any international commitments to which the U.S. subscribes must be met.

(d) An authorization pursuant to § 810.8 may be revoked, suspended, or modified, in whole or in part:

- (1) For any materially false statement in the application for an authorization, or in any additional information submitted pursuant to § 810.11; or
- (2) If the Secretary finds that the conduct of any or all of the authorized

activities would be inimical to the interest of the United States or would otherwise not meet the criteria specified by law for approval of such export; or

(3) Pursuant to Section 129 of the Act with regard to the transfer of sensitive nuclear technology.

(e) Except for any action taken by DOE pursuant to § 810.8(d), this revision made on February 4, 1983, shall not affect (1) the validity or terms of any specific authorization granted under the regulations previously in effect, or (2) generally authorized activities in the identified countries for which contracts, orders or licensing arrangements were in place prior to September 17, 1982.

§ 810.9 Contents of application.

(a) Each application shall contain the following information:

(1) The full name and address and citizenship of the applicant. If the applicant is a corporation or other entity, it shall indicate the State where it was incorporated or organized, the location of the principal office, and shall furnish information known to the applicant concerning the control of ownership, if any, exercised over the applicant by any alien, foreign corporation or foreign government. Each application shall contain complete and accurate disclosure with respect to the real party or parties in interest.

(2) A complete description of the activity for which authorization is requested, including the geographical location, the name and address of the person or organization for which such activity is to be performed, and a detailed description of the specific project to which the activity relates.

(b) If the application contains classified information, it shall be prepared in such manner that all classified information is separated from the unclassified information.

(c) Information contained in applications, statements or reports otherwise filed by the applicant with the Department may be incorporated by reference, provided that each such reference is clear and specific.

§ 810.10 Reports.

(a) Except as provided in paragraph (c) of this section, any person who engaged in an activity specified in paragraph (b) of this section shall within 30 days from the commencement of such activity report to the U.S. Department of Energy, Washington, D.C. 20585, Attention: Office of International Security Affairs, DP-332.1. Each such report shall contain the following information:

(1) The name, address and citizenship of person submitting the report;

(2) The name, address and citizenship of person or persons for whom the activity is performed; and

(3) A description of the activity, including its location.

(b) Activities to be reported:

(1) Directly or indirectly assisting in the design, construction, fabrication or operation, outside the United States, of:

(i) A nuclear reactor; or

(ii) A facility for the fabrication of uranium fuel;

(iii) A facility for the production of zirconium (hafnium-free or low-hafnium), reactor-grade graphite, or reactor-grade beryllium, or

(2) Directly or indirectly assisting in the design or fabrication outside the United States, of any component part especially designed or fabricated for a nuclear reactor or other facilities specified in paragraph (b)(1) of this section; or

(3) The furnishing of designs, drawings, or other technical data for use outside the United States in the construction or operation of a facility specified in paragraph (b)(1) of this section or in the fabrication of a component part specified in paragraph (b)(2) of this section; or

(4) The furnishing of information and assistance at an operating nuclear power plant outside the United States, related to the prevention or correction of an imminent radiological emergency posing a danger to the public health and safety.

(5) The transmittal outside the United States of conceptual design or performance characteristics of nuclear reactors or facilities specified in paragraph (b)(1) of this section.

(6) The separation outside of the United States of isotopes of uranium or plutonium;

(7) The production, outside of the United States of heavy water, zirconium (hafnium-free or low-hafnium), reactor-grade graphite, reactor-grade beryllium; or

(8) The chemical, physical or metallurgical processing or fabricating or alloying, outside the United States, of special nuclear material.

(c) The reporting requirements of this section shall not apply to:

(1) Any activity consisting only of (i) the communication of information generally available to the public in published form; or (ii) financial assistance; (iii) the furnishing of component parts which are not especially designed and which are not intended for use in a reactor, facility or component part specified in paragraph

(b) (1) or (2) of § 810.10; or (iv) the comparative evaluation of types of reactors or facilities, but not including performance characteristics; or (v) the export of a nuclear reactor and the information associated with siting, construction, operation and maintenance of that reactor, and the export of nuclear equipment or material for which an export license has been granted by the Nuclear Regulatory Commission; or (vi) any combination of the foregoing.

(2) Any person to the extent that such person engages in an activity authorized by § 810.7 as the employee of a person required to submit a report pursuant to paragraph (a) of this section.

(3) Any activity specifically authorized by the Secretary.

§ 810.11 Additional information.

The Department may at any time require any person who engages in activities authorized pursuant to § 810.8 or specified in § 810.10 to submit additional information with respect to such activity. The public may request an opinion from the Department on whether particular export circumstances or exchanges of information are generally authorized under § 810.7, require a specific authorization under § 810.8, or are a reportable activity under § 810.10.

§ 810.12 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who willfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

§ 810.13 Effective date.

These regulations are effective February 4, 1983.

[FR Doc. 83-3014 Filed 2-3-83; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL ELECTION COMMISSION

11 CFR Parts 106, 9031, 9032, 9033, 9034, 9035, 9036, 9037, 9038 and 9039

[Notice 1983-3]

Presidential Primary Matching Fund

AGENCY: Federal Election Commission.

ACTION: Transmittal of regulations to Congress.

SUMMARY: The Federal Election Commission is revising its regulations

which implement the Presidential Primary Matching Payment Account Act, 26 U.S.C. 9031 et seq, and have transmitted those regulations to Congress pursuant to 26 U.S.C. 9039(c).

The revisions are based on the Commission's experience in administering the Act and on public comments received on the Notice of Proposed Rulemaking. The revisions would clarify the current submission and certification procedures to ensure that candidates submissions for matching funds are processed promptly and that matching funds are distributed properly. The revisions include expanded sections governing allocation of expenditures under the State expenditure limits and audits by the Commission. They also provide a more detailed statement of the requirements for making submissions for matching payments and include a new means for making such submissions by letter request. Further information on the intended effect of the revised regulations is contained in the supplemental information below.

EFFECTIVE DATE: Further action, including the announcement of an effective date, will be taken by the Commission after these regulations have been before the Congress 30 legislative days in accordance with 26 U.S.C. 9039(c).

FOR FURTHER INFORMATION CONTACT:

Ms. Susan E. Propper, Assistant General Counsel, 1325 K Street NW. Washington, D.C. 20463, (202) 523-4143 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: The revisions are based on the Commission's experience in administering the Act and on public comments received in response to the Commission's Notice of Proposed Rulemaking (47 FR 35892; August 17, 1982). A public hearing was held on the proposed rules on December 7, 1982, (47 FR 53030; November 24, 1982).

26 U.S.C. 9039(c) requires that any rule or regulation prescribed by the Commission to implement Chapter 96 of Title 26, United States Code, be transmitted to the Speaker of the House of Representatives and the President of the Senate prior to final promulgation. If neither House of Congress disapproves of the regulations within 30 legislative days of their transmittal, the Commission may finally prescribe the regulations in question. The following regulations were transmitted to Congress on January 24, 1983.

Explanation and Justification of the Presidential Primary Matching Funds Regulations, Parts 106 and 9031 Through 9039

Part 106—Allocation of Candidate and Committee Activities

Section 106.2 State Allocation of Expenditures Incurred by Authorized Committees of Presidential Primary Candidates Receiving Matching Funds.

This section, as in the current regulations, implements 2 U.S.C. 441a(b)(1)(A) and 441a(g).

Subsection (a)(1) has been redrafted to explain the scope of the application of this section. It also sets forth the general rule that an expenditure is not necessarily allocated to the State in which it is incurred or paid. For instance, an expenditure incurred or paid in State A would be allocated to State B if the purpose of the expenditure is to influence the candidate's campaign in State B. Where an expenditure is made for the purpose of influencing the nomination of a candidate in more than one State, the methods for allocating expenditures described in subsection (b) will govern allocation under this section.

Subsection (a)(2) provides that disbursements made while an individual is "testing the waters" for the purpose of determining whether to become a candidate must be allocated in accordance with this section if the individual later becomes a candidate. Therefore, individuals "testing the waters" should keep records of all disbursements made during that period to enable proper allocation in the event they become candidates.

Subsection (b)(1) sets forth the general requirement that allocations between two or more States be made on a reasonable and uniformly applied basis. For an allocation to be considered "uniformly applied", it should be based on consistent data as required under subsection (b)(2).

Subsection (b)(2) generally follows current section 106.2(b) and (c)(1) but contains more specificity regarding the actual methods to be used when allocating expenditures between two or more States. It requires that a candidate select one source of data to be used for each category of expenditures in that State. Thus, for example, once a method is used to allocate an advertisement on television in a State, the same method must be used for all allocations of television expenditures within that State unless in some portion of that State, such method is not available, in which event, a reasonable alternative method may be used.

Subsection (b)(2)(i) contains specific methods for allocating media expenditures. Under subsection (b)(2)(i)(A), expenditures for print media, such as newspaper or magazines, must be allocated based on the relative circulation percentages of that publication in each State. The amount allocated must include any commission charged. For the purpose of this section "commission" includes any amounts paid to an individual for services provided in obtaining advertising space in a publication. Allocation need not be made under this subsection to any State in which the circulation is less than 3% of the total estimated readership of that publication.

Subsection (b)(2)(i)(B) covers the allocation method for broadcast media. As in subsection (b)(2)(i)(A), the amount allocated must include any commission paid for buying media time. The industry market data that may be used to determine the allocations under this section include ADI, CCR, Grade B Contour and similar data sources. However, once a method has been selected, it must be used for all allocations of expenditures in that media category in a particular State. Examples of media categories include television broadcast, radio, and cable.

Subsection (b)(2)(i)(C) allows refunds received for media time or space not used to be credited on the same basis as the original allocation. Subsection (b)(2)(i)(D) prohibits allocation to any State in which the primary election has been held. This prohibition is based on the Act's requirement at 2 U.S.C. 441a(g) that allocation be made to each State in which the voting age population "can reasonably be expected to be influenced by such expenditure".

Subsection (b)(2)(ii) governs the allocation of salaries. If an individual is working in a State for four days or less, he or she will be presumed to be working on national campaign strategy and not influencing the primary in that particular State. Despite comments received that suggested exempting advance staff from any allocation requirement, such personnel are included in the class of persons whose salaries must be allocated if they remain in a State for five days or more. As the category of persons who could be considered "advance staff" is a difficult one to define, it was thought better to include them as persons working in a State; however, the Commission has recognized that most advance staff do not remain in a State for five days or more. For purposes of determining the length of time an individual remains in a State, the Commission will generally look to the calendar days or any portion

thereof that that person was in a State rather than using 24-hour periods. If an individual works in a State for five consecutive days or more, that individual's salary must be allocated to that State from the date of his or her arrival. While this section sets forth the basic rule for allocating salaries, a candidate may demonstrate that a particular individual or group of individuals is in a State for five days or more to work on national campaign strategy. Although the Commission expects such exemptions to be the exception rather than the rule, the Commission does recognize that national campaign strategy meetings, for example, may be held in a centrally located State for an extended period of time.

Subsection (b)(2)(iii) follows current § 106.2(c)(2) but limits this requirement to individuals remaining in a State for five days or more. This rule also applies to intra-state travel and subsistence expenses for the candidate, his or her family and the candidate's representatives if they remain in a State for five days or more.

Subsection (b)(2)(iv) describes the overhead expenditures of State and regional offices that must be allocated.

Subsection (b)(2)(v) sets forth a new method for allocating telephone charges other than base service charges. All calls made within a particular State must be allocated to that State. Calls made between two States, whether or not using toll-free service, are exempted from allocation. Calls charged to a credit card should be allocated on the same basis as calls charged to a phone number.

Subsection (b)(2)(vi) governs allocation of public opinion polls. Polls taken in two or more States must be allocated based on the number of people interviewed in each State unless the poll is a nationwide poll. Thus, candidates must keep records of the number of persons interviewed in each poll covering two or more States to support the allocations made as required by subsection (e).

Subsection (c) sets forth the categories of expenditures that are exempted from the allocation requirements. Subsection (c)(1)(i) exempts national campaign expenditures from allocation.

Under subsection (c)(1)(ii), the regulations exempt "national advertising". This exemption, however, is limited to advertising that is distributed on a nationwide basis and does not include ads that appear only in a regional edition of a national publication.

Under subsection (c)(2), the costs of producing media advertising are exempted from allocation as it is often difficult to determine, for example, what footage was used in commercials aired in particular States.

Subsection (c)(3) exempts the costs of transporting media personnel as such costs are not related to influencing the voters of any particular State.

Subsection (c)(4) generally follows current § 106.2(c)(2) with respect to interstate travel. Travel across State lines that is occasioned by transportation or lodging facilities will not be deemed exempt interstate travel. For example, a candidate or persons campaigning on a candidate's behalf in a particular State may have lodging accommodations in a contiguous State. In such cases, travel across State lines to campaign in the contiguous State would not be considered exempt interstate travel. A similar situation involves transportation. If a candidate makes a campaign trip to a particular State, but for example, arrives at an airport in a neighboring State, travel from the airport to the State in which the campaign is being conducted would not be considered interstate travel.

Under subsection (c)(5), a candidate may claim a standard exemption of 10% of salaries and overhead in each State for compliance costs. An additional 10% of such costs may be claimed as exempt fundraising expenses, subject to the 28 day limit of 11 CFR 110.8(c)(2). If the candidate wishes to exempt more than 10% of expenditures under either category, he or she must then document the entire amount spent on compliance and/or fundraising for all individuals in that State to justify claiming the larger exemption.

Subsection (d) generally follows current § 106.2(a).

Subsection (e) requires that candidates retain detailed records to support the calculations made under this section.

Section 106.3 Allocation of Expenses Between Campaign and Noncampaign related Travel.

A technical amendment has been made in subsection (a) to make clear that this section does not apply to Presidential primary candidates receiving matching funds. No other changes have been made in this section.

Part 9031—Scope

§ 9031.1 Scope.

Section 9031.1 has been revised to conform to 11 CFR 9001.1.

Part 9032—Definitions

Section 9032.1 Authorized Committee.

Subsection (a) has been revised to conform to 11 CFR 9002.1. Subsection (b) generally follows current § 9032.1(a). Subsection (c) has been added to make clear that responsibilities of the candidate are also those of his or her authorized committee(s).

Subsection (d) generally follows current § 9032.1(b). Subsection (e) has been added to cross-reference the Commission's regulations governing delegate committees.

Section 9032.2 Candidate.

This section generally follows current § 9032.2 but clarifies in subsection (d) that the time for disavowal begins to run after receipt of notification from the Commission.

Section 9032.3 Commission.

This section generally follows current § 9032.3.

Section 9032.4 Contribution.

This section generally follows current § 9032.4.

Section 9032.5 Matching Payment Account.

This section generally follows current § 9032.5.

Section 9032.6 Matching Payment Period.

This section generally follows current § 9032.6 but has been clarified to state that the period will not exceed the applicable date as determined under subsection (a) or (b).

Section 9032.7 Primary Election.

Section 9032.7 has been revised to clarify that the definition of "primary election" under this subchapter includes elections held by a State as well as by a political party. This section now also provides, in subsection (b), that if both the party and the State sponsor primary elections, the primary election will be the election held by the political party.

Section 9032.8 Political Committee.

This section generally follows current § 9032.8.

Section 9032.9 Qualified Campaign Expense.

Subsection (a) generally follows current § 9032.9(a) but includes the phrase "on behalf of" in subsection (a)(1) to clarify the intent of subsection (b). Subsection (b) generally follows current § 9032.9(b). Subsection (c) has been added to cross-reference the provisions of 11 CFR 9034.4.

Section 9032.10 Secretary

This new section has been added to permit use of the word "Secretary" to mean Secretary of the Treasury in this subchapter.

Section 9032.11 State.

This section generally follows current § 9032.10.

Part 9033—Eligibility for Payments

Section 9033.1 Candidate and Committee Agreements

Subsection (a)(1) generally follows current § 9033.1 (a) and (b). Subsection (a)(2) has been added to make clear that the candidate must submit a candidate agreement that meets the stated requirements before the Commission will review the candidate's threshold submission to determine eligibility.

Under subsection (b), references to the candidate's authorized committee(s) have been included to make clear that such committees are also subject to the requirements of this section. In subsection (b)(2), the specific documentation requirements have been moved to a new § 9033.11 and this subsection now contains an agreement by the candidate to comply with § 9033.11. Subsections (b) (4) and (5) require the candidate to maintain and furnish to the Commission all documentation relating to matching fund submissions, disbursements and receipts. Subsection (b)(6) clarifies that audits conducted under 11 CFR Part 9038 will cover both receipts and disbursements, and may include a review of disbursements by persons or entities authorized by the candidate to make expenditures on the candidate's behalf. Subsection (b) (1), (3), and (7) through (10) generally follow current § 9033.1(a) and (b).

Current subsection (c) has been deleted in these regulations as that provision is covered under 11 CFR 9033.9.

Section 9033.2 Candidate and Committee Certifications; Threshold Submission.

Subsection (a)(1) generally follows current § 9033.2. Subsection (a)(2) is a parallel provision to 11 CFR 9033.1(a)(2).

Subsection (b)(3) follows current § 9033.2(c)(1) but has been reworded for clarity. Subsection (b)(3)(iv) has been added to state that in the case of contributions from an individual who is a resident of more than one State, the candidate may count contributions from that individual towards the \$5000 threshold in only one State. This State

will be the one from which the individual's earliest contribution was made.

The format requirements for threshold submissions have been moved from current § 9033.2(c) to 11 CFR 9036.1. Subsection (c) in these regulations explains that candidates must submit proof of the contributions required to establish eligibility and cross-references 11 CFR 9036.1 for the format in which submissions must be made.

Section 9033.3 Expenditure Limitation Certification.

This section generally follows current § 9033.3 but contains cross-references to new § 9033.10 for the procedures to be followed when the Commission makes a determination under this section. The requirement that a violation of this section be done "willfully" has been deleted.

Section 9033.4 Matching Payment Eligibility Threshold Requirements.

The time for reviewing a threshold submission during a Presidential election year has been extended from 5 working days to 15 business days during a Presidential election year.

Subsection (a) and (b) generally follow current § 9033.4 but cross-reference new § 9033.10 for the procedures to be followed when determinations are made under this section.

Section 9033.5 Determination of Ineligibility Date.

The introductory language of this section has been reworded for clarity. Subsection (a) generally follows current § 9033.5(a). Under subsection (b), a candidate who "permitted or authorized his or her name to appear on the ballot" includes a candidate who participates or receives votes in a caucus that is a primary election. Subsections (b) (1) and (2) generally follow current § 9033.5(b) (1) and (2). Subsection (b)(2) has been expanded, however, to address the situation in which there are two or more primaries held in the same State on different dates. If one of these primaries is held by the State and the other by the party, the primary held by the party will be the primary election as provided under 11 CFR 9032.7(b).

Subsection (c) generally follows current § 9033.5(c).10. Subsection (d) has been added to cross-reference the provisions on re-establishment of eligibility under 11 CFR 9033.8.

Section 9033.6 Determination of Inactive Candidacy.

Subsection (a) generally follows current § 9033.6 (a) and (f). In subsection

(b), two additional factors that may be considered by the Commission have been included at subsections (b) (5) and (6). Subsection (c) and (d) now cross-reference the procedures for making determination under 11 CFR 9033.10.

Section 9033.7 Determination of Active Candidacy.

This section generally follows current § 9033.7 but cross-references in subsections (b) and (c) the procedures for making determinations under 11 CFR 9033.10.

Section 9033.8 Reestablishment of Eligibility.

Subsection (a) and (b) generally follows current § 9033.8 (a) and (b). Subsection (c) has been added to clarify that candidates who have re-established eligibility need not submit new candidate agreements and certifications, and that contributions received during the period of ineligibility are matchable once the candidate re-establishes eligibility regardless of whether the candidate has any net outstanding campaign obligations.

Section 9033.9 Failure to Comply With Disclosure Requirements or Expenditure Limitations

This section has been re-titled to conform to other sections in these regulations dealing with ineligibility. As in § 9033.3, the standard that violations be done "willfully" under this section before payments will be suspended has been deleted. Subsections (b) and (c) generally follow current § 9033.9 (b), (c) and (d) but contain cross-references to 11 CFR 9033.10 for the procedures to be followed in making determinations. Subsection (d) generally follows current § 9033.9(e).

Section 9033.10 Procedures for Initial and Final Determinations

This new section contains the written hearing procedures for determinations regarding a candidate's eligibility to receive matching funds under 11 CFR Part 9033. These procedures have been taken from the various substantive provisions in current Part 9033 and consolidated in this section. The time limits on responses filed by candidates have been retained in each substantive section, however, as these time limits vary. This section also specifies, in subsection (d), that an eligibility determination made pursuant to this section may be independent of any Commission decision to institute an enforcement proceeding under 2 U.S.C. 437g. In addition, the Commission may rely upon the legal and factual basis on which an initial determination was

made in the future repayment determination if the Commission took no final action to suspend payments at the time of the initial determination.

Section 9033.11 Documentation of Disbursements.

This new section generally follows current § 9033.1(a)(1). Subsection (a) reiterates the general rule, also found in 11 CFR 9033.1, that the candidate has the burden of proving that disbursements are qualified campaign expenses. In subsection (b)(1), the threshold for documentation of disbursements has been raised to \$200 and is no longer an aggregate figure, in accordance with Pub. L. No. 96-187. References to "particulars" in subsection (b) have been changed to "purpose", also in accordance with Pub. L. No. 96-187.

Subsection (b)(3)(i) has been revised to clarify that an individual to whom \$500 or less is advanced by the campaign for travel and/or subsistence and who is the recipient of the goods or services purchased will be considered a payee under this section. In that case, the candidate must retain documentation of the advance of \$500 or less to that individual.

Subsection (c) has been added to provide a list of categories of documents that must be retained by the candidate and presented to the Commission on request.

Part 9034—Entitlements

Section 9034.1 Candidate Entitlements.

This section generally follows current § 9034.1 with two exceptions. First, the language of subsection (b) has been revised to make clear that contributions deposited on or before December 31 of the Presidential election year may be matched. Second, subsection (b) has been revised to state that, to receive matching funds after the date of ineligibility, candidates must have net outstanding campaign obligations as of the date of payment rather than the date of submission. Thus, if the candidate's financial position changed between the date of his or her submission for matching funds and the date of payment, reducing the candidate's net outstanding campaign obligations, that candidate's entitlement would be reduced accordingly.

Section 9034.2 Matchable Contributions.

Subsection (a) generally follows current § 9034.2(a) except that a new provision has been added in subsection (a)(4) stating that donations received by an individual who is "testing the

waters" may be matched when the individual becomes a candidate if the donations meet the requirements for matchability.

Subsection (b) has been revised to make clear that all written instruments submitted for matching must represent contributions of the contributor's personal funds.

In subsection (c), the language excepting contributions from joint accounts and money orders has been deleted. These contributions are now subject to the provisions of subsections (c) (1) and (4). In subsection (c)(1) regarding contributions drawn on joint accounts, a provision has been added to subsection (i) requiring that joint tenants indicate that amount to be attributed to each contributor if attribution is other than equal. Subsection (c)(1)(ii) has been added to address the situation in which the imprinting on the check does not reflect whether each contributor is a joint tenant of the account on which the check is drawn. Subsection (c)(2), concerning checks drawn on escrow or trust accounts, has been revised to state that the contributor must have equitable, rather than beneficial, ownership of the account. This change is intended as a more precise definition of the contributor's interest in the account. In addition, subsection (c)(2)(ii) has been expanded to add requirements that will allow accompanying written documentation to be more easily correlated with the corresponding check. Finally, the provision in the current regulations that requires a statement that the contribution does not violate the conditions of the trust or escrow agreement has been deleted. This deletion was made in response to comments received that stressed the difficulty committees would have in seeking to assure that such contributions were lawfully made.

With respect to contributions drawn on partnership or other unincorporated association accounts, subsection (c)(3) has been revised to require a statement that the account is not maintained or controlled by a corporate entity as well as information allowing the accompanying written documentation to be correlated with the corresponding check.

Subsection (c)(4), which governs contributions made by money order or cashier's check, has been substantially revised in these regulations. In the past the Commission has faced difficulties in processing and verifying the authenticity of contributions submitted for matching in the form of money orders or cashier's checks. Unlike other written instruments (e.g., personal checks), money orders generally do not require the signature of

the individual whose funds such instrument represents. Where the money order that evidences the contribution does not clearly identify the contributor, the matchability of the contribution is placed in doubt. Moreover, the possibility of certifying for matching payments contributions which are not properly matchable increases due to the uncertainty that money order contributions represent the personal funds of listed contributions.

To preserve money orders and cashier's checks as contributions that may be matched, while ensuring that such contributions are properly matchable, subsection (c)(4) now requires that the signature of each contributor appear on the money order or cashier's check at the time it is initially submitted for matching and that the written instrument be accompanied by a signed statement evidencing that the contribution is made with the contributor's personal funds. If these requirements are not met, the money order or cashier's check may not be resubmitted for matching at a later date. Candidates should therefore obtain any additional documentation needed from the contributor before the contribution is submitted for matching purposes.

Subsection (c)(5), regarding contributions in the form of the purchase price paid to attend an entertainment activity, such as concert tickets, has also been significantly revised. These contributions are now matchable up to the full amount paid for such tickets. As a result, the submission requirements for these contributions have been substantially relaxed, although the promotional material and tickets must still reflect that the purchase price of a ticket is a contribution to the candidate.

Subsection (c)(6), regarding contributions in the form of the purchase price paid to attend a political event such as a political dinner, has been moved from current § 9034.3(i)(2).

Subsection (c)(7) has been added to provide that contributions received through joint fundraising may be matched.

Section 9034.3 Non-Matchable Contributions.

This section generally follows current § 9034.3. In subsection (h), the phrase "or otherwise induced by" has been added to make clear that this provision applies to any contribution involving a lottery or other drawing for prizes, whether or not a contribution is required for participation in the drawing. The provisions governing concert tickets and political dinners have been moved from this section to 11 CFR 9034.2.

Some of the comments received suggested that contributions made using credit cards be matchable. The Commission has rejected this suggestion because credit cards present problems for ensuring that the requirements of matchability are met. For example, credit card contributions could be made by phone and therefore lack the contributor's signature. Another problem is that of determining the source of funds contributed as many cards that appear to be personal accounts are paid for by incorporated businesses. A third difficulty is that credit card companies deduct varying amounts to pay for their services and thus candidates would be requesting more in matching funds than they had received in contributions.

Section 9034.4 Use of Contributions and Matching Payments.

This section generally follows current § 9034.4 but has been reorganized to separate qualified campaign expenses from non-qualified campaign expenses.

In subsection (a)(2), a provision has been added to make clear that disbursements made while "testing the waters" will count against the State and overall expenditure limits when the individual becomes a candidate.

In subsection (a)(3), the provisions limiting the winding down period to ten months and governing extensions of that time which were included in the Commission's Notice of Proposed Rulemaking, have been deleted from these regulations in response to the comments received opposing this proposal. The Commission has also deleted another provision contained in the Notice of Proposed Rulemaking in subsection (b)(3). That provision would have classified litigation costs incurred after the candidate's date of ineligibility as non-qualified campaign expenses. By deleting this provision, litigation costs that meet the requirements of subsection (a)(3) will be considered qualified campaign expenses.

The third provision deleted from this section was proposed in the Notice of Proposed Rulemaking as subsection (c). This provision would have allowed candidates to receive donations not subject to the contribution limitations for making repayments to the Treasury, but the Commission rejected this approach on final consideration of the regulations.

Section 9034.5 Net Outstanding Campaign Obligations.

Subsection (a) generally follows current § 9034.5 (a) and (b).

Subsection (b)(1) basically follows current § 9034.5(c) but gives examples of

property that would be considered capital assets. Also, the requirement that such property have a remaining useful life exceeding one year has been deleted.

Subsection (b)(2) has been added to cover property acquired by a campaign that does not fit the concept of "capital assets" but can be liquidated to pay outstanding debts of the campaign. Therefore, this property should be included in the candidate's statement of net outstanding campaign obligations to reflect these assets if the aggregate value of all property in this category exceeds \$5,000. Items that should be considered "other assets" include artwork, gifts such as pen sets acquired for use in fundraising, and items acquired by the campaign to be used as collateral for loans.

Subsection (c) has been added to require candidates to include in their statement funds they are due to receive from joint fundraising activity, even though such funds have not yet been transferred to the candidate by the fundraising representative. The intent of this provision is to avoid overpayment of matching funds when the candidate is due to receive additional contributions received through joint fundraising.

Subsection (d) reflects the Commission's requirement that statements be updated with each matching fund submission to reflect the candidate's current financial situation.

Subsection (e) provides the circumstances under which the Commission may temporarily suspend all or a portion of further matching payments based upon a Commission determination that a candidate's outstanding campaign obligations do not exceed campaign assets either to the extent claimed by the candidate or perhaps at all.

Section 9034.6 Reimbursements for Transportation and Services Made Available to Media Personnel.

This new section generally follows the current general election public financing regulations at 11 CFR 9004.6. However, references to expenditures for travel and services provided to Secret Service personnel and other staff required by law have been deleted as other government regulations govern payment for those expenditures.

In subsection (a), the language has been revised to make clear that expenditures for travel and services provided to media personnel will be subject to the overall expenditure limitation under 2 U.S.C. 441a(b)(1)(A) although they do not need to be allocated among the various State limits.

Under subsection (b), the reimbursements received from each person may not exceed the total cost of providing services to that person by more than 10%. The 10% figure will be based on the total cost of providing services to each person over the course of the campaign rather than on a per-trip basis. Candidates may include the cost of "down-time" for leased aircraft in the amount requested for reimbursement as this is a cost of providing transportation to the media. The reimbursements may be deducted from the amount applied to the overall expenditure limit but only to the extent that the reimbursements do not exceed the actual cost to the campaign.

Section 9034.7 Allocation of Travel Expenditures.

This new section generally follows the current general election public financing regulations at 11 CFR 9004.7 with one significant change. Subsection (b)(5) has been revised to require that candidates using government conveyance, such as government aircraft, pay the equivalent of first class commercial air fare or commercial charter fare rather than the actual cost of such government transportation. Candidates must also pay the cost of other government conveyances or accommodations used, such as government-owned cars or buses.

Section 9034.8 Joint Fundraising.

This section has been added in response to the number of questions that arose during the 1980 election cycle concerning joint fundraising by candidates receiving matching funds. The requirements of this section generally follow the procedures established in the Commission's advisory opinions and in the course of the Commission's consideration of joint fundraising events during the 1980 election cycle.

Subsection (a)(1) describes the persons or entities with whom a Presidential primary candidate may engage in joint fundraising. Subsection (a)(2) outlines the various permissible uses for funds received as a result of joint fundraising.

Subsection (b) essentially follows the Commission's advisory opinions by requiring that the participants either establish a separate political committee or select a participating political committee to act as the fundraising representative. The fundraising representative then is responsible for collecting contributions, paying the costs of the fundraising effort and disbursing net proceeds to each participant. While the participant may engage a

commercial fundraising firm to assist in conducting the activity, they must still select a fundraising representative.

Subsection (c) sets out the procedures to be followed for conducting joint fundraising activities. Under subsection (c)(1), the participants must enter into a written agreement. A copy of this agreement must be submitted by Presidential primary candidates when they submit the contributions received for matching.

Subsection (c)(2) limits the amount that can be advanced by each participant as start-up costs. Under subsection (c)(3), each solicitation for contributions to a joint fundraiser must contain a fundraising notice informing contributors of specified details of the fundraising activity.

Subsection (c)(4) requires that the participants establish a separate account for the receipt and disbursement of joint fundraising proceeds. Only funds permissible under the Act may be deposited into this account. If one of the participants can accept funds prohibited under the Act, the participants may either set up a second account to collect those funds or transfer them directly to those participants that can accept prohibited funds. In either case, the prohibited funds need not be included in the allocation formula for payment of expenses or distribution of proceeds.

Subsection (c)(4)(iii) makes clear that, although distribution of proceeds may be delayed until all expenses are paid, the participants will be deemed to have received the contributions as of the date they are received by the fundraising representative.

Subsection (c)(5) describes the recordkeeping responsibilities of the fundraising representative and participating committees. The fundraising representative should request the contributor records of each participant for those contributing to the fundraising activity to aid in screening and distributing contributions.

Subsection (c)(6) permits contributors to donate to a joint fundraiser an amount up to that which the contributor could give, in the aggregate, to all the participants subject to the applicable contribution limits. Therefore, if five Presidential primary candidates participated in a joint fundraiser, and agreed to share proceeds equally, an individual could contribute up to \$5,000, minus any amount that individual had previously contributed to any of the participants.

Subsection (c)(7) governs the manner in which the fundraising representative must allocate gross proceeds among the

participants. Subsection (c)(7)(i) prohibits any allocation method used to maximize the matchability of the contributions received. That is, the allocation method cannot be based on whether any of the participating Presidential primary candidates have received the maximum amount of matchable contributions from an individual. Thus, candidates may not "trade" contributions from individuals who have already contributed the maximum amount that could be matched.

For a candidate seeking to extinguish outstanding debts, subsection (c)(7)(ii) prohibits reallocation of the receipts of a joint fundraiser once that candidate has received sufficient matchable contributions to pay off his or her debts after those contributions have been matched. Rather, candidates must continue to receive their share of joint fundraising contributions until those contributions alone are sufficient to pay the candidate's debts. For example, assume that Candidate A has outstanding debts of \$100,000, Candidate B has outstanding debts of \$200,000 and that these two candidates have agreed to share proceeds of a joint fundraiser on a 50-50 basis. If the joint fundraiser nets \$200,000, Candidate A may not reallocate his share to Candidate B after receiving only \$50,000 in reliance on receiving another \$50,000 in matching funds to extinguish his debts. Instead, Candidate A must take his full share of \$100,000 and pay his debts with the contributions raised.

Subsection (c)(8) governs allocation of expenses and distribution of net proceeds. Under subsections (c)(8) (i) and (ii), "committees of the same political party" refers only to party committees and not to candidates running on the same party ticket.

Subsection (c)(9) explains when and how receipts and disbursements must be reported by the fundraising representative and participating political committees.

Section 9034.9 Sale of Assets Acquired for Fundraising Purposes.

Section 9034.9 has been added to the regulations to set forth rules regarding the sale of "Other Assets" as defined in § 9034.5(b)(2) of these regulations. Subsection (a) follows Advisory Opinion 1980-34 in setting forth the general rule that a candidate may sell assets donated to a campaign or otherwise acquired for fundraising purpose (e.g. artwork) provided that the sale does not violate the limitations and prohibitions of Title 2, United States Code, and the regulations prescribed thereunder (11 CFR Parts 110 and 114). Subsection (b)

provides the exception to the general rule. The exception permits a candidate who is in a debt situation at the end of the matching payment period to dispose of such assets in an arms-length transaction, without regard to the limitations and prohibitions of Title 2, United States Code and 11 CFR Parts 110 and 114, if the candidate is still in a debt position at the time of the transaction. Accordingly, under this specific factual situation a candidate may dispose of assets acquired for fundraising purposes in a sale to a wholesaler or other intermediary who will in turn sell such assets to the public. Any such wholesaler or other intermediary may then sell the items to the public without regard to the limitations and prohibitions of the Act.

If the candidate has more than one category of items to dispose of, such as cars and artwork, he or she may have to sell each category of assets to a different wholesaler or wholesalers depending upon the circumstances. The Commission expects, however, that candidates will limit the number of these liquidation transactions to the fewest possible.

Part 9035—Expenditure Limitations

Section 9035.1 Campaign Expenditure Limitation.

Subsection (a) generally follows current § 9035.1 (a). Subsection (b) has been added to cross-reference the allocation requirements of 11 CFR 106.2.

Under subsection (c), candidates may exempt 10% of all salaries and overhead expenditures from the overall expenditure limitation as exempt compliance costs. Candidates may also exempt 10% of such costs as exempt fundraising expenditures. The procedures for claiming a larger exemption under this section are the same as those under 11 CFR 106.2(c)(5).

Subsection (d) generally follows current § 9035.1(b).

Section 9035.2 Limitation on Expenditures from Personal or Family Funds.

This section follows current § 9035.2.

Part 9036—Review of Submission and Certification of Payments by Commission

Section 9036.1 Threshold Submission.

Subsection (a) generally follows current § 9033.2(e) but explains that the threshold submission may be presented either with or after the candidate agreement and certifications are submitted.

Subsection (b)(1) essentially follows current § 9033.2(c)(2)(i) but has been

reorganized for clarity. In addition, the requirement in current § 9033.2(c)(2)(i) that the candidate indicate which contributions were received as a result of entertainment activity has been changed to require a notation only for contributions received as a result of joint fundraising activities.

Subsection (b)(2) generally follows current § 9033.2 (c)(2)(ii) but requires that the photocopies submitted be full-size. This new requirement was added because the Commission has had difficulty in the past with photocopies that were reduced in size and therefore difficult or impossible to read. The option of requiring that photocopies be "legible" rather than "full-size" was rejected as the former term could be subject to many varying interpretations.

In addition, some commenters suggested that the Commission permit use of microfilm in place of photocopies. This was also rejected as an option for several reasons. First, microfilm does not always reproduce as well as photocopying particularly in the case of checks on colored paper. Therefore, microfilm impedes the Commission's ability to review candidate submissions. Second, there is greater risk to candidates who use microfilm. If the film is damaged or improperly developed, it is generally too late to make new films of the checks received as they will have been deposited. In that case, the candidate cannot receive matching funds for any of the contributions involved.

Subsections (b) (3) and (4) have been added to reflect established Commission requirements.

Subsections (b)(5) generally follows current § 9036.1(b). Subsection (b)(6) generally follows current § 9033.2(c)(3).

Subsection (c)(1) essentially follows current § 9036.1(a). Subsections (c) (2) and (3) generally follow current § 9036.1(c) but explain the difference in procedure between the Presidential election year and the year preceding it.

Section 9036.2 Additional Submissions for Matching Fund Payments.

Subsection (a) generally follows current § 9036.2(b).

Subsection (b) generally follows current § 9036.2 (a) and (b). Subsection (b)(1) contains several new provisions. First, a requirement that the first submission contain all the contributions and supporting documentation from the threshold submission, in addition to the contributions presented in that submission, has been included in this subsection. Second, all documentation for each submission presented after the

threshold submission must be presented in straight alphabetical order and not segregated by State as in the threshold submission. Formerly, candidates could choose either method of presentation in additional submissions but the second method created too many problems for committees. Finally, an alternative method of submitting the supporting documentation of written instruments that accompanies contributions submitted for matching has been included in subsection (b)(1)(v). This subsection provides that a candidate may batch contributions in deposits of 50 contributions or less and cross-reference the contributions by deposit number and sequence number on the contributor list. Under this method, committees would not have to alphabetize the checks supporting a submission for matching funds but would still have to alphabetize the contributor list.

Under subsection (b)(2), candidates may request additional matching funds, on dates prescribed by the Commission, by making a letter request in lieu of a full submission as required under 11 CFR 9036.2(b)(1). These letter requests must state an amount of matchable contributions which were not previously submitted for matching and be accompanied by bank documentation, such as bank-validated deposit slips or unvalidated deposit slips and the relevant bank statement, to demonstrate that the committee has received the contributions submitted. The amount requested for matching in a letter request may include contributions received up to the last business day preceding the date of the letter request. Subsection (b)(2) also specifies that the next submission following a letter request must contain documentation for the contributions included in the letter request as well as the contributions submitted for matching in that submission. A committee may not submit two consecutive letter requests, but the committee may choose to make a full submission on a date designated as a letter request date.

Subsection (c)(1)(i) explains that, during a candidate's period of eligibility, the Commission will certify an amount based on its holdback procedure within 5 business days after receiving a regular submission. If a candidate makes a letter request, the Commission will certify an amount based upon the ratio of verified matchable contributions to total deposits for that candidate in the candidate's last regular submission. The Commission will then certify any additional amount to which the eligible candidate is entitled within 15 business

days after receipt of the candidate's submission.

Consideration was also given to incorporating rejection criteria into the regulations. As initially proposed, these criteria would have operated to reject from further Commission review a submission in which the pilot sample was determined to contain an error rate in excess of 15%. The Commission was reluctant to include these criteria in the regulations and, therefore, no provisions to this effect have been drafted. However, in recognition of the increased time which is required for Commission review of a matching fund submission which has a high error rate, subsection (c)(1)(ii) permits 25 business days, rather than 15 business days, for review of such submissions.

Subsection (c)(2) provides that the Commission's certification process under the holdback procedure will no longer apply after the candidate's date of ineligibility. Rather, the Commission will conduct its review of the submission before certifying any funds.

Subsection (d) explains that submissions made in the year before the Presidential election year must contain a minimum of \$50,000 in contributions. No certifications of matching funds will be made based on such submissions until after January 1 of the Presidential election year, in accordance with 28 U.S.C. 9037(b).

Section 9036.3 Submission Errors and Insufficient Documentation.

This section generally follows current § 9036.3 with some changes. First, this section now states that money orders and cashier's checks cannot be resubmitted as provided under 11 CFR 9034.2. Second, subsection (b) no longer provides that misspelling will be a basis for rejection. However, to the extent that misspelling triggers other errors in the submission, such as aggregation errors, other error categories may apply. Subsections (b) (3) and (4) have been added to follow established Commission practice.

A fourth change, in subsection (c)(2), represents a change in Commission policy. Formerly, the Commission considered all aggregation errors as a basis for rejection, whether the error resulted in a request for too much or too little in matching funds. As revised, this subsection now states that only aggregation errors which could cause more than \$250 to be matched for a contributor will be the basis for rejection.

Finally, subsections (c)(3) and (d) have been added to follow established Commission practice.

Section 9036.4 Commission Review of Submissions.

Section 9036.4 has been reorganized to clarify the distinction between a submission which is not accepted for review because it does not satisfy format requirements and a submission which satisfies these requirements and is reviewed. This section thus codifies the past practice of not accepting for review submissions that do not meet minimum facial standards necessary for proper processing.

Subsection (d) provides that the Commission may conduct an audit and examination under Part 9039 of contributions submitted for matching.

Section 9036.5 Resubmissions.

This section has been revised to more accurately reflect Commission resubmission procedures. Under subsection (c)(6), candidates must include a statement with each resubmission that the committee's contributor records have been corrected consistently with the resubmission. This requirement follows established Commission practice. Subsection (d) now provides that the Commission will certify any funds within 15 business, rather than calendar, days.

Section 9036.6 Continuation of Certification.

This section changes the time for making the last submission from January 21 to the last Monday in January. This deadline only applies to contributions submitted for the first time. It does not apply to resubmissions of contributions that were previously rejected for matching.

Part 9037—Payments

Section 9037.1 Payments of Presidential Primary Matching Funds.

This section follows current § 9037.1.

Section 9037.2 Equitable Distribution of Funds.

This section follows current § 9037.2.

Section 9037.3 Deposits of Presidential Primary Matching Funds.

This section follows current § 9037.3.

Part 9038—Examinations and Audits

Section 9038.1 Audit

Subsection (a)(1) Generally follows current § 9038.1(a). Subsection (a)(2) generally follows current § 9038.1(b). Subsection (a)(3) has been added to make clear that information obtained pursuant to an audit may be used as the basis for a Commission repayment determination.

Subsection (b) provides a description of audit fieldwork. Subsection (b)(1) makes clear that it is the committee's responsibility to provide adequate office space and access to committee records and personnel pursuant to the candidate and committee agreement. If the committee fails to provide adequate office space, access to records and/or personnel, the Commission will notify the candidate and recommend corrective action. If the dispute is not resolved, the Commission may seek judicial intervention to enforce the candidate and committee agreement. Subsection (b)(1)(iv) sets forth the procedures by which a candidate may seek Commission review of disputes that arise during the conduct of the audit that cannot be resolved informally.

Subsections (b) (2), (3) and (4) describe the various steps in the audit fieldwork based on past Commission practice.

Subsection (c) describes the preparation of, and candidate's response to, an interim audit report. The contents of the interim audit report are generally described in subsection (c)(1). Pursuant to subsection (c)(1)(v), the candidate will also have an opportunity to respond to the Commission's preliminary calculations regarding future repayments, in addition to any issues that may have been raised by the audit. This last provision was added in response to comments suggesting that candidates be given the earliest possible opportunity to respond to the Commission's thinking with respect to its future repayment determination. These preliminary calculations will not, however, be considered as the Commission's initial repayment determination under 11 CFR 9038.2(c)(1).

Subsection (d) describes the preparation of the audit report that is publicly released. This report is the same as the interim report with two main distinctions. First, this report may be revised based on the candidate's response to the interim report. Second, this report will contain the Commission's initial repayment determination pursuant to 11 CFR 9038.2(c)(1) instead of the preliminary calculations found in the interim report.

Subsection (e) explains the public release of the audit report. It also makes clear that addenda to the audit report may be issued later on. These addenda may be based, in part, on follow-up fieldwork conducted by the Commission.

Section 9038.2 Repayments.

Subsection (a) includes language to advise candidates to give preference to repayments required by § 9038.2 over all

other outstanding obligations of their committees once the Commission has made a final repayment determination.

Subsection (b) has been revised and reorganized to provide greater detail regarding the different bases for Commission repayment determinations. Language in the current regulations regarding specific repayment formulas (e.g., "the candidate shall repay * * * an amount equal to the amount * * *") has been deleted from this section. As that language generally follows 26 U.S.C. 9038(b), the Commission will continue to follow its past practice in applying repayment formulas. Therefore, this deletion is not intended to indicate a change in policy.

Subsection (c) sets forth each step involved in the making of a repayment determination. Under subsection (c)(3), the Commission may permit a candidate to make an oral presentation to the Commission prior to the Commission's final repayment determination.

Subsections (d) and (e) clarify the time periods in which the candidate must repay the United States Treasury.

Subsection (f) clarifies that the Commission may make additional repayment determinations on the basis of new facts.

Subsection (g) requires the candidate or committee to inform the Commission of newly-discovered assets after a repayment determination has been made.

Section 9038.3 Liquidation of Obligations; Repayment.

This section generally follows current § 9038.3, but subsection (c)(3) has been added to distinguish the Commission's ability to determine that the candidate has a surplus from the candidate's own determination and decision to voluntarily return funds to the Treasury.

Section 9038.4 Extensions of Time.

This new section governs applications for extensions of time throughout the audit and repayment process.

Part 9039—Review and Investigative Authority

Section 9039.1 Retention of Books and Records.

Part 9039 has been added to describe the Commission's review responsibilities and authority in its administration of the matching fund program. In making determinations, certifications, and findings under the Presidential Primary Matching Payment Account Act and related regulations, the Commission must perform a continuing review of candidate and committee reports and submissions, and other

relevant information. For the most part, the Commission's review is routine. In the past, however, there have been instances when the Commission has decided to conduct a more extensive review, or investigation, in order to properly discharge its statutory responsibilities. Prompted in part by a number of court decisions over the years, this new Part 9039 sets forth, for the first time in the regulations, the nature of the Commission's review in administering the matching fund program, including its authority under 26 U.S.C. 9039 to conduct investigations.

Section 9039.1 restates the responsibilities of candidates and committees to keep and furnish to the Commission certain information required by the Act and regulations.

Section 9039.2 Continuing Review.

This section briefly describes the routine Commission review conducted on a continuing basis as part of the Commission's administration of the matching fund program. Subsection (b) provides that Commission staff may contact representatives of the candidate on an informal basis.

Section 9039.3 Examination and Audits; Investigations.

This section describes the Commission's investigations under Part 9039. Generally, the Commission will exercise its authority under Part 9039 when the issues raised relate to the candidate's continuing eligibility or the amount of his or her entitlement during the course of the campaign. Part 9039 therefore provides the Commission with a means for resolving such questions expeditiously in the course of fulfilling its statutory obligation to review submissions and certify funds. Subsection (a)(1) requires that the Commission initiate an inquiry under this section on an affirmative vote of four of its members. Subsection (a)(2) sets forth the uses to which information obtained could be put, and describes the relationship between an investigation conducted under this section and one made under 2 U.S.C. 427g. Subsection (a)(3) provides that the Commission must first seek to obtain relevant information as part of its continuing review before exercising its authority to conduct an inquiry. This subsection also makes reference to the judicial standard of "patent irregularities suggesting the possibility of fraud" which the Commission must find before it can withhold matching payments prior to concluding its inquiry.

Subsection (b)(1) provides for notification to the candidate, and

subsection (b)(2) sets forth the Commission's possible methods in conducting the inquiry. Subsection (b)(3) distinguishes an inquiry conducted under part 9039 from the procedures for an investigation conducted under 2 U.S.C. 437g.

PART 106—[AMENDED]

1. The authority citation for Part 106 is revised to read as follows:

Authority: Pub. L. 92-225, title III, Sec. 315, formerly Sec. 320, as added by Pub. L. 94-283, title I, Sec. 112(2), 90 Stat. 486, renumbered by Pub. L. 96-187, title I, Sec. 105(a)(5), 93 Stat. 1354 (2 U.S.C. 441a(b), 441a(g)).

2. 11 CFR Part 106 is amended by revising §§ 106.2 and 106.3(a) to read as follows:

§ 106.2 State allocation of expenditures incurred by authorized committees of Presidential primary candidates receiving matching funds.

(a) *General.*

(1) This section applies to Presidential primary candidates receiving or expecting to receive Federal matching funds pursuant to 11 CFR Parts 9031 *et seq.* Except for expenditures exempted under 11 CFR 106.2(c), expenditures incurred by a candidate's authorized committee(s) for the purpose of influencing the nomination of that candidate for the office of President with respect to a particular State shall be allocated to that State. An expenditure shall not necessarily be allocated to the State in which the expenditure is incurred or paid.

(2) Disbursements made prior to the time an individual becomes a candidate for the purpose of determining whether that individual should become a candidate pursuant to 11 CFR 100.7(b)(1) and 100.8(b)(1), i.e., payments for testing the waters, shall be allocable expenditures under this section if the individual becomes a candidate.

(b) *Method of Allocating Expenditures Among States.*

(1) *General Allocation Method.* Unless otherwise specified under paragraph (b) (2) of this section, an expenditure incurred by a candidate's authorized committee(s) for the purpose of influencing the nomination of that candidate in more than one State shall be allocated to each State on a reasonable and uniformly applied basis.

(2) *Specific Allocation Methods.* Expenditures that fall within the categories listed below shall be allocated based on the following methods. The method used to allocate a category of expenditures shall be based on consistent data for each State to which an allocation is made.

(i) *Media Expenditures.*—(A) *Print Media.* Except for expenditures exempted under paragraph (c) of this section, allocation of expenditures for the publication and distribution of newspaper, magazine and other types of printed advertisements distributed in more than one State, including any commission charged for the purchase of print media, shall be made using relative circulation percentages in each State or an estimate thereof. For purposes of this section, allocation to a particular State will not be required for a publication which is circulated to less than 3% of the total estimated readership of that publication in that State.

(B) *Broadcast Media.* Except for expenditures exempted under paragraph (c) of this section, expenditures for radio, television and similar types of advertisements purchased in a particular media market that covers more than one State shall be allocated to each State in proportion to the estimated audience. This allocation of expenditures, including any commission charged for the purchase of broadcast media, shall be made using industry market data.

(C) *Refunds for Media Expenditures.* Refunds for broadcast time or advertisement space, purchased but not used, shall be credited to the States on the same basis as the original allocation.

(D) *Limits on Allocation of Media Expenditures.* No allocation of media expenditures shall be made to any State in which the primary election has already been held.

(ii) *Salaries.* Except for expenditures exempted under paragraph (c) of this section, salaries paid to persons working in a particular State for five consecutive days or more, including advance staff, shall be allocated to each State in proportion to the amount of time spent in that State during a payroll period.

(iii) *Intra-State Travel and Subsistence Expenditures.* Travel and subsistence expenditures for persons working in a State for five consecutive days or more shall be allocated to that State in proportion to the amount of time spent in each State during a payroll period. This same allocation method shall apply to intra-state travel and subsistence expenditures of the candidate and his family or the candidate's representatives.

(iv) *Overhead Expenditures.*—(A) *Overhead Expenditures of State Offices.* Except for expenditures exempted under paragraph (c) of this section, overhead expenditures of offices located in a particular State shall be allocated to that State. For purposes of this section, overhead expenditures include, but are not limited to, rent, utilities, office

equipment, furniture, supplies, and telephone service base charges.

(B) *Overhead Expenditures of Regional Offices.* Except for expenditures exempted under paragraph (c) of this section, overhead expenditures of a regional office or any office with responsibilities in two or more States shall be allocated to each State on a reasonable and uniformly applied basis. For purposes of this section, overhead expenditures include but are not limited to, rent, utilities, office equipment, furniture, supplies, and telephone service base charges.

(v) *Telephone Service Expenditures.*—

(A) *Intra-state Telephone Calls.* Expenditures for all calls made within a particular State shall be allocated to that State.

(B) *Inter-state Telephone Calls.* Expenditures for telephone calls between two States need not be allocated to any State.

(vi) *Public Opinion Poll Expenditures.* Expenditures incurred for the taking of a public opinion poll covering only one State shall be allocated to that State. Except for expenditures incurred in conducting a nationwide poll, expenditures incurred for the taking of a public opinion poll covering two or more States shall be allocated to those States based on the number of people interviewed in each State.

(c) *Expenditures Exempted from Allocation.*—(1) *National Campaign Expenditures.*—(i) *Operating Expenditures.* Expenditures incurred for administrative, staff, and overhead expenditures of the national campaign headquarters need not be allocated to any State. Overhead expenditures shall be defined as in paragraph (b)(2)(iv) of this section.

(ii) *National Advertising.* Expenditures incurred for advertisements on national networks, national cable or in publications distributed nationwide need not be allocated to any State.

(iii) *Nationwide Polls.* Expenditures incurred for the taking of a public opinion poll which is conducted on a nationwide basis need not be allocated to any State.

(2) *Media Production Costs.* Expenditures incurred for production of Media advertising, whether or not that advertising is used in more than one State, need not be allocated to any State.

(3) *Expenditures For Transportation and Services Made Available to Media.* Expenditures incurred by the candidate's authorized committee(s) to provide transportation and services for media personnel need not be allocated

to any State. Reimbursement for such expenditures shall be made in accordance with 11 CFR 9034.6.

(4) *Interstate Travel.* Expenditures incurred for inter-state travel costs, such as travel between State campaigns or between State offices and national campaign headquarters, need not be allocated to any State.

(5) *Compliance Costs and Fundraising Expenditures.* An amount equal to 10% of campaign workers' salaries and overhead expenditures in a particular State may be excluded from allocation to that State as an exempt compliance cost. An additional amount equal to 10% of such salaries and overhead expenditures in a particular State may be excluded from allocation to that State as exempt fundraising expenditures, but this exemption shall not apply within 28 calendar days of the primary election as specified in 11 CFR 110.8(c)(2). Any amounts excluded for fundraising expenditures shall be applied against the fundraising expenditure limitation under 11 CFR 100.8(b)(21). If the candidate wishes to claim a larger compliance or fundraising exemption for any person, the candidate shall establish allocation percentages for each individual working in that State. The candidate shall keep detailed records to support the derivation of each percentage in accordance with paragraph (e) of this section.

(d) *Reporting.* All expenditures allocated under this section shall be reported on FEC Form 3P, page 3.

(e) *Recordkeeping.* All assumptions and supporting calculations for allocations made under this section shall be documented and retained for Commission inspection. For compliance and fundraising deductions that exceed the 10% exemptions under paragraph (c)(5) of this section, such records shall indicate which duties are considered compliance or fundraising and the percentage of time each person spends on such activity.

§ 106.3 Allocation of expenses between campaign and non-campaign related travel.

(a) This section applies to allocation for expenses between campaign and non-campaign related travel with respect to campaigns of candidates for Federal office, other than Presidential and Vice Presidential candidates who receive federal funds pursuant to 11 CFR Part 9005 or 9036. (See 11 CFR 9004.7 and 9034.7) All expenditures for campaign-related travel paid for by a candidate from a campaign account or by his or her authorized committees or by any other political committee shall be reported.

* * * * *

3. 11 CFR is amended by revising Subchapter G, Parts 9031 through 9038, and by adding new Part 9039 to read as follows:

PART 9031—SCOPE

§ 9031.1 Scope.

This subchapter governs entitlement to and use of funds certified from the Presidential Primary Matching Payment Account under 26 U.S.C. 9031 *et seq.* The definitions, restrictions, liabilities and obligations imposed by this subchapter are in addition to those imposed by sections 431–455 of Title 2, United States Code, and regulations prescribed thereunder (11 CFR Parts 100 through 115). Unless expressly stated to the contrary, this subchapter does not alter the effect of any definitions, restrictions, obligations and liabilities imposed by sections 431–455 of Title 2, United States Code, or regulations prescribed thereunder (11 CFR Parts 100 through 115).

(Pub. L. 93–443, title IV, sec. 408(c), 88 Stat. 1297 (26 U.S.C. 9031))

PART 9032—DEFINITIONS

Sec.

- 9032.1 Authorized committee.
- 9032.2 Candidate.
- 9032.3 Commission.
- 9032.4 Contribution.
- 9032.5 Matching payment account.
- 9032.6 Matching payment period.
- 9032.7 Primary election.
- 9032.8 Political committee.
- 9032.9 Qualified campaign expenses.
- 9032.10 Secretary.
- 9032.11 State.

Authority: Pub. L. 93–443, title IV, Sec. 408(c), 88 Stat. 1297, as amended by Pub. L. 94–283, title I, sec. 115(c)(2), title III, sec. 306(b)(1), 90 Stat. 495, 500 (26 U.S.C. 9032).

§ 9032.1 Authorized committee.

(a) Notwithstanding the definition at 11 CFR 100.5, "authorized committee" means with respect to candidates (as defined at 11 CFR 9032.2) seeking the nomination of a political party for the office of President, any political committee that is authorized by a candidate to solicit or receive contributions or to incur expenditures on behalf of the candidate. The term "authorized committee" includes the candidates principal campaign committee designated in accordance with 11 CFR 102.12, any political committee authorized in writing by the candidate in accordance with 11 CFR 102.13, and any political committee not disavowed by the candidate in writing pursuant to 11 CFR 100.3(a)(3).

(b) Any withdrawal of an authorization shall be in writing and shall be addressed and filed in the same

manner provided for at 11 CFR 102.12 or 102.13.

(c) For the purposes of this subchapter, references to the "candidate" and his or her responsibilities under this subchapter shall also be deemed to refer to the candidate's authorized committee(s).

(d) An expenditure by an authorized committee on behalf of the candidate who authorized the committee cannot qualify as an independent expenditure.

(e) A delegate committee, as defined in 11 CFR 100.5(e)(5), is not an authorized committee of a candidate unless it also meets the requirements of 11 CFR 9032.1(a). Expenditures by delegate committees on behalf of a candidate may count against that candidate's expenditure limitation under the circumstances set forth in 11 CFR 110.14.

§ 9032.2 Candidate.

"Candidate" means an individual who seeks nomination for election to the office of President of the United States. An individual is considered to seek nomination for election if he or she—

(a) Takes the action necessary under the law of a State to qualify for a caucus, convention, primary election or runoff election;

(b) Receives contributions or incurs qualified campaign expenses;

(c) Gives consent to any other person to receive contributions or to incur qualified campaign expenses on his or her behalf; or

(d) Receives written notification from the Commission that any other person is receiving contributions or making expenditures on the individual's behalf and fails to disavow that activity by letter to the Commission within 30 calendar days after receipt of notification.

§ 9032.3 Commission.

"Commission" means the Federal Election Commission, 1325 K Street, Northwest, Washington, D.C. 20463.

§ 9032.4 Contribution.

For purposes of this subchapter, "contribution" has the same meaning given the term under 2 U.S.C. 431(8)(A) and 11 CFR 100.7, except as provided at 11 CFR 9034.4(b)(4).

§ 9032.5 Matching payment account.

"Matching payment account" means the Presidential Primary Matching Payment Account established by the Secretary of the Treasury under 26 U.S.C. 9037(a).

§ 9032.6 Matching payment period.

"Matching payment period" means the period beginning January 1 of the calendar year in which a Presidential general election is held and may not exceed one of the following dates:

(a) For a candidate seeking the nomination of a party which nominates its Presidential candidate at a national convention, the date on which the party nominates its candidate.

(b) For a candidate seeking the nomination of a party which does not make its nomination at a national convention, the earlier of—

- (1) The date the party nominates its Presidential candidate, or
- (2) The last day of the last national convention held by a major party in the calendar year.

§ 9032.7 Primary election.

(a) "Primary election" means an election held by a State or a political party, including a runoff election, or a nominating convention or a caucus—

(1) For the selection of delegates to a national nominating convention of a political party;

(2) For the expression of a preference for the nomination of Presidential candidates;

(3) For the purposes stated in both paragraphs (a) (1) and (2) of this section; or

(4) To nominate a Presidential candidate.

(b) If separate primary elections are held in a State by the State and a political party, the primary election for the purposes of this subchapter will be the election held by the political party.

§ 9032.8 Political committee.

"Political committee" means any committee, club, association, organization or other group of persons (whether or not incorporated) which accepts contributions or incurs qualified campaign expenses for the purpose of influencing, or attempting to influence, the nomination of any individual for election to the office of President of the United States.

§ 9032.9 Qualified campaign expense.

(a) "Qualified campaign expense" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value—

(1) Incurred by or on behalf of a candidate or his or her authorized committees from the date the individual becomes a candidate through the last day of the candidate's eligibility as determined under 11 CFR 9033.5;

(2) Made in connection with his or her campaign for nomination; and

(3) Neither the incurrence nor payment of which constitutes a violation of any law of the United States or of any law of any State in which the expense is incurred or paid, or of any regulation prescribed under such law of the United States or of any State, except that any State law which has been preempted by the Federal Election Campaign Act of 1971, as amended, will not be considered a State law for purposes of this subchapter.

(b) An expenditure is made on behalf of a candidate, including a Vice Presidential candidate, if it is made by—

(1) An authorized committee or any other agent of the candidate for purposes of making an expenditure;

(2) Any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate to make the expenditure; or

(3) A committee which has been requested by the candidate, by an authorized committee of the candidate, or by an agent of the candidate to make the expenditure, even though such committee is not authorized in writing.

(c) Expenditures incurred either before the date an individual becomes a candidate or after the last day of a candidate's eligibility will be considered qualified campaign expenses if they meet the provisions of 11 CFR 9034.4(a). Expenditures described under 11 CFR 9034.4(b) will not be considered qualified campaign expenses.

§ 9032.10 Secretary.

For purposes of this subchapter, "Secretary" means the Secretary of the Treasury.

§ 9032.11 State.

"State" means each State of the United States, Puerto Rico, the Canal Zone, the Virgin Islands, the District of Columbia, and Guam.

PART 9033—ELIGIBILITY FOR PAYMENT

Sec.

9033.1 Candidate and committee agreements.

9033.2 Candidate and committee certifications; threshold submission.

9033.3 Expenditure limitation certification.

9033.4 Matching payment eligibility threshold requirements.

9033.5 Determination of ineligibility date.

9033.6 Determination of inactive candidacy.

9033.7 Determination of active candidacy.

9033.8 Reestablishment of eligibility.

9033.9 Failure to comply with disclosure requirements of expenditure limitations.

9033.10 Procedures for initial and final determinations.

9033.11 Documentation of disbursements.

Authority: Pub. L. 93-443, title IV, sec. 408(c), 88 Stat. 1297, as amended by Pub. L. 94-283, title III, secs. 305(c) and 306(b)(2), 90 Stat. 499-500 (28 U.S.C. 9033).

§ 9033.1 Candidate and committee agreements.

(a) *General.* (1) A candidate seeking to become eligible to receive Presidential primary matching fund payments shall agree in a letter signed by the candidate to the Commission that the candidate and the candidate's authorized committee(s) will comply with the conditions set forth in paragraph (b) of this section. The candidate may submit the letter containing the agreements required by this section at any time after January 1 of the year immediately preceding the Presidential election year.

(2) The Commission will not consider a candidate's threshold submission until the candidate has submitted a candidate agreement that meets the requirements of this section.

(b) *Conditions.* The candidate shall agree that:

(1) The candidate has the burden of proving that disbursements by the candidate or any authorized committee(s) or agents thereof are qualified campaign expenses as defined at 11 CFR 9032.9.

(2) The candidate and the candidate's authorized committee(s) will comply with the documentation requirements set forth in 11 CFR 9033.11.

(3) The candidate and the candidate's authorized committee(s) will provide an explanation, in addition to complying with the documentation requirements, of the connection between any disbursements made by the candidate or authorized committee(s) of the candidate and the campaign if requested by the Commission.

(4) The candidate and the candidate's authorized committee(s) will keep and furnish to the Commission all documentation for matching fund submissions, any books, records (including bank records for all accounts) and supporting documentation and other information that the Commission may request.

(5) The candidate and the candidate's authorized committee(s) will keep and furnish to the Commission all documentation relating to disbursements and receipts including any books, records (including bank records for all accounts), all documentation required by this section including those required to be maintained under 11 CFR 9033.11, and other information that the Commission may request.

(6) The candidate and the candidate's authorized committee(s) will permit an audit and examination pursuant to 11 CFR Part 9038 of all receipts and disbursements including those made by the candidate, all authorized committee(s) and any agent or person authorized to make expenditures on behalf of the candidate or committee(s). The candidate and authorized committee(s) shall facilitate the audit by making available in one central location, office space, records and such personnel as are necessary to conduct the audit and examination, and shall pay any amounts required to be repaid under 11 CFR Parts 9038 and 9039.

(7) The candidate and the candidate's authorized committee(s) will submit the name and mailing address of the person who is entitled to receive matching fund payments on behalf of the candidate and the name and address of the national or State bank designated by the candidate as a campaign depository as required by 11 CFR Part 103 and 11 CFR 9037.3.

(8) The candidate and the candidate's authorized committee(s) will prepare matching fund submissions in accordance with the Federal Election Commission's Guideline for Presentation in Good Order.

(9) The candidate and the candidate's authorized committee(s) will comply with the applicable requirements of 2 U.S.C. 431 *et seq.*; 28 U.S.C. 9031 *et seq.* and the Commission's regulations at 11 CFR Parts 100-115, and 9031-9039.

(10) The candidate and the candidate's authorized committee(s) will pay any civil penalties included in a conciliation agreement imposed under 2 U.S.C. 437g against the candidate, any authorized committee of the candidate or any agent thereof.

§ 9033.2 Candidate and committee certifications; threshold submission.

(a) *General.* (1) A candidate seeking to become eligible to receive Presidential primary matching fund payments shall make the certifications set forth in paragraph (b) of this section to the Commission in a written statement signed by the candidate. The candidate may submit the letter containing the required certifications at any time after January 1 of the year immediately preceding the Presidential election year.

(2) The Commission will not consider a candidate's threshold submission until the candidate has submitted candidate certifications that meet the requirements of this section.

(b) *Certifications.* (1) The candidate shall certify that he or she is seeking nomination by a political party to the

Office of President in more than one State. For purposes of this section, in order for a candidate to be deemed to be seeking nomination by a political party to the office of President, the party whose nomination the candidate seeks must have a procedure for holding a primary election, as defined in 11 CFR 9032.7, for nomination to that office. For purposes of this section, the term "political party" means an association, committee or organization which nominates an individual for election to the office of President. The fact that an association, committee or organization qualifies as a political party under this section does not affect the party's status as a national political party for purposes of 2 U.S.C. 441a(a)(1)(B) and 441a(a)(2)(B).

(2) The candidate and the candidate's authorized committee(s) shall certify that they have not incurred and will not incur expenditures in connection with the candidate's campaign for nomination, which expenditures are in excess of the limitations under 11 CFR Part 9035.

(3) The candidate and the candidate's authorized committee(s) shall certify:

(i) That they have received matchable contributions totalling more than \$5,000 in each of at least 20 States; and

(ii) That the matchable contributions are from individuals who are residents of the State for which their contributions are submitted.

(iii) A maximum of \$250 of each individual's aggregate contributions will be considered as matchable contributions for the purpose of meeting the thresholds of this section.

(iv) For purposes of this section, contributions of an individual who maintains residences in more than one State may only be counted toward the \$5,000 threshold for the State from which the earliest contribution was made by that contributor.

(c) *Threshold Submission.* To become eligible to receive matching payments, the candidate shall submit documentation of the contributions described in 11 CFR paragraph (b)(3) of this section to the Commission for review. The submission shall follow the format and requirements of 11 CFR 9036.1.

§ 9033.3 Expenditure limitation certification.

(a) If the Commission makes an initial determination that a candidate or the candidate's authorized committee(s) have knowingly and substantially exceeded the expenditure limitations at 11 CFR Part 9035 prior to that candidate's application for certification, the Commission may make an initial

determination that the candidate is ineligible to receive matching funds.

(b) The Commission will notify the candidate of its initial determination, in accordance with the procedures outlined in 11 CFR 9033.10(b). The candidate may submit, within 20 calendar days after receipt of the Commission's notice, written legal or factual materials, in accordance with 11 CFR 9033.10(b), demonstrating that he or she has not knowingly and substantially exceeded the expenditure limitations at 11 CFR Part 9035.

(c) A final determination of the candidate's ineligibility will be made by the Commission in accordance with the procedures outlined in 11 CFR 9033.10(c).

(d) A candidate who receives a final determination of ineligibility under paragraph (c) of this section shall be ineligible to receive matching fund payments under 11 CFR 9034.1.

§ 9033.4 Matching payment eligibility threshold requirements.

The Commission will, as soon as practicable and, during the Presidential election year generally within 15 business days, examine the submission made under 11 CFR 9033.1 and 9033.2 and either—

(a) Make a determination that the candidate has satisfied the minimum contribution threshold requirements under 11 CFR 9033.2(c); or

(b) Make an initial determination that the candidate has failed to satisfy the matching payment threshold requirements. The Commission will notify the candidate of its initial determination in accordance with the procedures outlined in 11 CFR 9033.10(b). The candidate may, within 30 calendar days after receipt of the Commission's notice, satisfy the threshold requirements or submit in accordance with 11 CFR 9033.10(b) written legal or factual materials to demonstrate that he or she has satisfied those requirements. A final determination by the Commission that the candidate has failed to satisfy threshold requirements will be made in accordance with the procedures outlined in 11 CFR 9033.10(c).

§ 9033.5 Determination of ineligibility date.

The candidate's date of ineligibility shall be whichever date by operation of paragraph (a), (b) or (c) of this section occurs first. After the candidate's date of ineligibility, he or she may only receive matching payments to the extent that he or she has net outstanding campaign obligations as defined in 11 CFR 9034.5

(a) *Inactive Candidate.* The ineligibility date shall be the day on which an individual ceases to be a candidate because he or she is not actively conducting campaigns in more than one State in connection with seeking the Presidential nomination. This date shall be the earliest of—

(1) The date the candidate publicly announces that he or she will not be actively conducting campaigns in more than one State; or

(2) The date the candidate notifies the Commission by letter that he or she is not actively conducting campaigns in more than one State; or

(3) The date which the Commission determines under 11 CFR 9033.6 to be the date that the candidate is not actively seeking election in more than one State.

(b) *Insufficient Votes.* The ineligibility date shall be the 30th day following the date of the second consecutive primary election in which such individual receives less than 10 percent of the number of popular votes cast for all candidates of the same party for the same office in that primary election, if the candidate permitted or authorized his or her name to appear on the ballot, unless the candidate certifies to the Commission at least 25 business days prior to the primary that he or she will not be an active candidate in the primary involved.

(1) The Commission may refuse to accept the candidate's certification if it determines under 11 CFR 9033.7 that the candidate is an active candidate in the primary involved.

(2) For purposes of this paragraph, if the candidate is running in two primary elections in different States on the same date, the highest percentage of votes the candidate receives in any one State will govern. Separate primary elections held in more than one State on the same date are not deemed to be consecutive primaries. If two primary elections are held on the same date in the same State (e.g., a primary to select delegates to a national nominating convention and a primary for the expression of preference for the nomination of candidates for election to the office of President), the highest percentage of votes a candidate receives in either election will govern. If two or more primaries are held in the same State on different dates, the earliest primary will govern.

(c) *End of Matching Payment Period.* The ineligibility date shall be the last day of the matching payment period for the candidate as specified in 11 CFR 9032.6

(d) *Reestablishment of Eligibility.* If the Commission has determined that a candidate is ineligible under paragraph

(a) or (b) of this section, the candidate may reestablish eligibility to receive matching funds under 11 CFR 9033.8.

§ 9033.6 Determination of inactive candidacy.

(a) *General.* The Commission may, on the basis of the factors listed in paragraph (b) of this section, make a determination that a candidate is no longer actively seeking nomination for election in more than one State at any time after March 1 but before July 1 of the Presidential election year. Upon a final determination by the Commission that a candidate is inactive, that candidate will become ineligible as provided in 11 CFR 9033.5.

(b) *Factors Considered.* In making its determination of inactive candidacy, the Commission may consider, but is not limited to considering, the following factors:

(1) The frequency and type of public appearances, speeches, and advertisements;

(2) Campaign activity with respect to soliciting contributions or making expenditures for campaign purposes;

(3) Continued employment of campaign personnel or the use of volunteers;

(4) The release of committed delegates;

(5) The candidate urges his or her delegates to support another candidate while not actually releasing committed delegates;

(6) The candidate urges supporters to support another candidate.

(c) *Initial Determination.* The Commission will notify the candidate of its initial determination in accordance with the procedures outlined in 11 CFR 9033.10(b) and will advise the candidate of the date on which active campaigning in more than one State ceased. The candidate may, within 15 business days of receipt of the Commission's notice, submit in accordance with 11 CFR 9033.10(b) written legal or factual materials to demonstrate that he or she is actively campaigning in more than one State.

(d) *Final Determination.* A final determination of inactive candidacy will be made by the Commission in accordance with the procedures outlined in 11 CFR 9033.10(c).

§ 9033.7 Determination of active candidacy.

(a) Where a candidate certifies to the Commission under 11 CFR 9033.5(b) that he or she will not be an active candidate in an upcoming primary, the Commission may, nevertheless, on the basis of factors listed in 11 CFR 9033.6(b), make an initial determination

that the candidate is an active candidate in the primary involved.

(b) The Commission will notify the candidate of its initial determination within 10 business days of receiving the candidate's certification under 11 CFR 9033.5(b). The Commission's initial determination will be made in accordance with the procedures outlined in 11 CFR 9033.10(b). Within 10 business days of receipt of the Commission's notice the candidate may submit, in accordance with 11 CFR 9033.10(b), written legal or factual materials to demonstrate that he or she is not an active candidate in the primary involved.

(c) A final determination by the Commission that the candidate is active will be made in accordance with the procedures outlined in 11 CFR 9033.10(c).

§ 9033.8 Reestablishment of eligibility.

(a) *Candidates Found to be Inactive.* A candidate who has become ineligible under 11 CFR 9033.5(a) on the basis that he or she is not actively campaigning in more than one State may reestablish eligibility for matching payments by submitting to the Commission evidence of active campaigning in more than one State. In determining whether the candidate has reestablished eligibility, the Commission will consider, but is not limited to considering, the factors listed in 11 CFR 9033.6(b). The day the Commission determines to be the day the candidate becomes active again will be the date on which eligibility is reestablished.

(b) *Candidates Receiving Insufficient Votes.* A candidate determined to be ineligible under 11 CFR 9033.5(b) by failing to obtain the required percentage of votes in two consecutive primaries may have his or her eligibility reestablished if the candidate receives at least 20 percent of the total number of votes cast for candidates of the same party for the same office in a primary election held subsequent to the date of the election which rendered the candidate ineligible.

(c) The Commission will make its determination under paragraphs (a) or (b) of this section without requiring the individual to reestablish eligibility under 11 CFR 9033.1 and 2. A candidate whose eligibility is reestablished under this section may submit, for matching payment, contributions received during ineligibility.

§ 9033.9 Failure to comply with disclosure requirements of expenditure limitations.

(a) If the Commission receives information indicating that a candidate

or his or her authorized committee(s) has knowingly and substantially failed to comply with the disclosure requirements of 2 U.S.C. 434 and 11 CFR Part 104, or that a candidate has knowingly and substantially exceeded the expenditure limitations at 11 CFR Part 9035, the Commission may make an initial determination to suspend payments to that candidate.

(b) The Commission will notify the candidate of its initial determination in accordance with the procedures outlined in 11 CFR 9033.10(b). The candidate will be given an opportunity, within 20 calendar days of the Commission's notice, to comply with the above cited provisions or to submit in accordance with 11 CFR 9033.10(b) written legal or factual materials to demonstrate that he or she is not in violation of those provisions.

(c) Suspension of payments to a candidate will occur upon a final determination by the Commission to suspend payments. Such final determination will be made in accordance with the procedures outlined in 11 CFR 9033.10(c).

(d)(1) A candidate whose payments have been suspended for failure to comply with reporting requirements may become entitled to receive payments if he or she subsequently files the required reports and pays or agrees to pay any civil or criminal penalties resulting from failure to comply.

(2) A candidate whose payments are suspended for exceeding the expenditure limitations shall not be entitled to receive further matching payments under 11 CFR 9034.1.

§ 9033.10 Procedures for initial and final determinations.

(a) *General.* The Commission will follow the procedures set forth in this section when making an initial or final determination based on any of the following reasons.

(1) The candidate has knowingly and substantially exceeded the expenditure limitations of 11 CFR Part 9035 prior to the candidate's application for certification, as provided in 11 CFR 9033.3;

(2) The candidate has failed to satisfy the matching payment threshold requirements, as provided in 11 CFR 9033.4;

(3) The candidate is no longer actively seeking nomination in more than one state, as provided in 11 CFR 9033.6;

(4) The candidate is an active candidate in an upcoming primary despite the candidate's assertion to the contrary, as provided in 11 CFR 9033.7; or

(5) The Commission receives information indicating that the candidate has knowingly and substantially failed to comply with the disclosure requirements or exceeded the expenditure limits, as provided in 11 CFR 9033.9.

(b) *Initial Determination.* If the Commission makes an initial determination that a candidate may not receive matching funds for one or more of the reasons indicated in paragraph (a) of this section, the Commission will notify the candidate of its initial determination. The notification will give the legal and factual reasons for the determination and advise the candidate of the evidence on which the Commission's initial determination is based. The candidate will be given an opportunity to comply with the requirements at issue or to submit, within the time provided by the relevant section as referred to in paragraph (a) of this section, written legal or factual materials to demonstrate that the candidate has satisfied those requirements. Such materials may be submitted by counsel if the candidate so desires.

(c) *Final Determination.* The Commission will consider any written legal or factual materials timely submitted by the candidate before making its final determination. A final determination that the candidate has failed to satisfy the requirements at issue will be accompanied by a written statement of reasons for the Commission's action. This statement will explain the legal and factual reasons underlying the Commission's determination and will summarize the results of any investigation upon which the determination is based.

(d) *Effect on Other Determinations.* If the Commission makes an initial determination under this section, but decides to take no further action at that time, the Commission may use the legal and factual bases on which the initial determination was based in any future repayment determination under 11 CFR Part 9038 or 9039. A determination by the Commission under this section may be independent of any Commission decision to institute an enforcement proceeding under 2 U.S.C. 437g.

§ 9033.11 Documentation of disbursements.

(a) *Burden of Proof.* Each candidate shall have the burden of proving that disbursements made by the candidate or his or her authorized committee(s) or persons authorized to make expenditures on behalf of the candidate or committee(s) are qualified campaign expenses as defined in 11 CFR 9032.9.

The candidate and his or her authorized committee(s) shall obtain and furnish to the Commission on request any evidence regarding qualified campaign expenses made by the candidate, his or her authorized committees and agents or persons authorized to make expenditures on behalf of the candidate or committee(s) as provided in paragraph (b) of this section.

(b) Documentation Required

(1) For disbursements in excess of \$200 to a payee, the candidate shall present either:

(i) A receipted bill from the payee that states the purpose of the disbursement, or

(ii) If such a receipt is not available, a cancelled check negotiated by the payee, and

(A) One of the following documents generated by the payee: a bill, invoice, or voucher that states the purpose of the disbursement; or

(B) Where the documents specified in paragraph (b)(1)(ii)(A) of this section are not available, a voucher or contemporaneous memorandum from the candidate or the committee that states the purpose of the disbursement; or

(iii) If neither a receipted bill as specified in paragraph (b)(1)(i) of this section nor the supporting documentation specified in 11 CFR paragraph (b)(1)(ii) of this section is available, a cancelled check negotiated by the payee that states the purpose of the disbursement.

(iv) Where the supporting documentation required in paragraph (b)(1) (i), (ii) or (iii) of this section is not available, the candidate or committee may present a cancelled check and collateral evidence to document the qualified campaign expense. Such collateral evidence may include but is not limited to:

(A) Evidence demonstrating that the expenditure is part of an identifiable program or project which is otherwise sufficiently documented such as a disbursement which is one of a number of documented disbursements relating to a campaign mailing or to the operation of a campaign office;

(B) Evidence that the disbursement is covered by a preestablished written campaign committee policy, such as a per diem policy.

(2) For all other disbursements the candidate shall present:

(i) A record disclosing the identification of the payee, the amount, date and purpose of the disbursement, if made from a petty cash fund; or

(ii) A cancelled check negotiated by the payee that states the identification

of the payee, and the amount, date and purpose of the disbursement.

(3) For purposes of this section,

(i) "Payee" means the person who provides the goods or services to the candidate or committee in return for the disbursement; except that an individual will be considered a payee under this section if he or she receives \$500 or less advanced for travel and/or subsistence and if he or she is the recipient of the goods or services purchased.

(ii) "Purpose" means the identification of the payee, the date and amount of the disbursement, and a description of the goods or services purchased.

(c) *Retention of Records.* The candidate shall retain records, with respect to each disbursement and receipt, including bank records, vouchers, worksheets, receipts, bills and accounts, journals, ledgers, fundraising solicitation material, accounting systems documentation, matching fund submissions, and any related materials documenting campaign receipts and disbursements, for a period of three years pursuant to 11 CFR 102.9(c), and shall present these records to the Commission on request.

PART 9034—ENTITLEMENTS

Sec.

9034.1 Candidate entitlements.

9034.2 Matchable contributions.

9034.3 Non-matchable contributions.

9034.4 Use of contributions and matching payments.

9034.5 Net outstanding campaign obligations.

9034.6 Reimbursements for transportation and services made available to media personnel.

9034.7 Allocation of travel expenditures.

9034.8 Joint fundraising.

9034.9 Sale of assets acquired for fundraising purposes.

Authority: Pub. L. 93-443, title IV, Sec. 408 (c), 88 Stat. 1299, as amended by Pub. L. 94-283, title III, sec. 307 (b), 90 Stat. 501 (28 U.S.C. 9034).

§ 9034.1 Candidate entitlements.

(a) A candidate who has been notified by the Commission under 11 CFR 8036.1 that he or she has successfully satisfied eligibility and certification requirements is entitled to receive payments in an amount equal to the amount of each matchable campaign contribution received by the candidate, except that a candidate who has become ineligible under 11 CFR 9033.5 may not receive further matching payments regardless of the date of deposit of the underlying contributions if he or she has no net outstanding campaign obligations as defined in 11 CFR 9034.5.

(b) If on the date of ineligibility a candidate has net outstanding campaign

obligations as defined under 11 CFR 9034.5, that candidate may continue to receive matching payments for matchable contributions received and deposited on or before December 31 of the Presidential election year provided that on the date of payment there are remaining net outstanding campaign obligations, i.e., the sum of the contributions received on or after the date of ineligibility plus matching funds received on or after the date of ineligibility is less than the candidate's net outstanding campaign obligations. This entitlement will be equal to the lesser of:

(1) The amount of contributions submitted for matching; or

(2) The remaining net outstanding campaign obligations.

(c) A candidate whose eligibility has been reestablished under 11 CFR 9033.8 or who after suspension of payments has met the conditions set forth at 11 CFR 9033.9(d) is entitled to receive payments for matchable contributions for which payments were not received during the ineligibility or suspension period.

(d) The total amount of payments to a candidate under this section shall not exceed 50% of the total expenditure limitation applicable under 11 CFR Part 9035.

§ 9034.2 Matchable contributions.

(a) Contributions meeting the following requirements will be considered matchable campaign contributions.

(1) The contribution shall be a gift of money made: by an individual; by a written instrument and for the purpose of influencing the result of a primary election.

(2) Only a maximum of \$250 of the aggregate amount contributed by an individual may be matched.

(3) Before a contribution may be submitted for matching, it must actually be received by the candidate or any of the candidate's authorized committees and deposited in a designated campaign depository maintained by the candidate's authorized committee.

(4) The written instrument used in making the contribution must be dated, physically received and deposited by the candidate or authorized committee on or after January 1 of the year immediately preceding the calendar year of the Presidential election, but no later than December 31 following the matching payment period as defined under 11 CFR 9032.6. Donations received by an individual who is testing the waters pursuant to 11 CFR 100.7(b)(1) and 100.8(b)(1) may be matched when the individual becomes a candidate if

such donations meet the requirements of this section.

(b) For purposes of this section, the term "written instrument" means a check written on a personal, escrow or trust account representing or containing the contributor's personal funds; a money order; or any similar negotiable instrument.

(c) The written instrument shall be: payable on demand; and to the order of, or specifically endorsed without qualification to, the Presidential candidate, or his or her authorized committee. The written instrument shall contain: the full name and signature of the contributor(s); the amount and date of the contribution; and the mailing address of the contributor(s).

(1) In cases of a check drawn on a joint checking account, the contributor is considered to be the owner whose signature appears on the check.

(i) To be attributed equally to other joint tenants of the account, the check or other accompanying written document shall contain the signature(s) of the joint tenant(s). If a contribution on a joint account is to be attributed other than equally to the joint tenants, the check or other written documentation shall indicate the amount to be attributed to each joint tenant.

(ii) In the case of a check for a contribution attributed to more than one person, where it is not apparent from the face of the check that each contributor is a joint tenant of the account, a written statement shall accompany the check stating that the contribution was made from each individual's personal funds in the amount so attributed and shall be signed by each contributor.

(2) Contributions in the form of checks drawn on an escrow or trust account are matchable contributions, provided that:

(i) The contributor has equitable ownership of the account; and

(ii) The check is accompanied by a statement, signed by each contributor to whom all or a portion of the contribution is being attributed, together with the check number, amount and date of contribution. This statement shall specify that: the contributor has equitable ownership of the account and the account represents the personal funds of the contributor.

(3) Contributions in the form of checks written on partnership accounts or accounts of unincorporated associations or businesses are matchable contributions, so long as:

(i) The check is accompanied by a statement, signed by each contributor to whom all or a portion of the contribution is being attributed, together with the check number, amount and date of

contribution. This statement shall specify that the contribution is made with the contributor's personal funds and that the account on which the contribution is drawn is not maintained or controlled by an incorporated entity; and

(ii) The aggregate amount of the contributions drawn on a partnership or unincorporated association or business does not exceed \$1,000 to any one Presidential candidate seeking nomination.

(4) Contributions in the form of money orders, cashier's checks or other similar negotiable instruments are matchable contributions, provided that:

(i) At the time it is initially submitted for matching, such instrument is signed by each contributor and is accompanied by a statement which specifies that the contribution was made in the form of a money order, cashier's check, or other similar negotiable instrument, with the contributor's personal funds;

(ii) Such statement identifies the date and amount of the contribution made by money order, cashier's check or other similar negotiable instrument and the check or serial number; and

(iii) Such statement is signed by each contributor.

(5) Contributions in the form of the purchase price paid for the admission to any activity that primarily confers private benefits in the form of entertainment to the contributor (i.e., concerts, motion pictures) are matchable. The promotional material and tickets for the event shall clearly indicate that the ticket purchase price represents a contribution to the Presidential candidate.

(6) Contributions in the form of a purchase price paid for admission to an activity that is essentially political are matchable. An "essentially political" activity is one the principal purpose of which is political speech or discussion, such as the traditional political dinner or reception.

(7) Contributions received from a joint fundraising activity conducted in accordance with 11 CFR 9034.8 are matchable, provided that such contributions are accompanied by a copy of the joint fundraising agreement when they are submitted for matching.

§ 9034.3 Non-matchable contributions.

A contribution to a candidate other than one which meets the requirements of 11 CFR 9034.2 is not matchable. Contributions which are not matchable include, for example:

(a) In-kind contributions of real or personal property;

(b) A subscription, loan, advance, or deposit of money, or anything of value;

(c) A contract, promise, or agreement, whether or not legally enforceable, such as a pledge card or credit card transaction, to make a contribution for any such purposes (but a gift of money by written instrument is not rendered unmatchable solely because the contribution was preceded by a promise or pledge);

(d) Funds from a corporation, labor organization, government contractor, political committee as defined in 11 CFR 100.5 or any group of persons other than those under 11 CFR 9034.2(c)(3);

(e) Contributions which are made or accepted in violation of 2 U.S.C. 441a, 441b, 441c, 441e, 441f, or 441g;

(f) Contributions in the form of a check drawn on the account of a committee, corporation, union or government contractor even though the funds represent personal funds earmarked by a contributing individual to a Presidential candidate;

(g) Contributions in the form of the purchase price paid for an item with significant intrinsic and enduring value, such as a watch;

(h) Contributions in the form of the purchase price paid for or otherwise induced by a chance to participate in a raffle, lottery, or a similar drawing for valuable prizes;

(i) Contributions which are made by persons without the necessary donative intent to make a gift or made for any purpose other than to influence the result of a primary election; and

(j) Contributions of currency of the United States or currency of any foreign country.

§ 9034.4 Use of contributions and matching payments.

(a) *Qualified Campaign Expenses.*—

(1) *General.* Except as provided in paragraph (b)(3) of this section, all contributions received by an individual from the date he or she becomes a candidate and all matching payments received by the candidate shall be used only to defray qualified campaign expenses or to repay loans or otherwise restore funds (other than contributions which were received and expended to defray qualified campaign expenses), which were used to defray qualified campaign expenses.

(2) *Testing the Waters.* Even though incurred prior to the date an individual becomes a candidate, payments made for the purpose of determining whether an individual should become a candidate, such as those incurred in conducting a poll, shall be considered qualified campaign expenses if the individual subsequently becomes a candidate and shall count against that

candidate's limits under 2 U.S.C. 441a(b). See 11 CFR 100.8(b)(1).

(3) *Winding Down Costs.* The following costs shall be considered qualified campaign expenses:

(i) Costs associated with the termination of political activity, such as the costs of complying with the post-election requirements of the Act and other necessary administrative costs associated with winding down the campaign, including office space rental, staff salaries and office supplies; or

(ii) Costs incurred before the candidate's date of ineligibility, for which written arrangement or commitment was made on or before the candidate's date of ineligibility.

(b) *Non-Qualified Campaign Expenses.*—(1) *General.* The following are examples of disbursements that are not qualified campaign expenses.

(2) *Excessive Expenditures.* An expenditure which is in excess of any of the limitations under 11 CFR Part 9035 shall not be considered a qualified campaign expense.

(3) *Post-Ineligibility Expenditures.* Any expenses incurred after a candidate's date of ineligibility, as determined under 11 CFR 9033.5, are not qualified campaign expenses except to the extent permitted under paragraph (a)(3) of this section.

(4) *Civil or Criminal Penalties.* Civil or criminal penalties paid pursuant to the Federal Election Campaign Act are not qualified campaign expenses and cannot be defrayed from contributions or matching payments. Any amounts received or expended to pay such penalties shall not be considered contributions or expenditures but all amounts so received shall be subject to the prohibitions of the Act. Amounts received and expended under this section shall be reported in accordance with 11 CFR Part 104.

(c) *Transfers to Other Campaigns.* If a candidate has received matching funds and is simultaneously seeking nomination or election to another Federal office, no transfer of funds between his or her principal campaign committees or authorized committees may be made. See 2 U.S.C. 441a(a)(5)(C) and 11 CFR 110.3(a)(2)(v).

§ 9034.5 Net outstanding campaign obligations.

(a) Within 15 calendar days after the candidate's date of ineligibility, as determined under 11 CFR 9033.5, the candidate shall submit a statement of net outstanding campaign obligations. The candidate's net outstanding campaign obligations under this section

equal the difference between paragraphs (a) (1) and (2) of this section:

(1) The total of all outstanding obligations for qualified campaign expenses as of the candidate's date of ineligibility as determined under 11 CFR 9033.5, plus estimated necessary winding down costs as defined under 11 CFR 9034.4(a)(3), less

(2) The total of:

(i) Cash on hand as of the close of business on the last day of eligibility (including all contributions dated on or before that date whether or not submitted for matching);

(ii) The fair market value of capital assets and other assets on hand; and

(iii) Amounts owed to the campaign in the form of credits, refunds of deposits, returns receivables, or rebates of qualified campaign expenses; or a commercially reasonable amount based on the collectibility of those credits, returns, receivables or rebates.

(b)(1) *Capital Assets*. For purposes of this section, the term "capital asset" means any property used in the operation of the campaign whose value on the last day of the candidate's eligibility exceeds \$500. Property that must be valued as capital assets under this section includes, but is not limited to, office equipment, furniture, vehicles, and fixtures acquired for use in the operation of the candidate's campaign, but does not include property defined as "other assets" under paragraph (b)(2) of this section. The value of a capital asset shall be the fair market value on the date of ineligibility or on the date the item is acquired if acquired after the date of ineligibility.

(2) *Other Assets*. The term "other assets" means any property acquired by the campaign for use in raising funds or as collateral for campaign loans. "Other assets" must be included on the candidate's statement of net outstanding campaign obligations if the aggregate value of such assets exceeds \$5,000. The value of "other assets" shall be determined by the fair market value of each item on the candidate's date of ineligibility or on the date the item is acquired if acquired after the date of ineligibility.

(c) Contributions received from joint fundraising activities conducted under 11 CFR 9034.8 may be used to pay a candidate's outstanding campaign obligations.

(1) Such contributions shall be deemed monies available to pay outstanding campaign obligations as of the date these funds are received by the fundraising representative committee and shall be included in the candidate's statement of net outstanding campaign obligations.

(2) The amount of money deemed available to pay a candidate's net outstanding campaign obligations will equal either—

(i) An amount calculated on the basis of the predetermined allocation formula, as adjusted for 2 U.S.C. 441a limitations; or

(ii) If a candidate receives an amount greater than that calculated under paragraph (c)(2)(i) of this section, the amount actually received.

(d) The candidate shall submit a revised statement of net outstanding campaign obligations with each submission for matching funds payments filed after the candidate's date of ineligibility. The revised statement shall reflect the financial status of the campaign as of the close of business on the last business day preceding the date of submission for matching funds.

(e)(1) If the Commission receives information indicating that substantial assets of the candidate's authorized committee(s) have been undervalued or not included in the statement or that the amount of outstanding campaign obligations has been otherwise overstated in relation to campaign assets, the Commission may decide to temporarily suspend further matching payments pending a final determination whether the candidate is entitled to receive all or a portion of the matching funds requested.

(2) In making a determination under paragraph (e)(1) of this section, the Commission will follow the procedures for initial and final determinations under 11 CFR 9033.10 (b) and (c). The Commission will notify the candidate of its business days after receipt of the candidate's statement of net outstanding campaign obligations. Within 10 business days after receipt of the Commission's notice, the candidate may submit written legal or factual materials to demonstrate that he or she has net outstanding campaign obligations that entitle the campaign to further matching payments.

(3) If the candidate demonstrates that the amount of outstanding campaign obligations still exceeds campaign assets, he or she may continue to receive matching payments.

§ 9034.6 Reimbursements for transportation and services made available to media personnel.

(a) If an authorized committee incurs expenditures for transportation, ground services and facilities (including air travel, ground transportation, housing, meals, telephone service, and typewriters) made available to media personnel, such expenditures will be

considered qualified campaign expenses subject to the overall expenditure limitations of 11 CFR 9035.1(a).

(b) If reimbursement for such expenditures is received by a committee, the amount of such reimbursement for each individual shall not exceed either: the individual's pro rata share of the actual cost of the transportation and services made available; or a reasonable estimate of the individual's pro rata share of the actual cost of the transportation and services made available into the total cost of the transportation and services. The total amount of reimbursements received from an individual under this section shall not exceed the actual pro rata cost of the transportation and services made available to that person by more than 10%. Reimbursements received in compliance with the requirements of this section may be deducted from the amount of expenditures that are subject to the overall expenditure limitation of 11 CFR 9035.1(a) except to the extent that such reimbursements exceed the amount actually paid by the committee for the services provided.

(c) The total amount paid by an authorized committee for the cost of transportation or for ground services and facilities shall be reported as an expenditure in accordance with 11 CFR 104.3(b)(2)(i). Any reimbursement received by such committee for transportation or ground services and facilities shall be reported in accordance with 11 CFR 104.3(a)(3)(ix).

§ 9034.7 Allocation of travel expenditures.

(a) Notwithstanding the provisions of 11 CFR Part 106, expenditures for travel relating to the campaign of a candidate seeking nomination for election to the office of President by any individual, including a candidate, shall, pursuant to the provisions of paragraph (b) of this section, be qualified campaign expenses and be reported by the candidate's authorized committee(s) as expenditures.

(b)(1) For a trip which is entirely campaign-related, the total cost of the trip shall be a qualified campaign expense and a reportable expenditure.

(2) For a trip which includes campaign-related and non-campaign related stops, that portion of the cost of the trip allocable to campaign activity shall be a qualified campaign expense and a reportable expenditure. Such portion shall be determined by

calculating what the trip would have cost from the point of origin of the trip to the first campaign-related stop and from that stop through each subsequent campaign-related stop, back to the point of origin. If any campaign activity, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related.

(3) For each trip, an itinerary shall be prepared and such itinerary shall be made available for Commission inspection.

(4) For trips by government conveyance or by charter, a list of all passengers on such trip, along with a designation of which passengers are and which are not campaign-related, shall be made available for Commission inspection.

(5) If any individual, including a candidate, uses government conveyance or accommodations paid for by a government entity for campaign-related travel, the candidate's authorized committee shall pay the appropriate government entity an amount equal to:

(i) The first class commercial air fare plus the cost of other services, in the case of travel to a city served by a regularly scheduled commercial service; or

(ii) The commercial charter rate plus the cost of other services, in the case of travel to a city not served by a regularly scheduled commercial service.

(6) Travel expenses of a candidate's spouse and family when accompanying the candidate on campaign-related travel may be treated as qualified campaign expenses and reportable expenditures. If the spouse or family members conduct campaign-related activities, their travel expenses will be treated as qualified campaign expenses and reportable expenditures.

(7) If any individual, including a candidate, incurs expenses for campaign-related travel, other than by use of government conveyance or accommodations, an amount equal to that portion of the actual cost of the conveyance or accommodations which is allocable to all passengers, including the candidate, travelling for campaign purposes will be a qualified campaign expense and shall be reported by the committee as an expenditure.

(i) If the trip is by charter, the actual cost for each passenger shall be determined by dividing the total operating cost for the charter by the total number of passengers transported. The amount which is a qualified campaign expense and a reportable expenditure shall be calculated in accordance with the formula set forth at paragraph (b)(2) of this section on the basis of the actual cost per passenger

multiplied by the number of passengers traveling for campaign purposes.

(ii) If the trip is by non-charter commercial transportation, the actual cost shall be calculated in accordance with the formula set forth at paragraph (b)(2) of this section on the basis of the commercial fare. Such actual cost shall be a qualified campaign expense and a reportable expenditure.

§ 9034.8 Joint fundraising.

(a) *General.*—(1) *Permissible Participants.* Presidential primary candidates who receive matching funds under this subchapter may engage in joint fundraising with other candidates, political committees or unregistered committees or organizations.

(2) *Use of Funds.* Contributions received as a result of a candidate's participation in a joint fundraising activity under this section may be—

(i) Submitted for matching purposes in accordance with the requirements of 11 CFR 9034.2 and the Federal Election Commission's Guideline for Presentation in Good Order;

(ii) Used to pay a candidate's net outstanding campaign obligations as provided in 11 CFR 9034.5;

(iii) Used to defray qualified campaign expenses;

(iv) Used to defray exempt legal and accounting costs; or

(v) If in excess of a candidate's net outstanding campaign obligations or expenditure limit, used in any manner consistent with 11 CFR 113.2, including repayment of funds under 11 CFR Part 9038.

(b) *Fundraising Representatives.*—(1) *Establishment or Selection of Fundraising Representative.* The participants in a joint fundraising effort under this section shall either establish a separate committee or select a participating committee, to act as fundraising representative for all participants. The fundraising representative shall be a reporting political committee and an authorized committee of each candidate.

(2) *Separate Fundraising Committee as Fundraising Representative.* A separate fundraising committee established by the participants to act as fundraising representative for all participants shall—

(i) Be established as a reporting political committee under 11 CFR 100.5;

(ii) Collect contributions;

(iii) Pay fundraising costs from gross proceeds and funds advanced by participants; and

(iv) Disburse net proceeds to each participant.

(3) *Participating Committee as Fundraising Representative.* A

participant selected to act as fundraising representative for all participants shall—

(i) Be a political committee as defined in 11 CFR 100.5;

(ii) Collect contributions; however, other participants may also collect contributions and then forward them to the fundraising representative as required by 11 CFR 102.8;

(iii) Pay fundraising costs from gross proceeds and funds advanced by participants; and

(iv) Disburse net proceeds to each participant.

(4) *Independent Fundraising Agent.* The participants or the fundraising representative may hire a commercial fundraising firm or other agent to assist in conducting the joint fundraising activity. In that case, however, the fundraising representative shall still be responsible for ensuring that the recordkeeping, reporting and documentation requirements set forth in this subchapter are met.

(c) *Joint Fundraising Procedures.* Any joint fundraising activity under this section shall be conducted in accordance with the following requirements:

(1) *Written Agreement.* The participants in a joint fundraising activity shall enter into a written agreement, whether or not all participants are political committees under 11 CFR 100.5. The written agreement shall identify the fundraising representative and shall state a formula for the allocation of fundraising proceeds. The participants shall also use the formula to allocate the expenses incurred for the fundraising activity. The fundraising representative shall retain the written agreement for a period of three years and shall make it available to the Commission on request.

(2) *Funds Advanced for Fundraising Costs.*

(i) Except as provided in paragraph (c)(2)(ii) of this section, the amount of funds advanced by each participant for fundraising costs shall be in proportion to the allocation formula agreed upon under paragraph (c)(i) of this section.

(ii) A participant may advance more than its proportionate share of the fundraising costs; however, the amount advanced which is in excess of the participant's proportionate share shall not exceed the amount that participant could legally contribute to the remaining participants. See 11 CFR 102.12(c)(2) and Part 110.

(3) *Fundraising Notice.* In addition to any notice required under 11 CFR 110.11, a joint fundraising notice shall be

included with every solicitation for contributions.

(i) This notice shall include the following information:

(A) The names of all committees participating in the joint fundraising activity whether or not such committees are political committees under 11 CFR 100.5;

(B) The allocation formula to be used for distributing joint fundraising proceeds;

(C) A statement informing contributors that, notwithstanding the stated allocation formula, they may designate their contributions for a particular participant or participants; and

(D) A statement informing contributors that the allocation formula may change if a contributor makes a contribution which would exceed the amount that contributor may give to any participant.

(ii) If one or more participants engage in the joint fundraising activity solely to satisfy outstanding debts, the notice shall also contain a statement informing contributors that the allocation formula may change if a participant receives sufficient funds to pay its outstanding debts.

(4) Separate Depository Account.

(i) The participants or the fundraising representative shall establish a separate depository account to be used solely for the receipt and disbursement of the joint fundraising proceeds. All contributions deposited into the separate depository account must be permissible under Title 2, United States Code. Each political committee shall amend its Statement of Organization to reflect the account as an additional depository.

(ii) The fundraising representative shall deposit all joint fundraising proceeds in the separate depository account within ten days of receipt as required by 11 CFR 103.3. The fundraising representative may delay distribution of the fundraising proceeds to the participants until all contributions are received and all expenses are paid.

(iii) For contribution reporting and limitation purposes, the date of receipt of a contribution by a participating political committee is the date that the contribution is received by the fundraising representative. The fundraising representative, shall report contributions in the reporting period in which they are received. Participating political committees shall report joint fundraising proceeds in accordance with 11 CFR 9034.8(c)(9) when such funds are received from the fundraising representative.

(5) Recordkeeping Requirements. (i) The fundraising representative and

participating committees shall screen all contributions received to insure that the prohibitions and limitations of 11 CFR Parts 110 and 114 are observed.

Participating political committees shall make their contributor records available to the fundraising representative to enable the fundraising representative to carry out its duty to screen contributions.

(ii) The fundraising representative shall collect and retain contributor information with regard to gross proceeds as required under 11 CFR 102.8 and shall also forward such information to participating political committees.

(iii) The fundraising representative shall retain the records required under 11 CFR 9033.11 regarding fundraising disbursements for a period of three years. Commercial fundraising firms or agents shall forward such information to the fundraising representative.

(6) Contribution Limitations. Except to the extent that the contributor has previously contributed to any of the participants, a contributor may make a contribution to the joint fundraising effort which contribution represents the total amount that the contributor could contribute to all of the participants under the applicable limits of 11 CFR 110.1 and 110.2.

(7) Allocation of Gross Proceeds. (i) The fundraising representative shall allocate proceeds according to the formula stated in the fundraising agreement. Funds may not be distributed or reallocated so as to maximize the matchability of the contributions.

(ii) If distribution according to the allocation formula extinguishes the debts of one or more participants or if distribution under the formula results in a violation of the contribution limits of 11 CFR 110.1(a), the fundraising representative may reallocate the surplus funds. Candidates seeking to extinguish outstanding debts shall not reallocate in reliance on the receipt of matching funds to pay the remainder of their debts; rather, all funds to which a participant is entitled under the allocation formula shall be deemed funds available to pay the candidate's outstanding campaign obligations as provided in 11 CFR 9034.5(c).

(iii) Reallocation shall be based upon the remaining participants' proportionate shares under the allocation formula. If reallocation results in a violation of a contributor's limit under 11 CFR 110.1, the fundraising representative shall return to the contributor the amount of the contribution that exceeds the limit.

(iv) Earmarked contributions which exceed the contributor's limit to the

designated participant under 11 CFR Part 110 may not be reallocated by the fundraising representative without the written permission of the contributor.

(8) Allocation of Expenses and Distribution of Net Proceeds. (i) If participating committees are not affiliated as defined in 11 CFR 110.3 prior to the joint fundraising activity and are not committees of the same political party:

(A) After gross contributions are allocated among the participants under 11 CFR 9034.8(c)(7), the fundraising representative shall calculate each participant's share of expenses based on the percentage of the total receipts each participant had been allocated. To calculate each participant's net proceeds, the fundraising representative shall subtract the participant's share of expenses from the amount that participant has been allocated from gross proceeds.

(B) A participant may only pay expenses on behalf of another participant subject to the contribution limits of 11 CFR Part 110.

(ii) If participating committees are affiliated as defined in 11 CFR 110.3 prior to the joint fundraising activity or if participants are party committees of the same political party, expenses need not be allocated among those participants. Payment of such expenses by an unregistered committee or organization on behalf of an affiliated political committee may cause the unregistered organization to become a political committee.

(iii) Payment of expenses may be made from gross proceeds by the fundraising representative.

(9) Reporting of Receipts and Disbursements.—(i) **Reporting Receipts.** (A) The fundraising representative shall report all funds received in the reporting period in which they are received. Each Schedule A filed by the fundraising representative under this section shall clearly indicate that the contributions reported on that schedule represent joint fundraising proceeds.

(B) After distribution of net proceeds, each participating political committee shall report its share of net proceeds received as a transfer-in from the fundraising representative. Each participating political committee shall also file a memo Schedule A itemizing its share of gross receipts as contributions from original contributions to the extent required under 11 CFR 104.3(a).

(ii) **Reporting Disbursements.** The fundraising representative shall report all disbursements in the reporting period in which they are made.

§ 9034.9 Sale of assets acquired for fundraising purposes.

(a) *General.* A candidate may sell assets donated to the campaign or otherwise acquired for fundraising purposes (See 11 CFR 9034.5(b)(2)), subject to the limitations and prohibitions of Title 2, United States Code and 11 CFR parts 110 and 114.

(b) *Sale After End of Matching Payment Period.* A candidate whose outstanding debts exceed his or her cash on hand after the end of the matching payment period as determined under 11 CFR 9032.6 may dispose of assets acquired for fundraising purposes in a sale to a wholesaler or other intermediary who will in turn sell such assets to the public, provided that the sale to the wholesaler or intermediary is an arms-length transaction. Sales made under this subsection will not be subject to the limitations and prohibitions of Title 2, United States Code and 11 CFR Parts 110 and 114.

PART 9035—EXPENDITURE LIMITATIONS

Sec.

9035.1 Campaign expenditure limitation.

9035.2 Limitations on expenditures from personal or family funds.

Authority: Pub. L. 93-443, title IV, Sec. 408(c), 88 Stat. 1300, as amended by Pub. L. 94-283, title III, Secs. 305(a), 307(c), 90 Stat. 494, 501 (26 U.S.C. Sec. 9035).

§ 9035.1 Campaign expenditure limitation.

(a) No candidate or his or her authorized committee(s) shall knowingly incur expenditures in connection with the candidate's campaign for nomination, which expenditures, in the aggregate, exceed \$10,000,000 (as adjusted under 2 U.S.C. 441a(c)), except that the aggregate expenditures by a candidate in any one State shall not exceed the greater of: 16 cents (as adjusted under 2 U.S.C. 441a(c)) multiplied by the voting age population of the State (as certified under 2 U.S.C. 441a(e)); or \$200,000 (as adjusted under 2 U.S.C. 441a(c)).

(b) Each candidate receiving or expecting to receive matching funds under this subchapter shall also allocate his or her expenditures in accordance with the provisions of 11 CFR 106.2.

(c) A candidate may exclude from the overall expenditure limitation of this section an amount equal to 10% of salaries and overhead expenditures of his or her national campaign headquarters and state offices as an exempt legal and accounting compliance cost under 11 CFR 100.8(b)(15). For purposes of this section overhead expenditures include, but are not limited to rent, utilities, office equipment,

furniture, supplies, and telephone base service charges. An additional amount of 10% of such salaries and overhead expenditures may be excluded from the overall expenditure limitation of this section as exempt fundraising expenditures but this exemption shall not apply within 28 days of the primary election as specified in 11 CFR 110.8(c)(2). Any amount excluded for fundraising expenditures shall be applied against the fundraising expenditure limitation under 11 CFR 100.8(b)(21). If the candidate wishes to claim a larger compliance or fundraising exemption for any person, the candidate shall establish allocation percentages for each individual who spends all or a portion of his or her time to perform duties which are considered compliance or fundraising. The candidate shall keep detailed records to support the derivation of each percentage. Such records shall indicate which duties are considered compliance or fundraising and the percentage of time each person spends on such activity.

(d) The expenditure limitations of this section shall not apply to a candidate who does not receive matching funds at any time during the matching payment period.

§ 9035.2 Limitation on expenditures from personal or family funds.

No candidate who has accepted matching funds shall knowingly make expenditures from his or her personal funds, or funds of his or her immediate family, in connection with his or her campaign for nomination for election to the office of President which exceed \$50,000, in the aggregate. This section shall not operate to prohibit any member of the candidate's immediate family from contributing his or her personal funds to the candidate, subject to the limitations of 11 CFR Part 110.

(b) For purposes of this section, the term "immediate family" means a candidate, spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.

(c) For purposes of this section, "personal funds" has the same meaning as specified in 11 CFR 110.10.

PART 9036—REVIEW OF SUBMISSION AND CERTIFICATION OF PAYMENTS BY COMMISSION

Sec.

9036.1 Threshold submission.

9036.2 Additional submission for matching fund payments.

9036.3 Submission errors and insufficient documentation.

9036.4 Commission review of submissions.

9036.5 Resubmissions.

Sec.

9036.6 Continuation of certification.

Authority: Pub. L. 93-443, title IV, Sec. 408(c), 88 Stat. 1300 (26 U.S.C. 9036).

§ 9036.1 Threshold submission.

(a) *Time for Submission of Threshold Submission.* At any time after January 1 of the year immediately preceding the Presidential election year, the candidate may submit a threshold submission for matching fund payments in accordance with the format for such submissions set forth in paragraph (b) of this section. The candidate may submit the threshold submission simultaneously with or subsequent to his or her submission of the candidate agreement and certifications required by 11 CFR 9033.1 and 9033.2.

(b) *Format for Threshold Submission.*

(1) For each State in which the candidate certifies that he or she has met the requirements of the certifications in 11 CFR 9033.2(b), the candidate shall submit an alphabetical list of contributors showing:

(i) Each contributor's full name and residential address;

(ii) The occupation and name of employer for individuals whose aggregate contributions exceed \$200 in the calendar year;

(iii) The date of deposit of each contribution into the designated campaign depository;

(iv) The full dollar amount of each contribution submitted for matching purposes;

(v) The matchable portion of each contribution submitted for matching purposes;

(vi) The aggregate amount of all matchable contributions from that contributor submitted for matching purposes;

(vii) A notation indicating which contributions were received as a result of joint fundraising activities.

(2) The candidate shall submit a full-size photocopy of each check or written instrument and of supporting documentation in accordance with 11 CFR 9034.2 for each contribution that the candidate submits to establish eligibility for matching funds. For purposes of the threshold submission, the photocopies shall be segregated alphabetically by contributor within each State, and shall be accompanied by and referenced to copies of the relevant deposit slips.

(3) The candidate shall submit bank documentation, such as bank-validated deposit slips or unvalidated deposit slips accompanied by the relevant bank statements, which indicate that the contributions submitted were deposited into a designated campaign depository.

(4) For each State in which the candidate certifies that he or she has met the requirements to establish eligibility, the candidate shall submit a listing, alphabetically by contributor, of all checks returned by the bank to date as unpaid (e.g., stop payments, non-sufficient funds) regardless of whether the contribution was submitted for matching. This listing shall be accompanied by a full-size photocopy of each unpaid check, and copies of the associated debit memo and bank statement.

(5) The candidate shall submit all contributions in accordance with the Federal Election Commission's Guideline for Presentation in Good Order.

(6) Contributions that are not submitted in compliance with this section shall not count toward the threshold amount.

(c) *Threshold Certification by Commission.* (1) After the Commission has determined under 11 CFR 9033.4 that the candidate has satisfied the eligibility and certification requirements of 11 CFR 9033.1 and 9033.2, the Commission will notify the candidate in writing that the candidate is eligible to receive primary matching fund payments as provided in 11 CFR Part 9034.

(2) If the Commission makes a determination of a candidate's eligibility under paragraph (a) of this section in a Presidential election year, the Commission shall certify to the Secretary, within 10 calendar days after the Commission has made its determination, the amount to which the candidate is entitled.

(3) If the Commission makes a determination of a candidate's eligibility under paragraph (a) of this section in the year preceding the Presidential election year, the Commission will notify the candidate that he or she is eligible to receive matching fund payments; however, the Commission's determination will not result in a payment of funds to the candidate until after January 1 of the Presidential election year.

§ 9036.2 Additional submissions for matching fund payments.

(a) *Time for Submission of Additional Submissions.* The candidate may submit additional submissions for payments to the Commission on dates to be determined and published by the Commission.

(b) *Format for Additional Submissions.* The candidate may obtain additional matching fund payments subsequent to the Commission's threshold certification and payment of primary matching funds to the candidate

by filing an additional submission for payment. All additional submissions for payments filed by the candidate shall be made in accordance with the Federal Election Commission's Guideline for Presentation in Good Order.

(1) The first submission for matching funds following the candidate's threshold submission shall contain all the contributions included in the threshold submission and any additional contributions to be submitted for matching in that submission. This submission shall contain all the information required for the threshold submission except that:

(i) The candidate is not required to resubmit the candidate agreement and certifications of 11 CFR 9033.1 and 9033.2;

(ii) The candidate is required to submit an alphabetical list of contributors, but not segregated by State as required in the threshold submission;

(iii) The candidate is required to submit a listing, alphabetical by contributor, of all checks returned unpaid, but not segregated by State as required in the threshold submission;

(iv) The occupation and employer's name need not be disclosed on the contributor list for individuals whose aggregate contributions exceed \$200 in the calendar year, but such information is subject to the recordkeeping and reporting requirements of 2 U.S.C. 432 (c)(3), 434(b)(3)(A) and 11 CFR 102.9(a)(2), 104.3(a)(4)(i); and

(v) The photocopies of each check or written instrument and of supporting documentation shall either be alphabetized and referenced to copies of the relevant deposit slip, but not segregated by State as required in the threshold submission; or such photocopies may be batched in deposits of 50 contributions or less and cross-referenced by deposit number and sequence number within each deposit on the contributor list.

(2) Following the first submission under paragraph (b)(1) of this section candidates may request additional matching funds on dates prescribed by the Commission by making a letter request in lieu of making a full submission as required under paragraph (b)(1) of this section. Letter requests shall state an amount of matchable contributions not previously submitted for matching and shall provide bank documentation, such as bank-validated deposit slips or unvalidated deposit slips accompanied by the relevant bank statement, demonstrating that the committee has received the funds for which matching payments are requested. The amount requested for matching may include contributions

received up to the last business day preceding the date of the request. On the next submission after a letter request has been made, the committee shall submit the documentation required under paragraph (b)(1) of this section for all contributions included in the letter request, as well as those contributions submitted for matching in that submission. A committee may not submit two consecutive letter requests, but the committee may choose to make a full regular submission on a date designated by the Commission as a letter request date for that committee.

(c) *Certification of Additional Payments by Commission.* (1)(i) When a candidate who is eligible under 11 CFR 9033.4 submits an additional submission for payment in the Presidential election year, the Commission may certify to the Secretary within 5 business days after the Commission's receipt of information submitted by the candidate under paragraph (a) of this section, an amount based on the holdback procedure described in the Federal Election Commission's Guideline for Presentation in Good Order. If the candidate makes a letter request, the Commission may certify to the Secretary an amount which is less than that requested based upon the ratio of verified matchable contributions to total deposits for that committee in the committee's last regular submission.

(ii) The Commission will certify to the Secretary any additional amount to which the eligible candidate is entitled, if any, within 15 business days after the Commission's receipt of information submitted by the candidate under paragraph (a) of this section unless the projected dollar value of the nonmatchable contributions contained in the submission exceeds 15% of the amount requested. In the latter case, the Commission will certify any additional amount within 25 business days. See 11 CFR 9036.4 for Commission procedures for certification of additional payments.

(2) After a candidate's date of ineligibility, the Commission will certify to the Secretary within 15 business days after receipt of a submission by the candidate under paragraph (a) of this section, an amount to which the ineligible candidate is entitled in accordance with 11 CFR 9034.1(b), unless the projected dollar value of the nonmatchable contributions contained in the submission exceeds 15% of the amount requested. In the latter case, the Commission will certify any amount to which the ineligible candidate is entitled within 25 business days.

(d) *Additional Submissions Submitted in Non-Presidential Election Year.* The

candidate may submit additional contributions for review during the year preceding the Presidential election year; however, the amount of each submission made during this period must exceed \$50,000. Additional submissions filed by a candidate in a non-Presidential election year will not result in payment of matching funds to the candidate until after January 1 of the Presidential election year.

§ 9036.3 Submission errors and insufficient documentation.

Contributions which are otherwise matchable may be rejected for matching purposes because of submission errors or insufficient supporting documentation. Contributions, other than those defined in 11 CFR 9034.3 or in the form of money orders, cashier's checks, or similar negotiable instruments, may become matchable if there is a proper resubmission in accordance with 11 CFR 9036.5 and 9036.6. Insufficient documentation or submission errors include but are not limited to:

(a) Discrepancies in the written instrument, such as:

(1) Instruments drawn on other than personal accounts of contributors and not signed by the contributing individual;

(2) Signature discrepancies; and

(3) Lack of the contributor's signature, the amount or date of the contribution, or the listing of the committee or candidate as payee.

(b) Discrepancies between listed contributions and the written instrument or supporting documentation, such as:

(1) The listed amount requested for matching exceeds the amount contained on the written instrument;

(2) A written instrument has not been submitted to support a listed contribution;

(3) The submitted written instrument cannot be associated either by account holder identification or signature with the listed contributor; or

(4) A discrepancy between the listed contribution and the supporting bank documentation or the bank documentation is omitted.

(c) Discrepancies within or between contributor lists submitted, such as:

(1) The address of the contributor is omitted or incomplete or the contributor's name is alphabetized incorrectly, or more than one contributor is listed per item;

(2) A discrepancy in aggregation within or between submissions which results in a request that more than \$250 be matched for that contributor, or a listing of a contributor more than once within the same submission; or

(3) A written instrument has been previously submitted and matched in full or is listed twice in the same submission.

(d) The omission of information, supporting statements, or documentation required by 11 CFR 9034.2.

§ 9036.4 Commission review of submissions.

(a) *Non-Acceptance of Submission for Review of Matchability.* The

Commission will make an initial review of each submission made under 11 CFR Part 9036 to determine if it substantially meets the format requirements of 11 CFR 9036.1(b) and 9036.2(b) and the Federal Election Commission's Guideline for Presentation in Good Order. If the Commission determines that a submission does not substantially meet these requirements, it will not review the matchability of the contributions contained therein. In such a case, the Commission will return the submission to the candidate and request that it be corrected in accordance with the format requirements. If the candidate makes a corrected submission within 3 business days after the Commission's return of the original, the Commission will review the corrected submission prior to the next regularly-scheduled submission date. Corrected submissions made after this three day period will be reviewed subsequent to the next regularly-scheduled submission date.

(b) *Acceptance of Submission for Review of Matchability.* If the Commission determines that a submission made under 11 CFR Part 9036 satisfies the format requirements of 11 CFR 9036.1(b) and 9036.2(b) and the Federal Election Commission's Guideline for Presentation in Good Order, it will review the matchability of the contributions contained therein. The Commission, in conducting its review, may utilize statistical sampling techniques. Based on the results of its review, the Commission may calculate a matchable amount for the submission which is less than the amount requested by the candidate. If the Commission certifies for payment to the Secretary an amount that is less than the amount requested by the candidate in a particular submission, or reduces the amount of a subsequent certification to the Secretary by adjusting a previous certification made under 11 CFR 9036.2(c)(1), the Commission will notify the candidate in writing of the following:

(1) The amount of the difference between the amount requested and the amount to be certified by the Commission;

(2) The amount of each contribution and the corresponding contributor's name for each contribution that the Commission has rejected as nonmatchable and the reason that it is not matchable; or if statistical sampling is used, the estimated amount of contributions by type and the reason for rejection;

(3) The amount of contributions that have been determined to be matchable and that the Commission will certify to the Secretary for payment; and

(4) A statement that the candidate may supply the Commission with additional documentation or other information in the resubmission of any rejected contribution under 11 CFR 9036.5 in order to show that a rejected contribution is matchable under 11 CFR 9034.2.

(c) *Adjustment of Amount to be Certified by Commission.* The candidate shall notify the Commission as soon as possible if the candidate or the candidate's authorized committee(s) has knowledge that a contribution submitted for matching does not qualify under 11 CFR 9034.2 as a matchable contribution, such as a check returned to the committee for insufficient funds, so that the Commission may properly adjust the amount to be certified for payment.

(d) *Commission Audit of Submissions.* The Commission may determine, for the reasons stated in 11 CFR Part 9039, that an audit and examination of contributions submitted for matching payment is warranted. The audit and examination shall be conducted in accordance with the procedures of 11 CFR Part 9039.

§ 9036.5 Resubmissions.

(a) *Alternative Resubmission Methods.* Upon receipt of the Commission's notice of the results of the submission review pursuant to 11 CFR 9036.4(b), a candidate may choose to:

(1) Resubmit the entire submission; or

(2) Make a written request for the identification of the specific contributions that were rejected for matching, and resubmit those specific contributions.

(b) *Time for Presentation of Resubmissions.* If the candidate chooses to resubmit any contributions under paragraph (a) of this section, the contributions shall be resubmitted on dates to be determined and published by the Commission. The cutoff date for original submissions as provided by 11 CFR 9036.6 will not apply to resubmissions made under this section.

(c) *Format for Resubmissions.* All resubmissions filed by the candidate shall be made in accordance with the

Federal Election Commission's Guideline for Presentation in Good Order. In making a presentation of resubmitted contributions, the candidate shall follow the format requirements as specified in 11 CFR 9036.2(b)(1), except that:

(1) The candidate need not provide photocopies of written instruments, supporting documentation and bank documentation unless it is necessary to supplement the original documentation.

(2) Each resubmitted contribution shall be referenced to the submission in which it was first presented.

(3) Each list of resubmitted contributions shall reflect the aggregate amount of contributions submitted for matching from each contributor as of the date of the original submission.

(4) Each list of resubmitted contributions shall reflect the aggregate amount of contributions submitted for matching from each contributor as of the date of the resubmission.

(5) Each list of resubmitted contributions shall only contain contributions previously submitted for matching and no new or additional contributions.

(6) Each resubmission shall be accompanied by a statement that the candidate has corrected his or her contributor records (including the data base for those candidates maintaining their contributor list on computer).

(d) *Certification of Resubmitted Contributions.* Contributions that the Commission determines to be matchable will be certified to the Secretary within 15 business days. If the candidate chooses to request the specific contributions rejected for matching pursuant to paragraph (a)(2) of this section, the amount certified shall equal only the matchable amount of the particular contribution that meets the standards on resubmission, rather than the amount projected as being nonmatchable based on that contribution due to the sampling techniques used in reviewing the original submission.

(e) *Interim Determinations.* If the candidate resubmits a contribution for matching and the Commission determines that the rejected contribution is still nonmatchable, the Commission will notify the candidate in writing of its determination. The Commission will advise the candidate of the legal and factual reasons for its determination and of the evidence on which that determination is based. The candidate may submit written legal or factual materials to demonstrate that the contribution is matchable within 30 calendar days after receipt of the Commission's notice. Such materials

may be submitted by counsel if the candidate so desires.

(f) *Final Determinations.* The Commission will consider any written legal or factual materials timely submitted by the candidate in making its final determination. A final determination by the Commission that a contribution is not matchable will be accompanied by a written statement of reasons for the Commission's action. This statement will explain the reasons underlying the Commission's determination and will summarize the results of any investigation upon which the determination is based.

§ 9036.6 Continuation of certification.

Candidates who have received matching funds and who are eligible to continue to receive such funds may continue to submit additional submissions for payment to the Commission on dates specified in the Federal Election Commission's Guideline for Presentation in Good Order. No contribution will be matched if it is submitted for the first time after the last Monday in January of the year following the election, regardless of the date the contribution was deposited.

PART 9037—PAYMENTS

Sec.

9037.1 Payments of Presidential primary matching funds.

9037.2 Equitable distribution of funds.

9037.3 Deposits of Presidential primary matching funds.

Authority: Pub. L. 93-443, title IV, sec. 408(c), 88 Stat. 1300 (26 U.S.C. 9037).

§ 9037.1 Payments of Presidential primary matching funds.

Upon receipt of a written certification from the Commission, but not before the beginning of the matching payment period, the Secretary will promptly transfer the amount certified from the matching payment account to the candidate.

§ 9037.2 Equitable distribution of funds.

In making such transfers to candidates of the same political party, the Secretary will seek to achieve an equitable distribution of funds available in the matching payment account, and the Secretary will take into account, in seeking to achieve an equitable distribution of funds available in the matching payment account, the sequence in which such certifications are received.

§ 9037.3 Deposits of Presidential primary matching funds.

Upon receipt of any matching funds, the candidate shall deposit the full amount received into a checking

account maintained by the candidate's principal campaign committee in the depository designated by the candidate.

PART 9038—EXAMINATIONS AND AUDITS

Sec.

9038.1 Audit.

9038.2 Repayments.

9038.3 Liquidation of obligations; repayment.

9038.4 Extensions of time.

Authority: Pub. L. 93-443, title IV, sec. 408(c), 88 Stat. 1300 (26 U.S.C. 9038).

§ 9038.1 Audit.

(a) *General.* (1) The Commission will conduct an audit of the qualified campaign expenses of every candidate and his or her authorized committee(s) who received Presidential primary matching funds. The audit may be conducted at any time after the date of the candidate's ineligibility.

(2) In addition, the Commission may conduct other examinations and audits from time to time as it deems necessary to carry out the provisions of this subchapter.

(3) Information obtained pursuant to any audit and examination conducted under paragraphs (a)(1) and (2) of this section may be used by the Commission as the basis, or partial basis, for its repayment determinations under 11 CFR 9038.2.

(b) *Conduct of Fieldwork.* (1) The Commission will give the candidate's authorized committee at least two weeks' notice of the Commission's intention to commence fieldwork on the audit and examination. The fieldwork shall be conducted at a site provided by the committee.

(i) *Office Space and Records.* On the date scheduled for the commencement of fieldwork, the candidate or his or her authorized committee(s) shall provide Commission staff with office space and committee records in accordance with the candidate and committee agreement under 11 CFR 9033.1(b)(6).

(ii) *Availability of Committee Personnel.* On the date scheduled for the commencement of fieldwork, the candidate or his or her authorized committee(s) shall have committee personnel present at the site of the fieldwork. Such personnel shall be familiar with the committee's records and operation and shall be available to Commission staff to answer questions and to aid in locating records.

(iii) *Failure to Provide Staff, Records or Office Space.* If the candidate or his or her authorized committee(s) fail to provide adequate office space, personnel or committee records, the

Commission may seek judicial intervention under 2 U.S.C. 437d or 28 U.S.C. 9040(c) to enforce the candidate and committee agreement made under 11 CFR 9033.1(b). Before seeking judicial intervention, the Commission will notify the candidate of his or her failure to comply with the agreement and will recommend corrective action to bring the candidate into compliance. Upon receipt of the Commission's notification, the candidate will have 10 calendar days in which to take the corrective action indicated or to otherwise demonstrate to the Commission in writing that he or she is complying with the candidate and committee agreement.

(iv) If, in the course of the audit process, a dispute arises over the documentation sought or other requirements of the candidate agreement, the candidate may seek review by the Commission of the issues raised. To seek review, the candidate shall submit a written statement, within 10 calendar days after the disputed Commission staff request is made, describing the dispute and indicating the candidate's proposed alternative(s).

(2) Fieldwork will include the following steps designed to keep the candidate and committee informed as to the progress of the audit and to expedite the process:

(i) *Entrance Conference.* At the outset of the fieldwork, Commission staff will hold an entrance conference, at which the candidate's representatives will be advised of the purpose of the audit and the general procedures to be followed. Future requirements of the candidate and his or her authorized committee, such as possible repayments to the United States Treasury, will also be discussed. Committee representatives shall provide information and records necessary to conduct the audit, and Commission staff will be available to answer committee questions.

(ii) *Review of Records.* During the fieldwork, Commission staff will review committee records and may conduct interviews of committee personnel. Commission staff will be available to explain aspects of the audit and examination as it progresses. Additional meetings between Commission staff and committee personnel may be held from time to time during the fieldwork to discuss possible audit findings and to resolve issues arising during the course of the audit.

(iii) *Exit Conference.* At the conclusion of the fieldwork, Commission staff will hold an exit conference to discuss with committee representatives the staff's preliminary findings and recommendations which the Commission staff anticipates that it may

present to the Commission for approval. Commission staff will advise committee representatives at this conference of the projected timetable regarding the issuance of an audit report, the committee's opportunity to respond thereto, and the Commission's initial and final repayment determinations under 11 CFR 9038.2.

(3) Commission staff may conduct additional fieldwork after the completion of the fieldwork conducted pursuant to paragraph (b)(1) and (2) of this section. Factors that may necessitate such follow-up fieldwork include, but are not limited to, the following:

(i) Committee responses to audit findings;

(ii) Financial activity of the committee subsequent to the fieldwork conducted pursuant to paragraph (b)(1) of this section;

(iii) Committee responses to Commission repayment determinations made under 11 CFR 9038.2.

(4) The Commission will notify the candidate and his or her authorized committee if follow-up fieldwork is necessary. The provisions of paragraph (b)(1) and (2) of this section shall apply to any additional fieldwork conducted.

(c) *Preparation of Interim Audit Report.* (1) After the completion of the fieldwork conducted pursuant to paragraph (b)(1) of this section, the Commission will issue an interim audit report to the candidate and his or her authorized committee. The interim audit report may contain Commission findings and recommendations regarding one or more of the following areas:

(i) An evaluation of procedures and systems employed by the candidate and committee to comply with applicable provisions of the Federal Election Campaign Act, Primary Matching Payment Account Act and Commission regulations;

(ii) Eligibility of the candidate to receive primary matching payments;

(iii) Accuracy of statements and reports filed with the Commission by the candidate and committee;

(iv) Compliance of the candidate and committee with applicable statutory and regulatory provisions except for those instances where the Commission has instituted an enforcement action on the matter(s) under the provisions of 2 U.S.C. 437g and 11 CFR Part 111; and

(v) Preliminary calculations regarding future repayments to the United States Treasury.

(2) The candidate and his or her authorized committee will have an opportunity to submit, in writing, within 30 calendar days of receipt of the interim report, legal and factual

materials disputing or commenting on the contents of the interim report. Such materials may be submitted by counsel if the candidate so desires.

(3) The Commission will consider any written legal and factual materials submitted by the candidate or his or her authorized committee in accordance with paragraph (c)(2) of this section before approving and issuing an audit report to be released to the public. The contents of the publicly-released audit report may differ from that of the interim report since the Commission will consider timely submissions of legal and factual materials by the candidate or committee in response to the interim report.

(d) *Preparation of Publicly-Released Audit Report.* An audit report prepared subsequent to an interim report will be publicly released pursuant to paragraph (e) of this section. This report will contain Commission findings and recommendations addressed in the interim audit report but may contain adjustments based on the candidate's response to the interim report. In addition, this report will contain an initial repayment determination made by the Commission pursuant to 11 CFR 9038.2(c)(1) in lieu of the preliminary calculations set forth in the interim report.

(e) *Public Release of Audit Report.* (1) After the candidate and committee have had an opportunity to respond to a written interim report of the Commission, the Commission will make public the audit report prepared subsequent to the interim report, as provided in paragraph (d) of this section.

(2) If the Commission determines, on the basis of information obtained under the audit and examination process, that certain matters warrant enforcement under 2 U.S.C. 437g and 11 CFR Part 111, those matters will not be contained in the publicly-released report. In such cases, the audit report will indicate that certain other matters have been referred to the Commission's Office of General Counsel.

(3) The Commission will provide the candidate and committee copies of the audit report 24 hours prior to releasing the report to the public.

(4) Addenda to the audit report may be issued from time to time as circumstances warrant and as additional information becomes available. Such addenda may be based, in part, on follow-up fieldwork conducted under paragraph (b)(3) of this section, and will be placed on the public record.

§ 9038.2 Repayments.

(a) *General.* (1) A candidate who has received payments from the matching payment account shall pay the United States Treasury any amounts which the Commission determines to be repayable under this section. In making repayment determinations under this section, the Commission may utilize information obtained from audits and examinations conducted pursuant to 11 CFR 9038.1 and Part 9039 or otherwise obtained by the Commission in carrying out its responsibilities under this subchapter.

(2) The Commission will notify the candidate of any repayment determinations made under this section as soon as possible, but not later than 3 years after the end of the matching payment period.

(3) Once the candidate receives notice of the Commission's final repayment determination under this section, the candidate should give preference to the repayment over all other outstanding obligations of his or her committee, except for any federal taxes owed by the committee.

(b) *Bases for Repayment.*—(1) *Payments in Excess of Candidate's Entitlement.* The Commission may determine that certain portions of the payments made to a candidate from the matching payment account were in excess of the aggregate amount of payments to which such candidate was entitled. Examples of such excessive payments include, but are not limited to, the following:

(i) Payments made to the candidate after the candidate's date of ineligibility where it is later determined that the candidate had no net outstanding campaign obligations as defined in 11 CFR 9034.5;

(ii) Payments or portions of payments made to the candidate which are later determined to have been excessive due to the operation of the Commission's expedited payment procedures as set forth in the Federal Election Commission's Guideline For Presentation In Good Order;

(iii) Payments or portions of payments made on the basis of matched contributions later determined to have been non-matchable; and

(iv) Payments or portions of payments made to the candidate which are later determined to have been excessive due to the candidate's failure to include funds received by a fundraising representative committee under 11 CFR 9034.8 on the candidate's statement of net outstanding campaign obligations under 11 CFR 9034.5.

(2) *Use of Funds For Non-Qualified Campaign Expenses.*

(i) The Commission may determine that amount(s) of any payments made to a candidate from the matching payment account, or contributions received by the candidate, were used for purposes other than those set forth in (A)–(C) below:

(A) Defrayal of qualified campaign expenses;

(B) Repayment of loans which were used to defray qualified campaign expenses; and

(C) Restoration of funds (other than contributions which were received and expended to defray qualified campaign expenses) which were used to defray qualified campaign expenses.

(ii) Examples of Commission repayment determinations under paragraph (b)(2) of this section include, but are not limited to, the following:

(A) Determinations that a candidate, a candidate's authorized committee(s) or agents have made expenditures in excess of the limitations set forth in 11 CFR 9035;

(B) Determinations that funds described in paragraph (b)(2)(i) were expended in violation of state or federal law; and

(C) Determinations that funds described in paragraph (b)(2)(i) were expended for expenses resulting from a violation of state or federal law, such as the payment of fines or penalties.

(3) *Failure to Provide Adequate Documentation.* The Commission may determine that amount(s) spent by the candidate, the candidate's authorized committee(s), or agents were not documented in accordance with 11 CFR 9033.11.

(4) *Surplus.* The Commission may determine that the candidate's net outstanding campaign obligations, as defined in 11 CFR 9034.5, reflect a surplus.

(c) *Repayment Determination Procedures.* Commission repayment determinations will be made in accordance with procedures set forth at paragraphs (c) (1) through (4) of this section.

(1) *Initial Determination.* The Commission will provide the candidate with a written notice of its initial repayment determination(s). This notice will be included in the Commission's publicly-released audit report, pursuant to 11 CFR 9038.1(d), and will set forth the legal and factual reasons for such determination(s). Such notice will also advise the candidate of the evidence upon which any such determination is based. If the candidate does not dispute an initial repayment determination of the Commission within 30 calendar days of the candidate's receipt of the notice, such initial determination will be

considered a final determination of the Commission.

(2) *Submission of Written Materials.* If the candidate disputes the Commission's initial repayment determination(s), he or she shall have an opportunity to submit in writing, within 30 calendar days of receipt of the Commission's notice, legal and factual materials to demonstrate that no repayment, or a lesser repayment, is required. The Commission will consider any written legal and factual materials submitted by the candidate within this 30 day period in making its final repayment determination(s). Such materials may be submitted by counsel if the candidate so desires.

(3) *Oral Presentation.* A candidate who has submitted written materials under paragraph (c)(2) of this section may request that the Commission provide such candidate with an opportunity to address the Commission in open session. If the Commission decides by an affirmative vote of four (4) of its members to grant the candidate's request, it will inform the candidate of the date and time set for the oral presentation. At the date and time set by the Commission, the candidate or candidate's designated representative will be allotted an amount of time in which to make an oral presentation to the Commission based upon the legal and factual materials submitted under paragraph (c)(2) of this section. The candidate or representative will also have the opportunity to answer any questions from individual members of the Commission.

(4) *Final Determination.* In making its final repayment determination(s), the Commission will consider any submission made under paragraph (c)(2) of this section and any oral presentation made under paragraph (c)(3) of this section. A final determination that a candidate must repay a certain amount will be accompanied by a written statement of reasons for the Commission's actions. This statement will explain the reasons underlying the Commission's determination and will summarize the results of any investigation upon which the determination is based.

(d) *Repayment Period.* (1) Within 90 calendar days of the candidate's receipt of the notice of the Commission's initial repayment determination(s), the candidate shall repay to the Secretary amounts which the Commission has determined to be repayable. Upon application by the candidate, the Commission may grant an extension of up to 90 calendar days in which to make repayment.

(2) If the candidate submits written materials under paragraph (c)(2) of this section disputing the Commission's initial repayment determination(s), the time for repayment will be suspended until the Commission makes its final repayment determination(s). Within 20 calendar days of the candidate's receipt of the notice of the Commission's final repayment determination(s), the candidate shall repay to the Secretary amounts which the Commission has determined to be repayable. Upon application by the candidate, the Commission may grant an extension of up to 90 days in which to make repayment.

(e) *Computation of Time.* The time periods established by this section shall be computed in accordance with 11 CFR 111.2.

(f) *Additional Repayments.* Nothing in this section will prevent the Commission from making additional repayment determinations on one or more of the bases set forth at paragraph (b) of this section after it has made a final determination on any such basis. The Commission may make additional repayment determinations where there exist facts not used as the basis for a previous final determination. Any such additional repayment determination will be made in accordance with the provisions of this section.

(g) *Newly-Discovered Assets.* If, after any initial or final repayment determination made under this section, a candidate or his or her authorized committee(s) receives or becomes aware of assets not previously included in any statement of net outstanding campaign obligations submitted pursuant to 11 CFR 9034.5, the candidate or his or her authorized committee(s) shall promptly notify the Commission of such newly-discovered assets. Newly-discovered assets may include refunds, rebates, late-arriving receivables, and actual receipts for capital assets in excess of the value specified in any previously-submitted statement of net outstanding campaign obligations. Newly-discovered assets may serve as a basis for additional repayment determinations under paragraph (f) of this section.

§ 9038.3 Liquidation of obligations; repayment.

(a) The candidate may retain amounts received from the matching payment account for a period not exceeding 6 months after the matching payment period to pay qualified campaign expenses incurred by the candidate.

(b) After all obligations have been liquidated, the candidate shall so inform the Commission in writing.

(c)(1) If on the last day of candidate eligibility the candidate's net outstanding campaign obligations, as defined in 11 CFR 9034.5, reflect a surplus, the candidate shall within 30 calendar days of the ineligibility date repay to the Secretary an amount which represents the amount of matching funds contained in the candidate's surplus. The amount shall be an amount equal to that portion of the surplus which bears the same ratio to the total surplus that the total amount received by the candidate from the matching payment account bears to the total deposits made to the candidate's accounts.

(2) For purposes of this subsection, total deposits shall be considered all deposits to all candidate accounts minus transfers between accounts, refunds, rebates, reimbursements, checks returned for insufficient funds, proceeds of loans and other similar amounts.

(3) Notwithstanding the payment of any amounts to the United States Treasury under this section, the Commission may make surplus repayment determination(s) which require repayment in accordance with 11 CFR 9038.2.

§ 9038.4 Extensions of time.

(a) It is the policy of the Commission that extensions of time under 11 CFR Part 9038 shall not be routinely granted.

(b) Whenever a candidate has a right or is required to take action within a period of time prescribed by 11 CFR Part 9038 or by notice given thereunder, the candidate may apply in writing to the Commission for an extension of time in which to exercise such right or take such action. The candidate shall demonstrate in the application for extension that good cause exists for his or her request.

(c) An application for extension of time shall be made at least 7 calendar days prior to the expiration of the time period for which the extension is sought. The Commission may, upon a showing of good cause, grant an extension of time to a candidate who has applied for such extension in a timely manner. The length of time of any extension granted hereunder will be decided by the Commission and may be less than the amount of time sought by the candidate in his or her application.

(d) If a candidate fails to seek an extension of time, exercise a right or take a required action prior to the expiration of a time period prescribed by 11 CFR Part 9038 the Commission may, on the candidate's showing of excusable neglect:

(1) Permit such candidate to exercise his or her right(s), or take such required action(s) after the expiration of the prescribed time period; and

(2) Take into consideration any information obtained in connection with the exercise of any such right or taking of any such action before making decisions or determinations under 11 CFR Part 9038.

PART 9039—REVIEW AND INVESTIGATION AUTHORITY

Sec.

9039.1 Retention of books and records.

9039.2 Continuing review.

9039.3 Examinations and audits; investigations.

Authority: Pub. L. 93-443, title IV, sec. 408(c), 88 Stat. 1301, as amended by Pub. L. 94-283, title III, sec. 304(b), 90 Stat. 499 (28 U.S.C. 9039).

§ 9039.1 Retention of books and records.

The candidate and his or her authorized committee(s) shall keep all books, records and other information required under 11 CFR 9033.11, 9034.2 and Part 9036 for a period of three years pursuant to 11 CFR 102.9(c) and shall furnish such books, records and information to the Commission on request.

§ 9039.2 Continuing review.

(a) In reviewing candidate submissions made under 11 CFR Part 9036 and in otherwise carrying out its responsibilities under this subchapter, the Commission may routinely consider information from the following sources:

(1) Any and all materials and communications which the candidate and his or her authorized committee(s) submit or provide under 11 CFR Part 9036 and in response to inquiries or requests of the Commission and its staff;

(2) Disclosure reports on file with the Commission; and

(3) Other publicly available documents.

(b) In carrying out the Commission's responsibilities under this subchapter, Commission staff may contact representatives of the candidate and his or her authorized committee(s) to discuss questions and to request documentation concerning committee activities and any submission made under 11 CFR Part 9036.

§ 9039.3 Examinations and audits; investigations.

(a) *General.* (1) The Commission will consider information obtained in its continuing review under 11 CFR 9039.2 in making any certification, determination or finding under this subchapter. If the Commission decides by an affirmative vote of four of its members that additional information must be obtained in connection with any such certification, determination or

finding, it will conduct a further inquiry. A decision to conduct an inquiry under this section may be based on information that is obtained under 11 CFR 9039.2, received by the Commission from outside sources, or otherwise ascertained by the Commission in carrying out its supervisory responsibilities under the Presidential Primary Matching Payment Account Act and the Federal Election Campaign Act.

(2) An inquiry conducted under this section may be used to obtain information relevant to candidate eligibility, matchability of contributions and repayments to the United States Treasury. Information obtained during such an inquiry may be used as the basis, or partial basis, for Commission certifications, determinations and findings under 11 CFR Parts 9033, 9034, 9036 and 9038. Information thus obtained may also be the basis of, or be considered in connection with, an investigation under 2 U.S.C. 437g and 11 CFR Part 111.

(3) Before conducting an inquiry under this section, the Commission will attempt to obtain relevant information under the continuing review provisions of 11 CFR 9039.2. Matching payments will not be withheld pending the results of an inquiry under this section unless the Commission finds patent irregularities suggesting the possibility of fraud in materials submitted by, or in the activities of, the candidate or his or her authorized committee(s).

(b) *Procedures.* (1) The Commission will notify the candidate of its decision to conduct an inquiry under this section. The notice will summarize the legal and factual basis for the Commission's decision.

(2) The Commission's inquiry may include, but is not limited to, the following:

(i) A field audit of the candidate's books and records;

(ii) Field interviews of agents and representatives of the candidate and his or her authorized committee(s);

(iii) Verification of reported contributions by contacting reported contributors;

(iv) Verification of disbursement information by contacting reported vendors;

(v) Written questions under order;

(vi) Production of documents under subpoena;

(vii) Depositions.

(3) The provisions of 2 U.S.C. 437g and 11 CFR Part 111 will not apply to inquiries conducted under this section except that the provisions of 11 CFR 111.12 through 111.15 shall apply to any orders or subpoenas issued by the Commission.

Dated: January 24, 1983.

Lee Ann Elliott,
Vice Chairman, Federal Election
Commission.

[FR Doc. 83-2268 Filed 2-3-83; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 157

[Docket No. RM81-19]

Publication of Project Cost Limits Under Blanket Certificates

AGENCY: Federal Energy Regulatory
Commission DOE.

ACTION: Order of the Director, OPR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.307(t), the Director of the Office of Pipeline and Producer Regulation computes and publishes natural gas pipeline project cost and annual dollar limits specified in Table I of 157.208(d) and Table II of 157.215(a) for each calendar year.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT:
Kenneth A. Williams, Director, OPR,
(202) 357-8500.

SUPPLEMENTARY INFORMATION:

Section 157.208(d) of the Commission's Regulations provides for project cost limits applicable to construction, acquisition, operation and miscellaneous rearrangement of facilities (Table I) authorized under the blanket certificate procedure (Order No. 234, 19 FERC ¶ 61,216). Section 157.215(a) specifies the calendar year dollar limit which may be expended on underground storage testing and development (Table II) authorized under the blanket certificate. Section 157.208(d) requires that the "limits specified in Tables I and II shall be adjusted each calendar year to reflect the 'GNP implicit price deflator' published by the Department of Commerce for the previous calendar year."

Pursuant to § 375.307(t) of the Commission's Regulations, the authority for the publication of such cost limits, as adjusted for inflation, is delegated to the Director of the Office of Pipeline and Producer Regulation. The cost limits for calendar years 1982 and 1983, as published in Table I of § 157.208(d) and Table II of § 157.215(a), are hereby issued.

List of Subjects in 18 CFR Part 157

Natural gas.

Issued: January 28, 1983.

Kenneth A. Williams,
Director, Office of Pipeline and Producer
Regulation.

TABLE I

	Limit	
	Auto. project cost limit (col. 1)	Prior notice project cost limit (col. 2)
Year:		
1982	\$4,200,000	\$12,000,000
1983	4,500,000	12,800,000

TABLE II

	Limit
Year:	
1982	\$2,700,000
1983	2,900,000

[FR Doc. 83-3004 Filed 2-3-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and
Organization; Director, Bureau of
Foods, et al.

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority on food- and color-related matters to update current delegations and add new delegations to Bureau of Foods' officials. The new delegations of authority will expedite the administrative handling of certain routine actions.

EFFECTIVE DATE: February 4, 1983.

FOR FURTHER INFORMATION CONTACT:
Robert L. Miller, Office of Management
and Operations (HFA-340), Food and
Drug Administration, 5600 Fishers Lane,
Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: In § 5.31 (21 CFR 5.31) a new paragraph (e) is added delegating to the Director and Deputy Director of the Bureau of Foods the authority to issue 180-day tentative responses to citizen petitions on food matters under § 10.30(e)(2)(iii) (21 CFR 10.30(e)(2)(iii)).

In § 5.61 (21 CFR 5.61) the section heading is revised, and the introductory

paragraph is designated as paragraph (a) and revised to add to the delegates the Deputy Directors of the Bureaus. Paragraph (b) is revised to delegate to the Director and Deputy Director of the Bureau of Foods the authority to issue notices of temporary permits for foods varying from standards of identity under § 130.17 (21 CFR 130.17) and approvals of the use of food additives under section 409(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(e)) and color additives under section 706(d) of the act (21 U.S.C. 376(d)). Paragraph (c) is added delegating to the Director, Deputy Director, Associate Director for Compliance, and Director of the Division of Food and Color Additives the authority to issue 90-day letters to food additive petitioners under section 409(c)(2) of the act and color additive petitioners under section 706(d)(1) of the act. Paragraph (d) is added to move the color certification delegation of authority from § 5.64 (21 CFR 5.64) to consolidate all color-related authorities into this expanded paragraph; in addition, the title "Associate Director for Technology" is changed to agree with the new title, "Associate Director for Physical Sciences."

Section 5.62 (21 CFR 5.62) is being added to delegate to the Director and Deputy Director of the Bureau of Foods authority to issue initial emergency permit orders under § 108.5 (21 CFR 108.5) and notices of confirmation of effective dates of final regulations on food matters promulgated under section 701(e) of the act.

Section 5.64 *Certification of color additives* (21 CFR 5.64) is being removed (paragraph (d) added to § 5.61 incorporates this material).

The Commissioner of Food and Drugs will retain authority over actions concerning provisionally listed color additives, and regulations that approve or amend approvals of food additive or color additive petitions where there is a novel or controversial issue, including any question about the applicability of the Delaney Anti-Cancer Clause. In addition, the Bureau Director will refer to the Commissioner for signature any document that in the Bureau Director's judgment should be signed by the Commissioner, even though it is within the authority delegated to the Bureau Director. The functions of the Commissioner under this reservation of authority may be exercised by an official authorized under § 5.20(b) (21 CFR 5.20(b)) to perform the functions of the Commissioner.

The Office of General Counsel will continue to review all *Federal Register* documents before publication.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. By adding new paragraph (e) to § 5.31, to read as follows:

§ 5.31 Petitions under Part 10.

(e) The Director and Deputy Director of the Bureau of Foods are authorized to issue 180-day tentative responses to citizen petitions on food matters under § 10.30(e)(2)(iii) of this chapter.

2. By revising § 5.61, to read as follows:

§ 5.61 Food standards, food additives, and color additives.

(a) The Director and Deputy Director of the Bureau of Foods and the Director and Deputy Director of the Bureau of Veterinary Medicine are authorized to perform all the functions of the Commissioner of Food and Drugs under sections 401, 409, and 706 of the Federal Food, Drug, and Cosmetic Act (the act) regarding the issuance of notices of proposed rulemaking pertaining to food standards and notices of filing of petitions on food additives and color additives that relate to the assigned functions of the respective Bureau.

(b) The Director and Deputy Director of the Bureau of Foods are authorized to perform all the functions of the Commissioner of Food and Drugs under sections 401, 409, and 706 of the act regarding the issuance of notices of temporary permits for foods varying from standards of identity under § 130.17 of this chapter; and approvals of the use of food additives under section 409(e) of the act, and color additives, other than those on the provisional list, under section 706(d) of the act, where these approvals do not involve novel or controversial issues, including any question about the applicability of the Delaney Anti-Cancer Clause.

(c) The Director and Deputy Director of the Bureau of Foods, the Associate Director for Compliance, and the Director and Deputy Director of the Division of Food and Color Additives of that Bureau are authorized to issue 90-day letters to food additive petitioners under section 706(d)(1) of the act.

(d) The Director and Deputy Director of the Bureau of Foods, the Associate Director and Deputy Associate Director for Physical Sciences, and the Director and Deputy Director of the Division of Color Technology of that Bureau are authorized to certify batches of color additives under section 706 of the act.

3. By adding new § 5.62, to read as follows:

§ 5.62 Issuance of initial emergency permit orders and notices of confirmation of effective date of final regulations on food matters.

The Director and Deputy Director of the Bureau of Foods are authorized to issue initial emergency permit orders under § 108.5 of this chapter and notices of confirmation of effective date of final regulations on food matters promulgated under section 701(e) of the Federal Food, Drug, and Cosmetic Act.

§ 5.64 [Removed]

4. By removing § 5.64 *Certification of color additives*.

Effective date. This regulation shall become effective February 4, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: January 25, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-3108 Filed 2-3-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 74, 81, and 82

[Docket No. 83N-0009]

FD&C Blue No. 2

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is "permanently" listing FD&C Blue No. 2 for use in food and ingested drugs. This action is in response to a petition filed by the Certified Color Industry Committee, now the Certified Color Manufacturers Association, Inc. This rule will remove FD&C Blue No. 2 from the provisional list of color additives for use in food and ingested drugs. Published elsewhere in this issue of the *Federal Register* is an order extending the closing date for the provisional listing of FD&C Blue No. 2 until April 29, 1983, to provide an

opportunity for the filing of objections to this order.

DATES: Effective March 8, 1983, objections by March 7, 1983.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Falci, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5741.

SUPPLEMENTARY INFORMATION:

I. Introduction

FD&C Blue No. 2 is a water soluble color additive of the indigoid class. It is used in coloring food and ingested drugs. The food uses include candy, frozen dairy desserts, coffee and tea, confections, and bakery goods. The ingested drug uses include over-the-counter preparations and prescription drugs for long-term use (over 6 weeks).

FD&C Blue No. 2 is principally the disodium salt of 2-(1,3-dihydro-3-oxo-5-sulfo-2H-indol-2-ylidene)-2,3-dihydro-3-oxo-1H-indole-5-sulfonic acid (CAS Reg. No. 860-22-0) with smaller amounts of the disodium salt of 2-(1,3-dihydro-3-oxo-7-sulfo-2H-indol-2-ylidene)-2,3-dihydro-3-oxo-1H-indole-5-sulfonic acid (CAS Reg. No. 54947-75-0) and the sodium salt of 2-(1,3-dihydro-3-oxo-2H-indol-2-ylidene)-2,3-dihydro-3-oxo-1H-indole-5-sulfonic acid (CAS Reg. No. 605-18-5).

The Color Additive Amendments of 1960 (the amendments) require FDA premarket clearance of any color additive that is intended to be used or that is represented for use in or on food, drugs, certain medical devices, cosmetics, or the human body. Under the amendments, a use of a color additive may be approved and listed if there are sufficient data establishing that the color additive is safe for this use.

Recognizing that many color additives were already in use at the time it enacted the amendments, Congress established transitional provisions to allow for the provisional listing and continued use of these color additives for the period of time necessary to complete scientific investigations needed to evaluate the safety of these substances under the standards prescribed in the amendments.

Section 81.1 of the color additive regulations (21 CFR 81.1) identifies those color additives that are provisionally listed under section 203(b) of the

Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-818, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)) and sets forth the closing date for each color additive. The closing date is the last day upon which a provisionally listed color additive can be used legally, absent approval of a color additive petition and permanent listing of the substance by FDA. (See section 203(a)(1) of the Transitional Provisions.)

FD&C Blue No. 2 has been provisionally listed for use in food and ingested drugs since the enactment of the amendments. During that time, a series of toxicological studies have been performed on this color additive. Based upon the evaluation of the results of these studies and other pertinent data, the agency has concluded that FD&C Blue No. 2 is safe for use in food and ingested drugs. Therefore, FDA is listing FD&C Blue No. 2 for these uses.

II. Regulatory History of FD&C Blue No. 2

FDA announced in the *Federal Register* of July 2, 1968 (33 FR 9627) that a petition (CAP 8C0064) for the listing of FD&C Blue No. 2 as a color additive for use in food and ingested drugs had been filed by the Certified Color Industry Committee (now the Certified Color Manufacturers Association, Inc. (CCMA)), 900 17th St. NW., Suite 600, Washington, DC 20006. The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

Regulations published in the *Federal Register* of February 4, 1977 (42 FR 6992) required new chronic toxicity studies for FD&C Blue No. 2 as a condition of its continued provisional listing for food and ingested drug uses because the studies conducted previously were not adequate under current standards. FDA placed this requirement on FD&C Blue No. 2 and 31 other color additives mentioned in the 1977 regulation because the toxicity studies the petitioners had submitted supporting the safe use of these color additives were deficient in several respects. FDA described these deficiencies in the *Federal Register* of September 23, 1976 (41 FR 41860):

1. Many of the studies were conducted using groups of animals, i.e., control and those fed the color additive, that are too small to permit conclusions to be drawn today on the chronic toxicity or carcinogenic potential of the color. The small number of animals used does not, in and of itself, cause this result, but when considered together with the other deficiencies in this listing, does do so. By and large, the studies used 25

animals in each group; today FDA recommends using at least 50 animals per group.

2. In a number of the studies, the number of animals surviving to a meaningful age was inadequate to permit conclusions to be drawn today on the chronic toxicity or carcinogenic potential of the color additives tested.

3. In a number of the studies, an insufficient number of animals was reviewed histologically.

4. In a number of the studies, an insufficient number of tissues was examined in those animals selected for pathology.

5. In a number of the studies, lesions or tumors detected under gross examination were not examined microscopically.

As a result of the February 4, 1977 order, the petitioners sponsored long-term oral feeding studies of FD&C Blue No. 2 in rats exposed in utero and in mice. The closing date for the provisional listing of the color additive for both food and ingested drug uses was postponed until January 31, 1981, for completion of the studies.

In the *Federal Register* of March 27, 1981 (46 FR 18954), the agency established a new closing date of October 30, 1982, for the complete evaluation of FD&C Blue No. 2. In the *Federal Register* of November 2, 1982 (47 FR 49637), the agency announced that it had decided to list this color additive but postponed the closing date until January 28, 1983, to allow for the uninterrupted use of FD&C Blue No. 2 while FDA prepared a final listing rule. When the order set forth below becomes effective, it will remove FD&C Blue No. 2 from the provisional list. Published elsewhere in this issue of the *Federal Register* is an order extending the closing date for the provisional listing of FD&C Blue No. 2 until April 29, 1983, to provide the opportunity for the filing of objections to this order.

FD&C Blue No. 2 is currently permanently listed as a color additive in nylon surgical sutures (21 CFR 74.1102). The specifications published in this regulation for food and ingested drug use identify FD&C Blue No. 2 more precisely and, therefore, differ from those currently established for FD&C Blue No. 2 for use in coloring sutures. FDA is listing the color additive with two sets of specifications and will propose in the near future to remove the current specifications for FD&C Blue No. 2 for use in coloring sutures. In the meantime, certified batches of FD&C Blue No. 2 that comply with either set of specifications may be used for sutures. FDA has determined that no harm to the

public health will result from continuing the suture regulation with different specifications until the agency can publish a proposal and issue a final regulation.

III. Safety Requirements and Studies on FD&C Blue No. 2 for Food and Ingested Drug Use

A. Statutory safety requirements. Under section 706(b)(4) of the act (21 U.S.C. 376(b)(4)), the so-called "general safety clause" for color additives, a color additive cannot be listed for a particular use unless the data presented to FDA establish that the color additive is safe for that use. Although what is meant by "safe" is not explained in the general safety clause, the legislative history makes clear that this word is to have the same meaning for color additives as for food additives. (See H. Rep. No. 1761, "Color Additive Amendments of 1960," Committee on Interstate and Foreign Commerce, 86th Cong., 2d Sess. 11 (1960).) The Senate report on the Food Additives Amendment of 1958 states:

The concept of safety used in this legislation involves the question of whether a substance is hazardous to the health of man or animal. Safety requires proof of a reasonable certainty that no harm will result from the proposed use of an additive. It does not—and cannot—require proof beyond any possible doubt that no harm will result under any conceivable circumstance.

This was emphasized particularly by the scientific panel which testified before the subcommittee. The scientists pointed out that it is impossible in the present state of scientific knowledge to establish with complete certainty the absolute harmlessness of any chemical substance.

S. Rep. No. 2422, "Food Additives Amendment of 1958," Committee on Labor and Public Welfare, 85th Cong., 2d Sess. 6 (1958).

FDA has incorporated this concept of safety into its color additive regulations. Under 21 CFR 70.3(i), a color additive is "safe" if "there is convincing evidence that establishes with reasonable certainty that no harm will result from the intended use of the color additive." Therefore, the general safety clause prohibits approval of a color additive if doubts about the safety of the additive for a particular use are not resolved to an acceptable level in the minds of competent scientists.

B. Safety studies on FD&C Blue No. 2. In reviewing food and color additive petitions, FDA routinely reviews all data submitted to it by the petitioner. The agency also reviews any other pertinent data that may be available to it. The agency's review includes consideration of the appropriateness of the data, of the methods used for their evaluation, and

of the conclusions drawn from them. On the basis of this review, the agency makes an independent scientific judgment on whether the additive is safe.

To establish that FD&C Blue No. 2 is safe for use in food and ingested drugs, the petitioners submitted reports on a number of animal toxicology studies for the color additive. Among the earlier studies were a lifetime oral feeding study in rats and a long-term oral carcinogenicity study in mice. These studies did not produce any evidence that the use of this color additive, for the petitioned uses, would be unsafe.

However, as stated above, in 1977 FDA required that additional chronic toxicity studies be conducted. As a result, CCMA sponsored additional chronic feeding studies on FD&C Blue No. 2: A long-term feeding study in mice and a long-term feeding study following in utero exposure to the color additive in rats. The studies were conducted by Bio/dynamics, Inc., East Millstone, NJ. The new long-term studies represent current state-of-the-art toxicological testing. The protocols for these studies have benefited from knowledge of deficiencies in previously conducted carcinogenesis bioassays and other chronic toxicity protocols. The use of large numbers of animals of both sexes, pilot studies to determine maximum tolerated dosages, two control groups (thereby effectively doubling the number of controls), and in utero exposure significantly increases the power of these tests to detect dose-related effects. The studies were designed and conducted in full compliance with the agency's good laboratory practice regulations and were subject to inspections during their course by FDA officials. On October 30, 1981, the agency received the final reports on these studies from CCMA. The description and results of the two studies are discussed below.

1. Long-term feeding study in mice. Charles River CD-1, COBS (ICR derived) mice were administered FD&C Blue No. 2 *ad libitum* at dietary levels of 0 percent (2 control groups), 0.5 percent, 1.5 percent, and 5.0 percent. Sixty males and 60 females were randomly selected for each group. The study was terminated at 22 months for the males and 23 months for the females by sacrificing the surviving animals. No adverse effects on general appearance, behavior, or survival of the mice were noted by the petitioner throughout the study. Not unexpectedly, gross post-mortem examinations of the treated mice revealed blue-green discoloration of the gastrointestinal tract. Also, there

was occasional concomitant coloration of the liver, gallbladder, and urine.

Mean body weights for males and females at the 5.0 percent dietary level of FD&C Blue No. 2 were slightly lower than those of the controls during the first 6 and 2 months, respectively, of the study. The mean body weights of the animals during the rest of the study were comparable. Food consumption, hematological values, organ weights, and gross necropsy showed no compound-related effects.

A review by FDA's Division of Pathology, Bureau of Foods (the Bureau), of the histopathologic findings contained in the final report revealed that there was an increased incidence of total liver (hepatocellular) neoplasms (hepatocellular adenomas plus hepatocellular carcinomas) in the high-dose group of male mice when compared to the concurrent control groups. In general, the agency believes that the appropriate procedure is to compare the incidences of hepatocellular tumors with the combined concurrent control groups (Ref. 1). When the agency made this comparison, it found that the incidence in the high-dose group compared to the combined control groups was not significant. Furthermore, there was a good deal of variability in the incidence of tumors between the control groups in this study. One control group had a zero incidence of hepatocellular tumors, a very unusual phenomenon in this strain of male mice, while the other had an incidence of 10.4 percent. The occurrence of the control group with a zero incidence exaggerated the difference between the combined controls and the high-dose group. A *p*-value greater than that calculated here (*p*=0.055) would be expected if the incidence of tumors in the control group was more consistent with the usual incidence found in this strain of mice in other laboratories. In three other laboratories testing the other color additives, 16 control groups of this strain of male mice displayed a range of spontaneous incidences of approximately 1 to 18 percent for hepatocellular carcinomas and a range of 0 to 13 percent for hepatocellular adenomas. The incidences of 6 percent and 10 percent for hepatocellular carcinomas and adenomas, respectively, in the male high-dosage group of the FD&C Blue No. 2 mouse study fall in the middle of these ranges, which makes them all the more an unremarkable finding. Based on these factors, FDA does not consider the observed hepatocellular tumors in male mice to be related to the administration of FD&C Blue No. 2.

2. *Long-term feeding study in rats.* The long-term feeding study in rats included in utero exposure to FD&C Blue No. 2. Charles River Albino (CD^(R)) rats (parental animals) were randomly assigned (60 males and 60 females per group) and mated to produce the F₁ generation. FD&C Blue No. 2 was mixed with standard laboratory chow and fed *ad libitum* to the parental animals during the mating and gestation period and to their offspring (the F₁ generation animals) during the long-term feeding study. The dosage levels of FD&C Blue No. 2 were 0 percent (2 control groups), 0.5 percent, 1.0 percent, and 2.0 percent in the diets of the parents and F₁ generation rats. Three hundred fifty males and 350 females selected randomly were assigned to the post-weaning segment (F₁ generation) of the study (70 males and 70 females per dosage group).

Interim sacrifice and necropsy of 10 rats/sex/group were performed at 12 months after the initiation of the post-weaning segment of the study (F₁ generation). The study was terminated at 122 weeks for males and 129 weeks for females. Histopathological examinations were performed on all preserved tissues from all animals in the control and high-dose groups. Histopathological evaluations of additional tissues from animals in the low- and mid-dosage groups were performed when indicated by experimental findings (e.g., gross changes of an uncertain nature and all tissue masses).

No effect on survival, general appearance, or behavior of the rats was noted for the parental animals fed diets containing FD&C Blue No. 2. Mean body weights among the groups of rats were comparable during the study, except some loss of weight was noted in the mid- and high-dose groups of females on day 21 of lactation.

In the F₁ generation, no compound-related changes in general appearance or behavior were observed in pups. No significant dose-related effect on viability of pups at birth or survival at weaning was noted. During the post-weaning period, prior to randomization, pup survival was significantly reduced in the groups fed 1.0 percent and 2.0 percent but not in those fed 0.5 percent of the test material. At the end of the lactation period mean body weights of the pups were significantly reduced for the mid- and high-dose groups but not for the low-dose group.

Following the selection of the F₁ generation rats for the study, no adverse effects on general appearance and behavior, body weights, or survival of the rats were noted. All treated groups

showed dose-related increased mean food consumption values compared to the control groups. Urine samples from the treated groups were generally blue to green in appearance. Urinalysis values for the control and treated groups were comparable. The survival at termination was similar for control and treated rats. Gross post-mortem examinations revealed blue or green discoloration of the gastrointestinal tract in some of the rats in the treated groups.

The testing laboratory's report of its histopathological examination revealed increased incidences of neoplasms in the brain, urinary bladder, and mammary gland for male rats in the treated groups compared to controls. The agency reviewed these findings, and in March 1982, the agency requested from the petitioner microslides of the brain and urinary bladder sections from male animals in the study for review by FDA pathologists. In addition, FDA requested that the petitioner provide the agency with historical control data concerning mammary tumors in male rats. By the beginning of July 1982, the agency had completed its review of the submitted data.

The petitioner reported an increased incidence in the urinary bladder transitional cell neoplasms in the high- and mid-dose groups of male rats when compared to the control group rats. After considering (1) the histopathologic findings of the Bureau's Division of Pathology from its review of the microslides of urinary bladders of male rats, (2) the fact that historical evidence indicates that urinary bladder transitional cell neoplasia in this rat strain is not rare, (3) the small number of urinary bladder neoplasms noted in the high-dose group, and (4) the fact that the number of tumors in the high-dose group was not significantly increased over the control groups, the Bureau's Cancer Assessment Committee (the Committee) concluded that the occurrence of urinary bladder tumors in the FD&C Blue No. 2 study was not related to treatment.

The petitioner also reported an elevated incidence of malignant tumors of the mammary gland in male rats in the high-dosage group. Three male rats were reported with malignant mammary tumors in this group compared to none in either of the concurrent control groups. No benign tumors of the mammary gland were reported in this high-dosage group. In the two concurrent control groups on the other hand, although no malignant mammary tumors were reported, the number of animals with benign mammary tumors was reported to be 1 and 3, respectively (Ref. 2). Agency scientists believe that

the best procedure is to evaluate the combined incidence of benign and malignant mammary neoplasms in each dose group because of the inherent difficulty in definitively interpreting these tumors upon routine microscopic examination (Ref. 3). When these tumors were combined, the incidence of mammary tumors in the high-dosage group (3/51) was not significantly higher than the incidence in the two control groups (4/114). Thus, the Committee concluded that the incidences were so low and the difference between control and high-dose group so small that there was no evidence of a treatment-related effect of FD&C Blue No. 2 on the occurrence of mammary tumors in male rats.

However, the questions created by the reported incidence of brain gliomas in males in the high-dose treated group compared to control groups were not as easily resolved. The statistical analyses performed by the petitioner and the agency suggested that the difference between the incidence of brain gliomas in treated and control animals was possibly not due to chance. Nevertheless, the Committee was reluctant to conclude that FD&C Blue No. 2 is a carcinogen because of a number of biological findings that were not consistent with such a conclusion, including the lack of gliosis in the high-dose animals and the fact that the two earliest observed gliomas of the brain occurred in control animals. In addition, the Committee found that interpretation of the results was more difficult because information on the historical incidence of brain gliomas in Charles River Albino (CD^(R)) rats that survive for 30 months (rather than the more traditional 24 months) was not readily available.

Thus, in July 1982, FDA found that it could not draw any definitive conclusions on the meaning of the increased incidence of gliomas in the high-dose group. Because FDA tries to resolve definitively the issues presented in a petition (see confirmation of effective date for D&C Green No. 5; 47 FR 49628, 49629; November 2, 1982), the agency decided to request review of the data by the Board of Scientific Counselors (the Board) of the National Toxicology Program (NTP) (Refs. 4 and 5).

IV. Peer Review

In the Federal Register of July 9, 1982 (47 FR 29880), the Board announced that a meeting would be held on August 11, 1982, to provide peer review of the data from the chronic carcinogenesis bioassay of FD&C Blue No. 2. The Board,

with consultants, included the following members:

Lella Diamond, Ph.D., Professor, Wistar Institute, 36th St. and Spruce, Philadelphia, PA 19104.

Curtis Harper, Ph.D., Associate Professor, Department of Pharmacology, School of Medicine, University of North Carolina, Chapel Hill, NC 27514.

Margaret Hitchcock, Ph.D., Associate Fellow, John B. Pierce Foundation Laboratory, New Haven, CT 06519.

Jerry B. Hook, Ph.D., Professor and Director, Center for Environmental Toxicology, Michigan State University, East Lansing, MI 48824.

Majorie G. Horning, Ph.D., Professor of Biochemistry, Institute for Lipid Research, Baylor College of Medicine, 1200 Moursund, Rm. 826-E, Houston, TX 77030.

James A. Swenberg, D.V.M., Ph.D., Chief, Pathology Department, Chemical Industry Institute of Toxicology, 6 Davis Dr., Research Triangle Park, NC 27709.

Norton Nelson, Ph.D., Chairman, Professor, Institute of Environmental Medicine, 550 First Ave., New York, NY 10016.

Consultants:

Roy Shore, Ph.D., D.P.H., New York University Medical Center, Health Survey Unit, 2nd Floor, 341 E. 25th St., New York, NY 10020.

Richard Griesemer, D.V.M., Ph.D., Director, Biology Division, P.O. Box Y, Oak Ridge National Laboratory, Oak Ridge, TN 37830.

Carl M. Leventhal, M.D., Acting Director, Demyelinating, Atrophic, and Dementing Disorders Program, National Institute of Neurological and Communicative Disorders and Stroke, Federal Bldg., Rm. 714, Bethesda, MD 20205.

During the Board's meeting on FD&C Blue No. 2, presentations were made by representatives of FDA, the petitioner, and others. Dr. Griesemer and Dr. Shore, the Board's consultants, were in agreement with FDA concerning the bladder and mammary tumors. At the meeting, Dr. Griesemer stated, "I agree with the FDA on the breast tumors. I don't see any evidence there to associate the occurrence of breast tumors with the compound." (Ref. 5 at 81.) Concerning the bladder tumors, Dr. Griesemer stated, "I think the whole bladder issue can be dismissed as related to cystitis and calculus formation * * *. I don't think there is any reason to believe that the bladder lesions are cancers related to administration of the compound." (Ref. 5 at 82.) Dr. Shore stated, "I concur with

both the Bio/dynamics and FDA that there is no clear evidence of increases of tumors of the urinary bladder or mammary glands in the high dose male rats * * *." (Ref. 5 at 84.) After considering the data, the Board concluded:

Dietary administration of FD&C Blue No. 2 to male rats resulted in an excess of brain gliomas when compared to controls in the same study. Biological considerations against positive compound-related carcinogenicity are: (1) Lack of evidence of preneoplastic lesions; (2) lack of reduction in time-to-tumor formation compared to controls; and (3) negative bacterial mutagenicity tests. Contemporary controls from the same laboratory showed a wide variation in incidence of brain gliomas, and one of these groups has an incidence nearly as high as that found in the high dose group. There was no excess of gliomas in female rats and in mice of either sex. There was no excess of tumors in other tissues examined including urinary bladders and mammary glands in any treated group when compared to controls. Based on this study, it is concluded that except for brains of male rats for which the data are equivocal, there is no evidence for carcinogenicity in rats or mice of either sex for all organs examined.

V. Request for Further Data

Although NTP review did not provide a definitive resolution of the issues presented by FD&C Blue No. 2, the discussion before the Board did provide the agency with new insights into those issues. As a result of the meeting, FDA decided that examination of additional brain sections was necessary to determine whether there were any gliomas in high dose, control, or other treatment group animals that had been missed in the initial routine examination. Because the brain gliomas were observed only upon microscopic examination and not gross examination, the agency believed that additional sampling of brains was necessary. The agency also believed that the additional sections would be useful in providing further information about the occurrence of gliomas as related to the animal's termination history, as well as about the presence of any other related lesions. Therefore, on August 27, 1982, FDA met with the petitioner and agreed on a protocol for collecting information from examination of additional brain sections from these animals.

On September 21, 1982, the sponsor submitted to the Bureau for its review and evaluation the following: (1) Microslides of nine additional brain sections, taken whenever possible, from each brain of male rats not having previously been diagnosed as having a brain glioma, (2) results of the sponsor's microscopic examination, and (3)

microslides of the three sections routinely examined from each brain of male rats in the FD&C Green No. 3 contemporary control group. The agency was interested in the latter microslides because the FD&C Green No. 3 study was performed by the same laboratory as, was started within 1 month of, and was conducted under the same protocol as, the FD&C Blue No. 2 study. This control group had a reported glioma incidence similar to that in the high-dose group of the FD&C Blue No. 2 study. The agency believed that microscopic examination of the FD&C Green No. 3 control group brain slides would provide not only a validation of the brain lesions in this group reported by the performing laboratory but also a morphologic comparison to the brain lesions observed in the animals of the FD&C Blue No. 2 study. All pathologists (both the petitioner's and FDA's) who examined slides of the additional brain sections did so initially without knowing the identity of the experimental group from which the slides were taken.

VI. Findings From the Second Examination

The microslide review of the additional brain sections from the FD&C Blue No. 2 study both by the contracting laboratory and by FDA's pathologists revealed four additional male rats with brain gliomas (Ref. 24). Of the four rats with gliomas, two occurred in the control group in which none was reported previously and one each in the low- and high-dose groups. Thus, the total number of gliomas found in the male rats in the study was two in each of the two FD&C Blue No. 2 concurrent control groups, two in the low-dose group, two in the mid-dose group, and seven in the high-dose group. Statistical analysis of the new incidences resulted in *p*-values that were increased from those calculated from the original incidences for pairwise comparison of controls to high dose from *p*-0.017 to 0.038 for the Cox (Ref. 6) and from *p*-0.040 to 0.053 for the Breslow (Ref. 6) time-adjusted analyses. The *p*-values for the dose-related trend for the incidences of gliomas increased from *p*-0.005 to 0.018 for the Cox and from *p*-0.021 to 0.047 for the Breslow.

Microscopic examination by FDA's pathologists of the microslides containing brain sections from the FD&C Green No. 3 contemporary control group male rats also confirmed the performing laboratory's diagnosis of the brain gliomas in this study. In addition, the agency's pathologists found an additional glioma-bearing rat which had been diagnosed by the performing

laboratory as having gliosis. With this addition, the incidence of brain gliomas in this contemporary control group increased to six. In addition, the agency's pathologists confirmed that the brain gliomas in the FD&C Blue No. 2 treatment groups were no different in morphologic appearance than those in the concurrent control or those in the FD&C Green No. 3 contemporary control group. In the FD&C Blue No. 2 study, even after examination of additional brain sections, no brain gliomas were noted in any of the animals dying earlier than the two control group animals with brain gliomas that had been reported on the original examination.

VII. Evaluation of Data

A. Introduction. With the benefit of the insights of the Board and of the information from the additional sections of the rat brains, FDA reevaluated the data developed in the rat bioassay of FD&C Blue No. 2. Because the Board had agreed with the agency's conclusion that there was no evidence of a treatment-related effect for FD&C Blue No. 2 on the occurrence of urinary bladder tumors and mammary tumors in male rats, the agency found no reason to reconsider these data. The issue that remained to be resolved was the meaning of the higher number of brain gliomas in the high-dose male rat group.

The statistical analysis of the data following the second examination resulted in increased *p*-values from those calculated following the initial examination. The incidence of gliomas in male rats produces *p*-values of 0.038 and 0.053 for the pairwise comparison of control to high-dose groups for the Cox and Breslow time-adjusted analyses, respectively. For the detection of a dose-related trend for the incidence of gliomas, the *p*-values using the Cox and Breslow methods are 0.018 and 0.047, respectively.

These *p*-values are below or slightly above 0.05, a value sometimes considered significant for a single question experiment. However, the current carcinogen bioassays are multiple question experiments that involve (1) multiple-dose testing, (2) statistical tests on multiple tissue sites, and (3) focus on the extreme of two *p*-values computed from two time-adjusted tests. The chances of observing low *p*-values for events that are not related to treatment become greater under these circumstances than when only one question is addressed. Therefore, although statistical methods provide insight into the likelihood of being right or wrong in making specific conclusions, they do not provide for certainly as to whether an increase or

decrease in tumor incidence is related to treatment. The agency believes, as has been expressed by others, that as a result, "any decision process concerning the carcinogenic potential of a test chemical must incorporate the experience and knowledge of other disciplines such as pathology, toxicology, and pharmacology" (Ref. 7). Therefore, the agency has consistently asserted that statistical factors must be analyzed in conjunction with biological factors in determining what, if any, conclusions can be drawn from a study (see Commissioner's decision in Cyclamate; 45 FR 61474, 61478; September 16, 1980). As the Commissioner stated in the Aspartame decision:

The factors to be considered in determining biological significance (including a lack of dose response) may increase or decrease that confidence (that may otherwise be placed in low *p*-values).

46 FR 38285, 38299 (July 24, 1981) (emphasis in original).

The reason biological and statistical evidence must be considered together is because there are factors other than treatment that can affect the outcome of any experiment. These factors can be collectively viewed as "noise" or extraneous variability and can account, singly or collectively, for effects seen in the experiment. The statistical tests used to analyze tumor incidence data are based on mathematical models that do not take into account this extraneous variation (Ref. 1). Thus, biological factors must be brought to bear and may be determinative when evaluating the results of a carcinogenesis bioassay.

For example, in the FD&C Blue No. 2 study, six male rats in control groups were found to have granular cell tumors of the brain, as compared to one in the low-dose group and none in the other treatment groups. These results provide for a significantly negative dose response. Thus, it could be argued that FD&C Blue No. 2 inhibited the occurrence of these tumors. However, when this finding is evaluated in the light of biological factors, it becomes clear that this result is not a real treatment-related effect.

Also, as noted by the Board, contemporary control groups from the same laboratory displayed a wide variation of incidence in gliomas. One of the control groups from the FD&C Green No. 3 study has six male rats bearing gliomas. This number was the same as that found in the high-dosage group of male rats in the FD&C Blue No. 2 study under the original sampling protocol. Based upon the experimental controls, the occurrence of six male rats with

gliomas in the high-dosage group of the FD&C Blue No. 2 study might be perceived to be a relatively rare chance event. However, the fact that the same number was observed in a contemporary control group that was very close to being a concurrent control group of the FD&C Blue No. 2 study supports the possibility of the existence of the extraneous variation mentioned above and underscores the need to consider the biological evidence.

There are a number of other biological factors, drawn mostly from knowledge of the actions of known carcinogens, that either do not support or tend to contradict the conclusion that the observed increase in brain gliomas among male rats in the high dose group in the FD&C Blue No. 2 bioassay was treatment related.

FDA has evaluated all the results of the FD&C Blue No. 2 bioassay using these biological criteria, which are regarded as appropriate for determining whether a substance is a brain carcinogen. For each criterion, FDA has not found the evidence that would be consistent with the conclusion that a carcinogenic process is present. Although none of these criteria individually establishes a basis for concluding that this substance is not a carcinogen, taken together, the cumulative weight of these factors establishes a reasonable certainty that FD&C Blue No. 2 is not a carcinogen. A discussion of each of these factors, and of the evidence on FD&C Blue No. 2 that is relevant, follows.

B. Discussion of biological effects. In the rat bioassay of FD&C Blue No. 2, there was an increased number of brain gliomas in the male in the high-dose group compared to control groups. This finding could be interpreted to mean that this color additive has an effect on brain tissue. The cumulative experience with bioassays establishes, however, that if this effect was actually treatment related, there would be some supporting evidence. For FD&C Blue No. 2, no other scientific information, including data from the female rats and from the mouse bioassay, supports that the observed increase in brain gliomas is associated with treatment.

1. While almost any increase in tumor incidence in the high-dosage group only is compatible with a dose-related trend from a statistical point of view, a dose-related trend for gliomas in this study has not been confirmed in male rats because no increases were observed in the mid- and low-dosage groups. Data from low- and mid-dosage groups offer no scientific information in support of

the notion that the higher number of animals with glioma in the high-dose group is treatment related. Thus, no dose response was established in the FD&C Blue No. 2 rat bioassay.

2. Data from studies on bona fide glioma-producing carcinogens usually show evidence of gliosis and other toxic manifestations to glia and other cells of the brain (Refs. 8, 13, and 16). (Gliosis may be considered to be a preneoplastic lesion in the chemically induced production of gliomas.) Carcinogens are generally either reactive or are metabolized to reactive chemical compounds that are fairly nonspecific and capable of including cellular injury indicative of both neoplastic and non-neoplastic processes (Refs. 10 and 11). Therefore, FDA would expect a neurocarcinogen to produce non-neoplastic cellular changes in addition to frank neoplasia.

In the FD&C Blue No. 2 study, although the agency pathologists observed a few instances of gliosis, they were sporadic, and there was no indication that the gliosis bore any relationship to treatment. Although the only increase of gliomas was observed in the high-dose group of the study, there was no gliosis observed in any of the rats in this group in the initial examination. Agency pathologists were able to reaffirm the absence of gliosis in the high-dose group on the basis of their examination of the additional sections. Additionally, examination of the brains failed to uncover any other toxic lesions in these male rats that were related to treatment.

3. Carcinogens not only increase the incidence of tumors but also reduce the latency period to the appearance of the tumors. This is particularly true of brain carcinogens administered in utero (Refs. 9, 14, and 15). Fetal brain tissue is particularly sensitive to the action of carcinogenic agents. Some of the most dramatic reductions in latency periods that have been observed have been caused by carcinogens administered in utero to rats. For example, one hundred percent incidence of brain tumors that are lethal to rats before they are a year old have been observed with ethylnitrosourea administered only once during gestation (Ref. 15). Thus, FDA would expect it likely that evidence of a decreased latency period would accompany evidence of increased tumor incidence caused by a brain carcinogen administered in utero.

In the FD&C Blue No. 2 study, the second examination of the rat brains reconfirmed that, based on the mortality record of these animals, there was no earlier occurrence of brain gliomas found in treated rats. As stated

previously, the two earliest observed gliomas of the brain occurred in the control groups, and the examination of the additional sections failed to reveal any evidence of earlier-occurring gliomas in treated animals. In addition, agency pathologists, in their review of the FD&C Green No. 3 control group, confirmed a glioma that was observed earlier than any of the gliomas in the control or treated groups of the FD&C Blue No. 2 study.

4. Neurocarcinogens induce gliomas that have varying, i.e., increasing, degrees of anaplasia indicating progression of the tumors to more malignant states. The induced tumors are also often multiple and invasive (Refs. 8, 17, and 18). In contrast, spontaneously occurring gliomas are usually singular and tend to be well differentiated (Ref. 18). FDA would thus expect some evidence of neoplastic progression as well as the existence of multiple gliomas to be produced by a neurocarcinogen.

Both the initial and the more extensive examination of the brains did not reveal any neoplastic progression or any multiple gliomas in the FD&C Blue No. 2 study. Although no additional brain sections were taken from rats originally diagnosed with gliomas, the agency's initial examination of the brains of these rats suggested that the neoplasms were not multiple. The four animals identified during examination of additional brain sections as having brain gliomas had tumors (glioma) that were solitary and relatively small. All of the gliomas examined in the FD&C Blue No. 2 study and in the FD&C Green No. 3 control group were non-invasive except for one relatively invasive glioma that occurred in the FD&C Green No. 3 control group.

5. For a substance to act as a neurocarcinogen, brain tissue must be exposed to the substance at concentrations high enough to produce cellular change necessary to the neoplastic process. There exists in rats (and humans) a blood-brain barrier to chemical compounds that are polar or ionic and relatively lipid insoluble (Ref. 12). Less polar, lipid soluble compounds can pass through this barrier relatively easily. For example, classes of known neurocarcinogens, such as the nitrosoureas, are relatively non-polar and lipid soluble and, thus, are able to penetrate the blood-brain barrier and affect brain tissue.

FD&C Blue No. 2 and its known main metabolites have sulfonic acid groups in their molecular structure. These groups are ionic at physiological pH. This characteristic makes them unlikely to be able to penetrate the blood-brain barrier

and reach glia and other brain tissue. This low potential for reaching brain tissue is consistent with the findings of the histopathological evaluation of the brain that revealed no evidence of any pathological alteration to brain tissue that could be associated with treatment.

Because the FD&C Blue No. 2 rat study involved in utero exposure to the color additive, and the blood-brain barrier is relatively undeveloped in the fetal brain, presumably, there may have been an opportunity for exposure to substances normally excluded from brain tissue during this period. However, as stated above, agency pathologists found none of the enhancing effects associated with in utero exposure to brain carcinogens.

6. Substances known to cause brain cancer of various types, including glioma, are mutagenic to the standard microbial test systems (Ref. 22). FD&C Blue No. 2 did not produce a mutagenic effect when tested in several microbial assays.¹

7. Although the use of structure activity relationships is not sufficient in itself to make definite conclusions about the potential carcinogenicity of a compound, an extensive body of knowledge has accumulated about classes of chemical carcinogens that are carcinogenic to laboratory animals (Refs. 10 and 11). The molecular structure of FD&C Blue No. 2 is not closely related to any of these classes of carcinogens, let alone known classes of brain carcinogens. FD&C Blue No. 2 also does not have any structural features that might be predictive of carcinogenicity. In fact, it contains sulfonic acid groups in its molecular structure. The alteration of chemical carcinogens by introducing sulfonic acid groups into their structure has led to the elimination of their carcinogenic activity, and these groups are considered to be a structural feature that reduces the likelihood of the compound being a carcinogen (Refs. 19, 20, and 21).

Thus, taken as a whole, these factors provide no support for any conclusion other than that FD&C Blue No. 2 has not been shown to be a carcinogen, and that the increased number of tumors among male rats in the high-dose group was not related to treatment. FDA was reluctant

¹ FDA reported to the Board that FD&C Blue No. 2 had a positive effect in a transformation test and a clastogenic effect in Chinese hamster ovary cells. Summary minutes of the Board of Scientific Counselors' Meeting, NTP, August 11, 1982, p. 3 (Ref. 4). However, FDA subsequently reexamined the underlying studies and discovered that they are faulty, and that they cannot be relied upon to establish the transformation ability or genotoxicity of this compound (Ref. 23).

to make such a conclusion on the basis of its original review of the data. However, as a result of the comments on the data by the Board, of the higher *p*-values that resulted after the new sections were examined, and of the confidence the additional sections provide that the agency has been given as complete a view of the high-dose and control brains as is reasonably practicable and, therefore, that any treatment-related effect would have been discovered, the agency now is able to find that the data do establish to a reasonable certainty that FD&C Blue No. 2 does not cause harm.

VII. Estimated Allowable Intake and Exposure to FD&C Blue No. 2

Using appropriate safety factors (see 21 CFR 70.40) and the chronic rat feeding study, the agency has estimated a maximum acceptable daily intake of FD&C Blue No. 2 for humans of approximately 2.5 milligrams per kilogram of body weight per day or 150 milligrams per day for a 60 kilogram person. FDA determined this acceptable daily intake on the basis of the low dose used in the rat study, where no toxic effects were observed. Based on its review of available data on the current uses of FD&C Blue No. 2, FDA has also estimated that the upper limit lifetime-average internal exposure to this color additive from food, including dietary supplements, and ingested drugs is 13 milligrams per day (food, 3 milligrams; ingested drugs, 10 milligrams). Thus, the acceptable daily intake of FD&C Blue No. 2 is approximately 12 times the estimated intake of the color additive.

IX. References

The following references are on file in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

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15. Koestner, A., J. A. Swenberg, and W. Wechsler, "The Transplacental Production of Neoplasms of the Nervous System in Rats with Ethylnitrosourea," *American Journal of Pathology*, 63, 37-56, 1971.
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17. Swenberg, J. A., "Current Approaches to the Experimental Investigation of Chemicals in Relation to Cancer of the Brain," in "Annals of the New York Academy of Sciences," Vol. 381, 1982.
18. Ward, J. M. and J. M. Rice, "Naturally Occurring and Chemically Induced Brain Tumors of Rats and Mice in Carcinogen Bioassays," in "Annals of the New York Academy of Sciences," Vol. 381, 1982.
19. Clayson, D. B., "Chemical Carcinogenesis," Little, Brown, Boston, p. 264, 1962.
20. Arcos, J. and M. Argus, "Chemical Induction of Cancer—Structural Bases and Biological Mechanisms," Vol. IIB, Academic Press, New York, p. 202, 1974.
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23. Memorandum from Color and Cosmetics Evaluation Branch to Petitions Control Branch, Subject: Genotoxicity of FD&C Blue No. 2, File No. 201.

24. Supplemental Pathology Report on FD&C Blue No. 2 (Pathology Project, Project No. PR-77).

X. Conclusion

The agency, following evaluation of all available data, concludes that FD&C Blue No. 2 is safe for general use in food and ingested drugs, and that certification is necessary for the protection of the public health. The final toxicity study reports, interim reports, and the agency's toxicology evaluations of these studies are on file at the Dockets Management Branch (address above) and may be reviewed in that office between 9 a.m. and 7 p.m., Monday through Friday.

The agency is establishing new chemical specifications in 21 CFR 74.102(b) that identify FD&C Blue No. 2 more precisely than those specifications currently in 21 CFR Part 82. Also, the chemical name for the color additive in the new listing under 21 CFR Part 74 is different from the name currently listed under Part 82. The agency is listing the nomenclature designated in the Chemical Abstracts Index Guide (September 1982) because the agency believes that it gives the best description of the color additive.

The agency concludes that it is necessary to include in the listing regulation for FD&C Blue No. 2 a brief description of the manufacturing process to ensure the safety of the color additive. The agency is concerned that the color additive may contain potentially toxic impurities dependent upon the manufacturing process used to produce the color additive. The agency is not able at this time to set specifications that would control the presence of these impurities. The agency has contracted with the National Academy of Sciences/National Research Council to develop appropriate specifications for color additives including FD&C Blue No. 2 for use in food as part of the Food Chemicals Codex. These specifications would also be adopted for color additives used in drugs and cosmetics. The agency concludes that specifying, through a general description, the manufacturing process in the regulations for this color additive will provide adequate assurance of safety until suitable specifications can be developed. Production of the color additive by the specified method will assure

qualitatively similar batches and thus adequately assure the absence of any potentially toxic impurities. The agency is including a description of the manufacturing procedure in 21 CFR 74.102(a) and is incorporating it by reference in 21 CFR 74.1102(a)(1).

The agency has determined under 21 CFR 25.24(d)(5) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 74

Color additives, Color additives subject to certification, Cosmetics, Drugs.

21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

21 CFR Part 82

Color additives, Color additives lakes, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d))) and the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 74, 81, and 82 are amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. Part 74 is amended:

a. By adding new § 74.102 to Subpart A, to read as follows:

§ 74.102 FD&C Blue No. 2.

(a) *Identity.* (1) The color additive FD&C Blue No. 2 is principally the disodium salt of 2-(1,3-dihydro-3-oxo-5-sulfo-2H-indol-2-ylidene)-2,3-dihydro-3-oxo-1H-indole-5-sulfonic acid (CAS Reg. No. 860-22-0) with smaller amounts of the disodium salt of 2-(1,3-dihydro-3-oxo-7-sulfo-2H-indol-2-ylidene)-2,3-dihydro-3-oxo-1H-indole-5-sulfonic acid (CAS Reg. No. 54947-75-0) and the sodium salt of 2-(1,3-dihydro-3-oxo-2H-indol-2-ylidene)-2,3-dihydro-3-oxo-1H-indole-5-sulfonic acid (CAS Reg. No. 605-18-5). Additionally, FD&C Blue No. 2 is obtained by heating indigo (or indigo paste) in the presence of sulfuric acid. The color additive is isolated and

subjected to purification procedures. The indigo (or indigo paste) used above is manufactured by the fusion of *N*-phenylglycine (prepared from aniline and formaldehyde) in a molten mixture of sodamide and sodium and potassium hydroxides under ammonia pressure. The indigo is isolated and subjected to purification procedures prior to sulfonation.

(2) Color additive mixtures for food use (including dietary supplements) made with FD&C Blue No. 2 may contain only those diluents that are suitable and that are listed in Part 73 of this chapter as safe for use in color additive mixtures for coloring foods.

(b) *Specifications.* The color additive FD&C Blue No. 2 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such other impurities may be avoided by current good manufacturing practice:

Sum of volatile matter at 135° C (275° F) and chlorides and sulfates (calculated as sodium salts), not more than 15 percent. Water insoluble matter, not more than 0.4 percent.

Isatin-5-sulfonic acid, not more than 0.4 percent.

5-Sulfoanthranilic acid, not more than 0.2 percent.

Disodium salt of 2-(1,3-dihydro-3-oxo-7-sulfo-2H-indol-2-ylidene)-2,3-dihydro-3-oxo-1H-indole-5-sulfonic acid, not more than 18 percent.

Sodium salt of 2-(1,3-dihydro-3-oxo-2H-indol-2-ylidene)-2,3-dihydro-3-oxo-1H-indole-5-sulfonic acid, not more than 2 percent.

Lead (as Pb), not more than 10 parts per million.

Arsenic (as As), not more than 3 parts per million.

Mercury (as Hg), not more than 1 part per million.

Total color, not less than 85 percent.

(c) *Uses and restrictions.* The color additive FD&C Blue No. 2 may be safely used for coloring foods (including dietary supplements) generally in amounts consistent with current good manufacturing practice except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act unless added color is authorized by such standards.

(d) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Certification.* All batches of FD&C Blue No. 2 shall be certified in accordance with regulations in Part 80 of this chapter.

b. By revising § 74.1102, to read as follows:

§ 74.1102 FD&C Blue No. 2.

(a) *Identity.* (1) The color additive FD&C Blue No. 2 shall conform in identity to the requirements of § 74.102(a)(1).

(2) Color additive mixtures for use in ingested drugs made with FD&C Blue No. 2 may contain only those diluents that are suitable and that are listed in Part 73 of this chapter as safe for use in color additive mixtures for coloring drugs.

(b) *Specifications.* (1) The color additive FD&C Blue No. 2 for use in coloring surgical sutures shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by current good manufacturing practice:

Sum of volatile matter at 135° C (275° F) and chlorides and sulfates (calculated as sodium salts), not more than 15 percent. Water insoluble matter, not more than 0.4 percent. Isatin-5-sulfonic acid, not more than 0.4 percent. Isomeric colors, not more than 18 percent. Lower sulfonated subsidiary colors, not more than 5 percent. Lead (as Pb), not more than 10 parts per million. Arsenic (as As), not more than 3 parts per million. Total color, not less than 85 percent.

(2) The color additive FD&C Blue No. 2 for use in coloring ingested drugs shall conform to the specifications in § 74.102(b).

(c) *Uses and restrictions.* (1) The color additive FD&C Blue No. 2 may be safely used for coloring nylon (the copolymer of adipic acid and hexamethylene diamine) surgical sutures for use in general surgery subject to the following restrictions:

(i) The quantity of color additive does not exceed 1 percent by weight of the suture.

(ii) The dyed suture shall conform in all respects to the requirements of the U.S.P.

(iii) When the sutures are used for the purposes specified in their labeling, the color additive does not migrate to the surrounding tissues.

(iv) If the suture is a new drug, an approved new drug application, pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act, is in effect for it.

(2) The color additive FD&C Blue No. 2 may be safely used for coloring ingested drugs in amounts consistent with current good manufacturing practice.

(d) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Certification.* All batches of FD&C Blue No. 2 shall be certified in accordance with regulations in Part 80 of this chapter.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS AND COSMETICS

2. Part 81 is amended:

§ 81.1 [Amended]

a. In § 81.1 *Provisional lists of color additives*, by removing the entry "FD&C Blue No. 2" from the table in paragraph (a).

§ 81.27 [Amended]

b. In § 81.27 *Conditions of provisional listing*, by removing the entry "FD&C Blue No. 2" from the table in paragraph (d).

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

3. Part 82 is amended by revising § 82.102, to read as follows:

§ 82.102 FD&C Blue No. 2.

The color additive FD&C Blue No. 2 shall conform in identity and specifications to the requirements of § 74.102(a)(1) and (b) of this chapter.

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 7, 1983, submit to the Dockets Management Branch (address above) written objection thereto. Objections shall show how the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objections shall state the issue for the hearing and shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Three copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This final rule shall

become effective March 8, 1983, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the Federal Register.

(Sec. 706(b), (c) and (d), 74 Stat. 399-403 (21 U.S.C. 376(b), (c), and (d)); sec. 203, Pub. L. 88-618, 74 Stat. 409-407 (21 U.S.C. 376, note))

Dated: January 28, 1983.

Arthur Hull Hayes, Jr.

Commissioner of Food and Drugs.

[FR Doc. 83-2812 Filed 1-28-83; 2:50 pm]

BILLING CODE 4160-01-M

21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of FD&C Blue No. 2; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of FD&C Blue No. 2 for use as a color additive in food and ingested drugs. The new closing date will be April 29, 1983. This brief postponement will provide time for receipt and evaluation of any objections submitted in response to the final regulation (published elsewhere in this issue of the Federal Register) approving the petition for the listing of FD&C Blue No. 2 for these uses.

EFFECTIVE DATE: Effective January 28, 1983, the new closing date for FD&C Blue No. 2 will be April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of January 28, 1983, for the provisional listing of FD&C Blue No. 2 by a rule published in the Federal Register of November 2, 1982 (47 FR 49837). The agency extended the closing date until January 28, 1983, to provide time for the preparation of a document that explains the basis for the agency's decision to approve this color additive.

Elsewhere in this issue of the Federal Register, FDA is publishing that document and a regulation that lists FD&C Blue No. 2 for use in food and ingested drugs. The regulation set forth below will postpone the January 28, 1983 closing date for the provisional listing of the color additive until April 29, 1983. This postponement will provide

sufficient time for the receipt and evaluation of any comments or objections submitted in response to the regulation that lists FD&C Blue No. 2 for use in food and ingested drugs.

Because of the shortness of time until the January 28, 1983 closing date, FDA concludes that notice and public procedure on this regulation are impracticable. Moreover, good cause exists for issuing this postponement as a final rule because the agency has concluded that FD&C Blue No. 2 is safe for its intended use. This regulation will permit the uninterrupted use of this color additive until April 29, 1983. To prevent any interruption in the provisional listing of FD&C Blue No. 2 and in accordance with 5 U.S.C. 553(d) (1) and (3), this regulation is being made effective on January 28, 1983.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Transitional Provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (Title II, Pub. L. 88-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. Section 81.1 *Provisional lists of color additives* is amended in paragraph (a) by changing the closing date for the entry "FD&C Blue No. 2" in the table to read "April 29, 1983."

§ 81.27 [Amended]

2. Section 81.27 *Conditions for provisional listing* is amended in paragraph (d) by changing the closing date for the entry "FD&C Blue No. 2" in the table to read "April 29, 1983."

Effective date. This final rule is effective January 28, 1983.

(Sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note))

Dated: January 12, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-2813 Filed 1-28-83; 2:50 pm]

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21 CFR Parts 81 and 82**[Docket No. 76N-0366]****Termination of Provisional Listing of D&C Red No. 19 and D&C Red No. 37 for Use in Ingested Drugs and Cosmetics****AGENCY:** Food and Drug Administration.**ACTION:** Final rule.

SUMMARY: The Food and Drug Administration (FDA) is terminating the provisional listing of the color additives D&C Red No. 19 and D&C Red No. 37 for use in coloring ingested drugs and cosmetics. FDA is taking this action because it has concluded, on the basis of animal experiments that were performed as a condition of the provisional listing of these color additives, that these color additives are carcinogens when administered in the diet. The petitioner, the Cosmetic, Toiletry and Fragrance Association, Inc., has withdrawn the portion of its petition that pertains to ingested use of these colors. Therefore, D&C Red No. 19 and D&C Red No. 37 may not be added to ingested drugs and cosmetics after February 4, 1983. These two color additives remain provisionally listed for use in externally applied drugs and cosmetics until February 28, 1983.

EFFECTIVE DATE: February 4, 1983.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: The Color Additive Amendments of 1960 (the amendments) require premarket clearance of any color additive that is intended to be used or that is represented for use in or on food, drugs, cosmetics, some medical devices, or the human body. Under the amendments, a color additive may be approved only if data establish that it is safe under its intended conditions of use. Recognizing that many color additives were already in use at the time it enacted the amendments, Congress provided for the "provisional listing" of these color additives while they were being tested for safety under section 203(b) of the transitional provisions of the amendments (Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376 note)).

The color additives D&C Red No. 19 and D&C Red No. 37 have been in use for many years. These color additives were approved for drug and cosmetic use as "coal tar" dyes after enactment of the Federal Food, Drug, and Cosmetic Act (the act) in 1938 by a regulation published in the Federal Register of May

9, 1939 (4 FR 1922). Because D&C Red No. 19 and D&C Red No. 37 were in use at the time the amendments were passed, they were provisionally listed for drug and cosmetic use in the Federal Register of October 12, 1960 (25 FR 9759). These color additives are currently provisionally listed under § 81.1(b) (21 CFR 81.1(b)) for use in drugs and cosmetics, with a closing date of February 28, 1983. Specifications for certification of D&C Red No. 19 and D&C Red No. 37 are listed under §§ 82.1319 and 82.1337 (21 CFR 82.1319 and 82.1337), respectively.

FDA established the present closing date for these color additives in the Federal Register of March 27, 1981 (46 FR 18954). The agency conditioned the continued provisional listing of D&C Red No. 19 and D&C Red No. 37 upon submission of final reports of chronic toxicity studies by February 28, 1982 (see 21 CFR 81.27(d)).

D&C Red No. 19 and D&C Red No. 37 are the subject of a petition (CAP 9C0091) submitted by the Toilet Goods Association, Inc. (now the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA)), 1110 Vermont Ave. NW., Washington, DC 20005. This petition was filed for the use of D&C Red No. 19 and D&C Red No. 37 for coloring drugs and cosmetics as noted in the Federal Register of August 6, 1973 (38 FR 21199).

The color additives D&C Red No. 19 and D&C Red No. 37 are classified as xanthene derivatives. D&C Red No. 19 is principally the 3-ethochloride of 9-*o*-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene (CAS Reg. No. 81-88-9). D&C Red No. 37 is principally the 3-ethostearate of 9-*o*-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene (CAS Reg. No. 6373-07-5). The test material in the recent chronic rat and mouse studies was D&C Red No. 19. Because D&C Red No. 19 and D&C Red No. 37 are chemically similar, the agency considers the two color additives to be toxicologically equivalent when ingested orally. Thus, any safety conclusion drawn from chronic feeding studies of D&C Red No. 19 applies equally to D&C Red No. 37.

Section 81.27(d) specifies the conditions under which D&C Red No. 19 and D&C Red No. 37 are provisionally listed. The petitioner, CTFA, has met those conditions, including the submission of final reports of chronic toxicity tests on rats and mice by February 28, 1982. FDA has reviewed the final reports of the chronic feeding studies in which D&C Red No. 19 was administered in the diet to Charles River CD rats and CD-1 mice.

In the CTFA-sponsored mouse study, the color additive was fed at levels of

0.005, 0.02, and 0.1 percent in the diet for 96 and 108 weeks for males and females, respectively. A higher incidence of hepatocellular neoplasms (carcinomas or adenomas) was observed in every female mouse dosage group compared with the untreated control groups. The observed incidence of hepatocellular neoplasms in the dosage groups were, respectively: High-dosage group—17/58, mid-dosage group—7/60, low-dosage group—5/58, and control groups—4/114. The incidence of hepatocellular neoplasms in the high-dosage group was significantly higher than in the control groups using the Fisher's Exact Test ($p < 0.0001$). The response observed was dose-related. Furthermore, most of the hepatocellular neoplasms observed in the treated groups of female mice were malignant neoplasms. Historical data on control groups show that female mice have a low spontaneous incidence of malignant hepatocellular neoplasms. The treated male mice also showed an increased incidence of liver neoplasms when compared with concurrent controls, but the incidence in each treated group was within the range of historical controls. In addition, for males, the data do not support a dose-related effect. Therefore, the agency concludes from these data that dietary exposure to D&C Red No. 19 causes an increase in liver neoplasia in female mice.

CTFA sponsored two long-term feeding studies in rats in which D&C Red No. 19 was administered in the diet following in utero exposure. The first study was designed to include two control groups and dose levels of 0.002, 0.005, and 0.02 percent of the diet. A second study had a single dose level of 0.075 percent of the diet and a separate control group. The 0.075 percent dose level study showed an increase in both malignant and benign follicular cell tumors of the thyroid in male rats (18/69) that was significantly higher than controls (2/70) using the prevalence test ($p < 0.0001$). (An earlier chronic study in the rat had displayed no increase in neoplastic disease, but enlargement of the thyroid glands was associated with treatment.)

The average spontaneous incidence for follicular cell tumors of the thyroid in control groups of recent studies with the same protocol design is about 5 percent, ranging from 0 to 10.5 percent. The agency has considered the fact that tumor incidence (26 percent) in the high-dosage (0.075 percent of the diet) group far exceeds both the average spontaneous incidence and the high end of the range of incidences. The agency believes that the tumor incidence data

provide evidence of a treatment-related effect. On the basis of this evidence, and of the evidence that enlargement of the thyroid gland occurred in treated rats in an earlier study, the agency concludes that D&C Red No. 19 induces neoplasms in the thyroids of rats when administered in the diet.

Additionally, the incidence of parathyroid adenomas was elevated in the highest dosage group (0.075 percent of the diet). In male rats, the incidence of the parathyroid tumors in this treatment group (8/55) was significantly higher than among controls (0/56) using the prevalence test ($p=0.005$). The agency has decided that this evidence is a sufficient basis upon which to conclude that dietary treatment with D&C Red No. 19 also caused a tumorigenic effect in the parathyroid of male rats.

In summary, the agency concludes that D&C Red No. 19 is an animal carcinogen when administered in the diet based on an increased incidence of hepatocellular neoplasms in mice and an increased incidence of thyroid and parathyroid neoplasms in rats.

Shortly after the agency completed its review of the chronic toxicity tests of D&C Red No. 19, the petitioner amended its color additive petition by letter, stating that it was no longer requesting permanent listing of the color additives for ingested drugs or "for external cosmetic and drug products subject to incidental ingestion (e.g., lipstick and other lip products, mouthwash, and toothpaste)." See letter of October 15, 1982, from Norman F. Estrin, CTFA, to Gerard L. McCowin. The petitioner continues to seek permanent listing of these color additives for use in external cosmetic and drug products that are not subject to incidental ingestion. The petitioner has submitted analyses of the safety and legal issues for external use of these color additives, including data regarding skin penetration.

The agency is now considering the CTFA submissions in support of listing the external uses of these color additives. The agency believes that the continued use of the color additives in externally applied products for the short time needed to evaluate the data will not pose a hazard to the public health. In the near future, FDA will publish in the *Federal Register* its final decision on the amended color additive petition for use of D&C Red No. 19 and D&C Red No. 37 in externally applied drugs and cosmetics. The current closing date for the provisional listing of the color additives for external use in February 28, 1983.

Section 203(a) of the transitional provisions of the amendments provides

for provisional listing of a color additive pending completion of scientific investigations. However, section 203(a)(2) states: "The Secretary may terminate a postponement of the closing date at any time if he finds * * * that by reason of a change in circumstances the basis for such postponement no longer exists * * *", and section 203(d)(1)(E) provides "for the termination of a provisional listing (or deemed provisional listing) of a color additive or particular use thereof forthwith whenever in [the Secretary's] judgment such action is necessary to protect the public health." Because of the agency's finding that D&C Red No. 19 is carcinogenic when ingested by laboratory animals, FDA concludes that continued use of these color additives in ingested products poses a potential hazard to the public health. Furthermore, because the petitioner has withdrawn that portion of the petition pertaining to ingested use, there is no longer a basis for continued provisional listing of these uses.

The final toxicity study reports, the agency's toxicology evaluations of these studies, and other information relied upon by the agency in reaching its decision are on file at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. They may be reviewed between 9 a.m. and 4 p.m., Monday through Friday.

Accordingly, on the basis of the evidence before it, FDA concludes that (1) the provisional listing of D&C Red No. 19 and D&C Red No. 37 for use in ingested drugs and ingested cosmetics should be terminated forthwith under section 203 (a)(2) and (d)(1)(E) of the transitional provisions of the amendments; (2) all certificates heretofore issued for batches of D&C Red No. 19 and D&C Red No. 37, their lakes, and all mixtures containing these color additives for ingested use are cancelled as of February 4 1983; and (3) after that date the addition of D&C Red No. 19 or D&C Red No. 37 to ingested drugs or ingested cosmetics will cause such products to be adulterated within the meaning of sections 501 and 601 of the act (21 U.S.C. 351 and 361) and to be subject to regulatory action. This prohibition applies only to the ingested use of the straight color additives, their lakes, and mixtures of the color additives and their lakes. FDA also concludes that the health concern regarding the use of these color additives is limited to chronic ingested use, and that such use of these color additives does not represent an acute imminent hazard. Therefore, the protection of the public health does not

require (1) the recall from the market of drug and cosmetics products for ingested use that contain either color additive, or (2) the destruction of such drug or cosmetic preparations to which either color additive has already been added.

Manufacturers of new drugs and new animal drugs (including certifiable antibiotics for animal use) that may be ingested and that contain D&C Red No. 19 or D&C Red No. 37 may either discontinue use of the color additives or substitute a different color additive in accordance with the provisions of 21 CFR 314.8 (d)(3) and (e) or 21 CFR 514.8 (d)(3) and (e), as appropriate. If a substitute color additive is used, the manufacturer shall file with FDA a supplemental new drug application or supplemental new animal drug application containing data describing the new composition and showing that the change in composition does not interfere with any assay or other control procedures used in manufacturing the drug, or that the assay and control procedures have been revised to make them adequate. The applicant shall also submit data available to establish the stability of the revised formulation. If the data are too limited to support a conclusion that the drug will retain its declared potency for a reasonable marketing period, the applicant shall submit a commitment to test the stability of marketed batches at reasonable intervals, to submit the data as they become available, and to recall from the market any batch found to fall outside the approved specifications for the drug.

Each sponsor of a notice of claimed investigational exemption for a new drug (IND) or a notice of claimed investigational exemption for a new animal drug (INAD) containing the subject color should promptly amend the IND or INAD to indicate that the color additives have been deleted or a different color additive substituted.

FDA is aware that supplies of alternative color additives may be difficult to obtain immediately. Consequently, drug and cosmetic labeling that states that the product contains "artificial color" or that specifically identifies D&C Red No. 19 or D&C Red No. 37 may continue to be used with the uncolored product or products containing alternative colors during the time necessary to obtain supplies of revised labeling or until February 6, 1984, whichever occurs first.

The Executive Order 12291 and the Regulatory Flexibility Act, Pub. L. 96-354, do not apply to actions of this type.

The agency has considered the environmental effects of this action and, because the action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not necessary. A copy of the FDA environmental assessment is on file with the Dockets Management Branch (address above).

List of Subjects

21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

21 CFR Part 82

Color additives, Color additive lakes, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618; sec. 203, 74 Stat. 404-407 (21 U.S.C. 378 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 81 and 82 are amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

1. Part 81 is amended:

a. In § 81.1(b) by revising the entries for D&C Red No. 19 and D&C Red No. 37, to read as follows:

§ 81.1 Provisional lists of color additives.

	Closing date	Restrictions
D&C Red No. 19 (sec. 82.1319 of this chapter).	Feb. 28, 1983.....	External use only.
D&C Red No. 37 (sec. 82.1337 of this chapter).	Feb. 28, 1983.....	External use only.

* * * * *

b. In § 81.10 by adding new paragraph (q), to read as follows:

§ 81.10 Termination of provisional listings of color additives.

* * * * *

(q) *D&C Red No. 19 and D&C Red No. 37.* Having concluded that, when ingested, D&C Red No. 19 causes cancer in rats and mice, the agency hereby terminates the provisional listings of

D&C Red No. 19 and chemically related D&C Red No. 37 for use in ingested drugs and ingested cosmetics, effective February 4, 1983.

c. In § 81.25 (a)(1) and (c)(1) by removing the entries for "D&C Red No. 19" and "D&C Red No. 37" and by revising paragraphs (a)(2), (b)(1)(ii) and (2), and (c)(2) to read as follows:

§ 81.25 Temporary tolerances.

* * * * *

(a) * * *
(2) Combinations of the color additives named in paragraph (a)(1) of this section may be used in a lipstick or other lip cosmetic, provided the individual temporary tolerance is not exceeded, except that the combined total of D&C Red No. 8 and D&C Red No. 9 may not exceed 3.0 percent.

* * * * *

(b) * * *
(1) * * *
(ii) D&C Orange No. 17, D&C Red No. 8, and D&C Red No. 9 individually may be used in a dentifrice at not more than 0.002 percent of the pure dye by weight of the dentifrice or, in a mouthwash, at not more than 0.005 percent of the pure dye by weight of the mouthwash.

(2) Combinations of the color additives named in paragraph (b)(1) of this section may be used, provided the individual temporary tolerance is not exceeded, except that the combined total of D&C Red No. 8 and D&C Red No. 9 may not exceed 0.002 percent in a dentifrice or 0.005 percent in a mouthwash, measured as the pure dyes by weight of the product.

* * * * *

(c) * * *
(2) Combinations of the color additives named in paragraph (c)(1) of this section may be used in a product, provided the individual temporary tolerance is not exceeded, except that the combined total of D&C Red No. 8 and D&C Red No. 9 may not exceed 0.1 milligram per day.

(d) In § 81.30 by adding new paragraph (r), to read as follows:

§ 81.30 Cancellation of certificates.

* * * * *

(r)(1) Certificates issued for D&C Red No. 19 and D&C Red No. 37, their lakes, and all mixtures containing these color additives are cancelled and have no effect as pertains to their use in ingested drugs and cosmetics after February 4, 1983, and use of these color additives in the manufacture of ingested drugs or cosmetics after this date will result in adulteration.

(2) The agency finds, on the scientific evidence before it, that no action has to be taken to remove from the market

drugs and cosmetics to which the color additives were added on or before February 4, 1983.

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

2. Part 82 is amended:

a. In § 82.1319 by adding a new paragraph at the end of the section, to read as follows:

§ 82.1319 D&C Red No. 19.

* * * * *

D&C Red No. 19 is restricted to use in externally applied drugs and cosmetics.

b. § 82.1337 by adding a new paragraph at the end of the section, to read as follows:

§ 82.1337 D&C Red No. 37.

* * * * *

D&C Red No. 37 is restricted to use in externally applied drugs and cosmetics.

Notice and public procedure are not necessary prerequisites to promulgating these regulations because section 203(d)(2) of Pub. L. 86-618 so provides.

Effective date. This regulation shall be effective February 4, 1983.

(Sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note))

Dated: January 31, 1983.

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

[FR Doc. 83-3164 Filed 2-2-83; 1:15 pm]

BILLING CODE 4160-01-M

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Neomycin Sulfate, Prednisolone, Tetracaine, and Squalane Topical-Otic Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to codify a previously approved new animal drug application (NADA) held by Evsco Pharmaceutical Corp. The NADA provides for use of a topical-otic suspension containing neomycin sulfate, prednisolone, tetracaine, and squalane for treating moist dermatitis in dogs and certain ear conditions in dogs and cats.

EFFECTIVE DATE: February 4, 1983.

FOR FURTHER INFORMATION CONTACT: Terence Harvey, Bureau of Veterinary Medicine (HFV-110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Evsco Pharmaceutical Corp., P.O. Box 209, Harding Highway, Buena, NJ 08310, is holder of NADA 32-322, which provides for use of Liquisone F with Cerumene Suspension containing neomycin sulfate, prednisolone, tetracaine, and squalane. The suspension is used in treating acute otitis externa and as adjunctive therapy in managing chronic otitis externa in dogs and cats. It is also used in treating moist dermatitis in dogs.

The NADA was originally approved January 17, 1966. At that time, approvals were not routinely codified by publication in the *Federal Register*. Accordingly, the regulations are now amended to codify Evsco Pharmaceutical's approved NADA.

This action, reflecting an approved NADA, does not constitute reaffirmation of the safety and effectiveness data supporting this approval. Since the NADA was approved before July 1, 1975, the sponsor has not been required to submit a summary of the safety and effectiveness data and information in accordance with the freedom of information provisions of the animal drug regulations in 21 CFR 514.11(e)(2)(ii).

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is excluded from Executive Order 12291 by section 1 (a)(1) of the Order.

List of Subjects in 21 CFR Part 524

Animal drugs, Topical.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended by adding new § 524.1484k, to read as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 524.1484k Neomycin sulfate, prednisolone, tetracaine, and squalane topical-otic suspension.

(a) *Specifications.* Each milliliter of suspension contains 5 milligrams neomycin sulfate (equivalent to 3.5 milligrams neomycin base), 2 milligrams prednisolone, 5 milligrams tetracaine, and 0.25 milliliter squalane.

(b) *Sponsor.* See 01703 in § 510.600(c) of this chapter.

(c) *Conditions of use—(1) Amount.* 2 to 3 applications daily or as needed.

(2) *Indications for use.* Indicated for use in dogs and cats for treating acute otitis externa and as adjunctive therapy

in management of chronic otitis externa. The product may also be used for treating moist dermatitis in dogs.

(3) *Limitations.* Tetracaine and neomycin have the potential to sensitize. If signs of irritation or sensitivity develop, discontinue use. Prolonged use of this product may result in overgrowth of nonsusceptible organisms. If new infections due to bacteria or fungi appear during therapy, appropriate measures should be taken. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: February 4, 1983.

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

Dated: January 26, 1983

Lester M. Crawford,
Director, Bureau of Veterinary Medicine.

[FR Doc. 83-2928 Filed 2-3-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Feed Fortifiers, Inc., providing for use of certain lincomycin premixes for the manufacture of a complete swine feed. The feed is used for control and treatment of swine dysentery.

EFFECTIVE DATE: February 4, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Feed Fortifiers, Inc., Manson, IA 50563, is sponsor of NADA 132-659 filed in its behalf by the Upjohn Co. The NADA provides for manufacture of 8- and 20-gram-per-pound lincomycin premixes from 50-gram-per-pound lincomycin premix for use in making 40- and 100-gram-per-ton lincomycin complete swine feeds used for control and treatment of swine dysentery as provided in 21 CFR 558.325(f)(2). Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval.

Approval of this application is based on safety and effectiveness data contained in Upjohn's approved NADA 97-505. Upjohn has authorized use of the data in NADA 97-505 to support approval of this application. This

approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is equivalent to a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) [21 CFR 514.11(e)(2)(ii)], a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, animal feeds.

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 of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.325 by revising paragraph (b)(5) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.325 Lincomycin.

* * *

(b) * * *

(5) Premix level of 8 and 20 grams per pound has been granted to No. 017255 and 017790 in § 510.600(c) of this chapter for use as provided in paragraph (f)(2)(i), (ii), and (iii) of this section.

* * *

Effective date: February 4, 1983.

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

Dated: January 27, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-2927 Filed 2-3-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Cadco, Inc., providing for use of certain lincomycin premixes for the manufacture of a complete swine feed. The feed is used for treatment and control of swine dysentery.

EFFECTIVE DATE: February 4, 1983.

FOR FURTHER INFORMATION CONTACT:

Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Cadco, Inc., P.O. Box 3599, 10100 Douglas Ave., Des Moines, IA 50322, is sponsor of NADA 132-658 filed in its behalf by the Upjohn Co. The NADA provides for manufacture of 8-, 10-, and 20-gram-per-pound lincomycin premixes from a 50-gram-per-pound lincomycin premix to make 40- and 100-gram-per-ton lincomycin complete swine feeds. The feed is used for the control and treatment of swine dysentery as provided in 21 CFR 558.325(f)(2). Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval.

Approval of this application is based on safety and effectiveness data contained in Upjohn's approved NADA 97-505. Use of the data in NADA 97-505 to support this application has been authorized by Upjohn. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (December 23, 1977; 42 FR 64367), this is equivalent to a Category II supplemental approval which does not require

reevaluation of the safety and effectiveness data in the parent NADA.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

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 of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.325 is amended by adding new paragraph (b)(4) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§558.325 Lincomycin.

* * * * *

(b) * * *

(4) Premix levels of 8, 10, and 20 grams per pound have been granted to No. 011490 in § 510.600(c) of this chapter for use as provided in paragraph (f)(2)(i), (ii), and (iii) of this section.

* * * * *

Effective date: February 4, 1983

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

Dated: January 26, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-2929 Filed 2-3-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 3280

[Docket No. R-82-1017]

Manufactured Home Construction and Safety Standards; Confirmation of Effective Date and Corrections

AGENCY: Office of Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule; confirmation of effective date and corrections.

SUMMARY: This document announces the effective date for the final rule published in the Federal Register on November 1, 1982 (47 FR 49383) which made editorial changes to material incorporated by reference into the Federal Manufactured Home Construction and Safety Standards. The effective date provision of the rule stated that the rule would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, and announced that future notice of the effective date of this rule would be published in the Federal Register.

This document also makes corrections to printing and editorial errors made in the rule published November 1, 1982.

EFFECTIVE DATE: The effective date for the final rule published November 1, 1982 at 47 FR 49383, which includes material incorporated by reference and approved by the Director of the Office of the Federal Register, is March 9, 1983.

FOR FURTHER INFORMATION CONTACT:

Richard Mendlen, Standards Officer, Office of Manufactured Housing and Construction Standards, Manufactured Housing Standards Division, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone number (202) 755-5798. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On November 1, 1982 the Department published a final rule (47 FR 49383) which made changes to material incorporated by reference into the Federal Manufactured Home Construction and Safety Standards (24 CFR Part 3280). The changes: (1) Added language to § 3280.4 making clear that an incorporation by reference was

intended, (2) provided complete citations of all referenced material in Part 3280, and (3) provided a statement indicating where each referenced standard is available.

As published, the rule contained several editorial errors. The Department is correcting those errors with this document. No substantive change has been made to the rule published on November 1, 1982.

List of Subjects in 24 CFR Part 3280

Fire prevention, Housing standards, Mobile homes, Incorporation by reference.

In FR Doc. 82-29865 beginning on page 49383 of the issue for Monday, November 1, 1982, the following corrections are made:

§ 3280.304 [Corrected]

1. On page 49386, the middle column, the first entry should read:

Application and fastening schedule. Power driven, mechanically driven, and manually driven fasteners.	HUD-FHA Use of Materials. Bulletin No. UM 25d-1973.
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§ 3280.305 [Corrected]

2. On the same page, the same column, in § 3280.305(i)(1)(i), the ninth line "AISI-1988" should read "AISI-1968".

§ 3280.306 [Corrected]

3. On the same page, the same column, in § 3280.306(g)(2), the fifth line, "FS QQ-S-7B1H-1974" should read "FS QQ-S-781H-1974".

§ 3280.403 [Corrected]

4. On the same page, the third column, the first line should read "(ii), (e)(2), and (i) are revised to".

5. On the same page, the third column, the eleventh line, in § 3280.403(b)(1)(i), "ASTM § 3110-1972" should read "ASTM D 3110-1972".

6. On page 49387, the middle column, make the following changes:

a. Paragraph (e)(2) should read:
(2) Insect screening shall be of a material compatible with aluminum and shall meet Insect Wire Screening CS-138-1955, Wire Fabric (Insect Screening) FS RR-W-365-1967, Vinyl-coated Glass Fiber Insect Screening and Louver Cloth CS 248-1964, or Screening, Insect, Non-metallic FS L-S 125B-1972.

b. In paragraph (e)(2)(i), the seventh line, "ANSI 734.1-1947" should read "ANSI Z34.1-1947".

§ 3280.405 [Corrected]

c. Item 9, the second line should read "(e)(2) (i), (ii), (iii) and (iv)".

d. In § 3280.405(d)(1)(i), the following sentence should be added to the end of

the paragraph: "Doors shall conform to the Type 1 requirements of wood flush doors, NWMA I.S.1-1974."

§ 3280.511 [Corrected]

7. On page 49388, the footnote designated ¹, which begins at the end of the first column and continues up to the first complete paragraph in the second column, should be removed.

8. On the same page, the third column, paragraph (b), the first line, the word "originated" should read "designated".

§ 3280.604 [Corrected]

9. On page 49389, the first table, the seventh entry reading "Plumbing system components for mobile homes and recreational vehicles" should be removed.

§ 3280.611 [Corrected]

10. On the same page, the third column of text, the fourth line, insert the word "and" immediately following "765B-1970".

§ 3280.703 [Corrected]

11. On the same page, the second table, the second entry ("Liquid fuel-burning heating appliances for mobile homes and travel trailers"), the entry under the column designated "UL" should read "307a-1969".

12. On page 49390, the following changes should be made in the table:

a. The entry reading "Factory-built chimneys" should be removed.

b. For the entry reading "Chimneys, factory built residential type and building appliance", the entry under the column designated "ANSI" should read "A 131.1-1971" and the entry under the column designated "UL" should read "UL103-1971".

c. For the entry reading "Standard for fireplace stoves for installation in mobile structures", the entry "GAL-1973", currently under the column designated "ANSI", should be placed under the column designated "Other standards".

§ 3280.707 [Corrected]

13. On page 49391, the first column, the fourth line from the bottom, "221.10.1-1974" should read "Z21.10.1-1974".

Dated: January 31, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-2963 Filed 2-3-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Occupational Exposure to Cotton Dust; Stay for Knitting Operations

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Stay for knitting operations.

SUMMARY: Pending completion of the current review of the standard for occupational exposure to cotton dust (29 CFR 1910.1043), the Occupational Safety and Health Administration (OSHA) is staying enforcement of the standard for knitting operations. During this period, the preexisting standard for exposure to cotton dust in 29 CFR 1910.1000, Table Z-1 will continue to be enforced.

DATE: This stay shall be effective on February 4, 1983.

FOR FURTHER INFORMATION CONTACT:

James Foster, Occupational Safety and Health Administration, Room N-3637, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION: On June 23, 1978, OSHA issued an occupational health standard regulating exposure to cotton dust at 29 CFR 1910.1043 (43 FR 27350). This new standard, where effective, was intended to supersede the previous OSHA standard which had been adopted from an established federal standard pursuant to Section 6(a) of the Occupational Safety and Health Act.

The new standard was immediately challenged in the United States Court of Appeals for the District of Columbia Circuit by affected employees and by various groups of affected employers. The knitting industry did not participate in any of these court challenges to the cotton dust standard. After the standard was upheld by the court, a new effective date of March 27, 1980 was set by OSHA and the knitting industry became subject to all pertinent compliance requirements.

On November 8, 1980, a group of trade associations, consisting of the National Knitwear Manufacturers Association (NKMA), the National Association of Hosiery Manufacturers (which had already submitted its own petition), the Knitted Textile Association, the National Knitted Outerwear Association, and the Northern Textile Association, petitioned OSHA for a "Stay or Suspended Enforcement of Cotton Dust Standard in Knitting

Operations." The NKMA served as representative for this group. The petitioners claimed that OSHA had not demonstrated that cotton dust posed a significant risk to workers in the knitting industry that no risk was evident from industry data and experience, and that the requirements of the standard placed a needless burden upon the industry.

On March 31, 1981, in response to the knitters' petition, OSHA granted a 60-day administrative stay of enforcement to the knitting industry. Following its expiration, the knitters' stay was extended to August 31, 1981, to provide further time for the petitioners to prepare and submit a comprehensive analysis of the data they had collected. Hosiery knitting was also included in the stay.

The NKMA collected much medical surveillance data but was unable to complete its analysis before the extension expired. Arrangements were made by the industry for Cotton Incorporated to fund analysis of the data by Dr. Brian Boehlecke and Dr. Mario Battigelli of the University of North Carolina. On August 31, 1981, after meetings with representatives of some of the various organizations involved, OSHA extended the stay to January 31, 1982, to provide time for the investigators to review the data collection procedures and analyze the data. On November 9, 1981, the required interim report was sent to OSHA, and on January 29, 1982, OSHA received a draft copy of the study entitled "Analysis of Pulmonary Function Data of Knitting Industry Workers." The stay was subsequently extended to July 31, 1982, to permit analysis of the draft report and receipt of the final report.

The final report was received by OSHA on July 14, 1982. The report addressed the question of whether or not there is an association between adverse respiratory health effects and employee exposure to cotton dust in knitting operations. The data upon which the report was based were collected by 12 companies as part of a medical surveillance program and were supplied to the investigators by ELB Associates, Inc. of Chapel Hill, N.C., a private company which performs pulmonary function testing, administers health questionnaires, and conducts industrial hygiene sampling. The analysis in the report of Drs. Boehlecke and Battigelli indicates that the prevalences of chronic cough, chronic phlegm, mild dyspnea, and byssinotic symptoms are similar to those reported

in a group of Southeastern blue-collar workers not exposed to respiratory hazards. Drs. Boehlecke and Battigelli found little evidence of respiratory impairment in the workers surveyed. They found no significant effect of duration of employment in knitting on FEV₁ values. The percentage of workers with a small decrement in FEV₁ is similar to that for workers processing non-cotton fibers. A deleterious effect relating to cigarette smoking was evident.

Based on an initial analysis of the information contained in the report, OSHA proposed in a Federal Register notice of August 13, 1982 (47 FR 35255) to stay the new cotton dust standard, 29 CFR 1910.1043, for the knitting industry (including the hosiery industry) until the current review of the cotton dust standard and subsequent rulemaking proceedings have been completed. OSHA announced the availability of the final report and requested comments on the proposed stay. OSHA also extended the temporary stay of the standard in order to give adequate time for the public to review the study and submit comments on the proposed action, and to give OSHA adequate time to review these comments before determining whether the stay should be extended.

OSHA has reviewed the comments received in response to the August 13, 1982 Federal Register notice. Based on the study by Drs. Boehlecke and Battigelli discussed above, and the comments discussed below the agency has decided to stay the new cotton dust standard, 29 CFR 1910.1043, for the knitting and hosiery industries until the current review of the cotton dust standard and the subsequent rulemaking proceedings have been completed.

Of the comments received, only two discussed in detail the report of Drs. Boehlecke and Battigelli. Environmental Resources Group, Inc. ("ERG"), a consulting service, was critical of the study because it did not address the dose response relationship between dust concentrations and manifestations of respiratory impairment (Exhibit 182-1). In addition, ERG noted that the study's data was inconsistent with that available from other sources. ERG indicated that its exposure monitoring results show an average of 176 ug/m³ for hosiery mills and 248 ug/m³ for knitting. These numbers are not substantially different from those in the report and both sets of numbers are well below the PEL of 500 ug/m³ set in the new standard. ERG concluded by expressing concern that the agency's further

extension of the stay would discourage the acquisition of additional monitoring and medical data.

A substantial amount of medical and monitoring data has been gathered. In its review of the Boehlecke and Battigelli study, NIOSH concluded: "The authors were very thorough and clear in the methodology over which they had control and in their presentation of data which show generally negative results." (Exhibit 182-20). NIOSH's main criticism of the study was that: "there may be a strong selection bias, not under the control of the investigators . . . which throws into question the generalization of the results of this study to the entire knitwear and hosiery industries."

Eighteen other comments were received, all of them from specific manufacturers or trade association representatives. None of them opposed an extension of the stay. The common themes in these comments were that exposure levels for knitting and hosiery segments of the industry were substantially below the permissible exposure limit of 500 ug/m³, and therefore, the current stay should be extended and eventually these segments should be exempted from the standard. Several hosiery manufacturers noted that they use a very low percentage of cotton in their processes. Others indicated that monitoring revealed dust levels considerably below 250 ug/m³. Furthermore, several manufacturers commented that their experience with workers' compensation indicates that no employees in their industries have filed claims based on pulmonary disability.

Based on the report of Drs. Boehlecke and Battigelli, OSHA has decided to extend the stay for the knitting and hosiery industries until the current review of the cotton dust standard and the subsequent rulemaking proceedings have been completed. The report indicates little or no excess risk of byssinosis or other pulmonary disease in the knitting sector at the low exposure levels which exist. As discussed above, the two comments which made some criticisms of the report did not dispute the basic findings regarding the lack of adverse health effects at the exposure levels studied. Furthermore, none of the other comments objected to the extension of the stay or presented evidence which contradicts the findings of Drs. Boehlecke and Battigelli.

At this time, OSHA is not making a final decision on whether the knitting and hosiery industries should be

permanently exempted from the cotton dust standard; it is only continuing the stay for these industries. After it has issued a proposal, OSHA will invite comments and the presentation of new data on the issue. OSHA will also hold a hearing and at that time a full review will be given to all the data. In the interim, knitting and hosiery operations will continue to be subject to the 1 mg/m³ exposure limit specified by 29 CFR 1910.1000, Table Z-1.

List of Subjects in 29 CFR Part 1910

Cotton dust, Occupational safety and health.

Authority

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, N.W., Washington, D.C. It is issued pursuant to Sections 6(b) and 8(g) of the Occupational Safety and Health Act. (84 Stat. 1593, 1600, 29 U.S.C. 655, 657), 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059) and 5 U.S.C. 551 et seq.

Signed at Washington, D.C. this 31st day of January 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83-2877 Filed 2-3-83; 8:45 am]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[Docket No. 107PA-8; A-3-FRL 2270-6]

Designation of Areas for Air Quality Planning Purposes; Approval of Redesignation of Attainment Status for the State of Pennsylvania

Corrections

In FR Doc. 83-1545 beginning on page 2770 in the issue of Friday, January 21, 1983, make the following corrections.

1. On page 2770, third column, in the fourteenth and nineteenth lines from the top of the page; and the first, twelfth and sixteenth lines from the bottom of the page, the word "Secondary" should read "Primary".

2. On page 2771, first column, the fourth and ninth lines of the first complete paragraph, and the fourth line of the second complete paragraph, the word "Secondary" should read "Primary".

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003 and 1043

[Ex Parte No. MC 5 (Sub-1)]

Motor Carriers of Property Minimum Amounts of Bodily Injury and Property Damage Liability Insurance

AGENCY: Interstate Commerce Commission.

ACTION: Stay of effective date of final rules.

SUMMARY: On November 2, 1982, by decision, served December 13, 1982, and published at 47 FR 55939 (December 14, 1982), the Commission adopted Final Rules to modify its insurance regulations pursuant to the requirements of 49 U.S.C. 10927. When effective on February 14, 1983, these final rules would replace final rules adopted on June 29, 1981, (46 FR 33277) which were stayed on July 27, 1981, (46 FR 38486) and temporary insurance rules which were published on July 27, 1981, and codified at Title 49 CFR 1043.2(c). Due to the critical importance of insurance filings the need for both the carriers and insurers to know with certainty the meaning of the filings, and the desirability of avoiding repetitive filings, the February 14, 1983 effective date of the Commission's decision and final rules is postponed. **DATE:** The effective date of the final rules is postponed until June 3, 1983.

FOR FURTHER INFORMATION CONTACT:

Alice K. Ramsay (202) 275-0854,

or

Delores Patterson (202) 275-0898

SUPPLEMENTARY INFORMATION:

Background

On June 11, 1981, 46 FR 30974, DOT set the minimum amounts of financial responsibility for motor carriers of property in accordance with Section 30 of the "Motor Carrier Act of 1980." In accordance with Section 29 of the Act, this Commission adopted the same amounts prescribed by the Secretary of Transportation, in a notice of final rules published on June 29, 1981, 46 FR 33277. In that decision, we also revised the required Form BMC 90, "Endorsement for Motor Carrier Policies of Insurance for Automobile Bodily Injury and Property Damage Liability," and continued all of the existing procedures regarding insurance filings.

A Notice was given to Insurance Companies that in order to avoid filing new certificates of insurance with the Commission for every property carrier affected, the Commission would deem any certificates of insurance on file as of

August 7, 1981, to provide insurance coverage to the full amount and extent provided in the revised Form BMC 90 endorsement. This date was later changed to August 28, 1981. The proceeding was reopened on July 27, 1981, 46 FR 38486, and the final rules of June 29, 1981, 46 FR 33277, were stayed. The decision adopted temporary rules; and instituted a notice of proposed rulemaking to propose alternative final rules.

The temporary rules established that the certificate of insurance (Form BMC 91) would certify only to the basic, \$500,000 primary insurance coverage for all affected motor carriers of property regardless of the type of commodities hauled, and regardless of whether or not the Form BMC 90 endorsement was attached physically to the policy. The date when the certificates on file would certify to the higher amount was changed from August 28, 1981, to September 11, 1981, while any new or replacement certificates of insurance received after August 1, 1981, would certify to the basic \$500,000 coverage.

Because Commission regulated property carriers must comply with DOT's insurance regulations as well as this Commission's, it was decided to depend temporarily on its requirements for \$1 million coverage on hazardous substances carriers to protect the public. The temporary rules also readopted the revised Form BMC 90 endorsement for attachment to motor carrier policies, no deadline was set for attaching it to the motor carrier's policies.

The Stay of the Effective Date

The American Insurance Association, which previously filed comments in this proceeding, has submitted a letter request which is accepted as a petition for stay of the February 14, 1983, effective date of the final rules. The Association suggests that the February 14 date is inappropriately soon. More specifically, it points out that Section 406 of the Surface Transportation Act of 1982 (Pub. L. 94-424)—more widely known as the Gas Tax Bill—will require changes in the Commission's rules inasmuch as it has (1) included under DOT regulation for the first time vehicles weighing less than 10,000 pounds GVWR, while transporting Class A or B explosives, any quantity of poison gas, or a large quantity of radioactive materials in interstate or foreign commerce, and (2) given the Secretary of Transportation discretion to maintain current minimum limits requirements until January 1, 1985, rather than have the statutory limits go into effect on July 1, 1983, a date

incorporated in the Commission final rules which would be effective February 14, 1983. The Association also points to the need for clarification or correction of some of the final rules, problems in the use of the forms adopted, and the short time available to print the new forms, distribute them across the country and effect all new filings before February 14, 1983.

Numerous insurance companies and their associations and printers have also brought to the Commission's attention for the first time their desire to have the two-sided forms reworded and formatted to allow all typing to be done on one side for more convenient packaging, completion, and computer use. This problem cannot be addressed before the current effective date.

Due to the critical importance of insurance filings, the need for both the carriers and insurers to know with certainty the meaning of the filings, and the desirability of avoiding repetitive filings, the February 14, 1983 effective date of the Commission's decision and final rules is postponed.

This decision will not affect the quality of the human environment or the conservation of energy resources, not will it have an adverse affect on small business.

Decided: January 28, 1983.

By the Commission: Reese H. Taylor, Jr.,
Chairman.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-2870 Filed 2-3-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 21021-216]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic

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

ACTION: Final rule.

SUMMARY: NOAA issues final regulations implementing the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic. The intended effect of these regulations is to reduce user-group conflicts and prevent overfishing of the king and Spanish mackerel and cobia stocks.

EFFECTIVE DATE: February 4, 1983.

ADDRESSES: A copy of the combined final regulatory flexibility analysis/regulatory impact review may be obtained from Jack T. Brawner, Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Jack T. Brawner, 813-893-3141.

SUPPLEMENTARY INFORMATION: The Assistant Administrator for Fisheries, NOAA, approved the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP) on April 1, 1982, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). These regulations implement the FMP, which was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). A proposed rulemaking was published on May 18, 1982 (47 FR 21279), initiating a 45-day comment period which ended July 2, 1982.

The proposed rulemaking contained information on the coastal migratory pelagic fishery, its economic value, and its relative importance to the recreational and commercial sectors. The major problems in the fishery (i.e., prevention of overfishing and gear conflicts) and the management measures to resolve them were also discussed in detail.

In the proposed regulations, § 642.5 pertaining to recordkeeping and reporting was reserved. This section is also being reserved in this final rule because the reporting system has not been completely developed and forms have not yet been prepared. It is anticipated that the mandatory reporting system will be implemented when sampling procedures and reporting forms are developed and approved. The forms will be submitted to the Office of Management and Budget for clearance under section 3507 of the Paperwork Reduction Act of 1980.

Section 642.7(e) in the proposed regulations prohibited fishing for king mackerel with gill nets having a mesh size of less than 4½ inches. In the final rule, this section has been changed to prohibit possession of king mackerel in the FCZ on board a vessel with gill nets less than this size, except as provided for under § 642.24(a)(2). Section 642.24(a)(2) has been revised to allow an incidental catch of king mackerel equal to ten percent of the total catch by number of Spanish mackerel on board a vessel with gill nets with a mesh size smaller than 4½ inches (stretched mesh). These two changes have been made to facilitate enforcement of the FMP.

The final rule differs from the proposed rule in that several minor technical modifications were made for clarification in the definitions of *fishery conservation zone* and *commercial fisherman*, § 642.2, and in the texts of §§ 642.7(d) and (1), 642.8(b), and 642.24(a). Errors in the location of Points 3 and 4 on Table 1 of § 642.28(a)(1)(i) are corrected. The U.S. Coast Guard (USCG) requested minor revisions of § 642.8 to reflect recent changes in USCG boarding procedures and of § 642.9 to reflect the recent revision of 50 CFR Part 621 (Civil Procedures); these are revised in the final rule. Also, changes were incorporated in the final rule in response to comments received during the public comment period. These changes are discussed below.

Comments and Responses

The Councils and the Florida Department of Natural Resources (FDNR) questioned consistency of the proposed regulations with the FMP concerning the mandatory requirement of placing observers on purse-seine vessels. The Councils requested modification of § 642.7(f) and § 642.24(b)(4) to clarify their intent that all purse-seine vessels fishing for Spanish and king mackerel must have an observer on board, unless such observer cannot be made available by the National Marine Fisheries Service (NMFS). Section 642.24(b)(4) was rewritten in response to this request.

The Councils also recommended that § 642.24(b)(1) and (2) be changed to specify the contents of the letter of intent and telephone notification prior to fishing with purse seines. These include the number of vessels and area to be fished, and information on the port of departure and return. Sections 642.24(b)(1) and (2) were revised to comply with this request.

FDNR questioned implementation of the FMP without an effective statistical reporting system. The Southeast Fisheries Center will utilize its present collection system with an expeditious analysis of dealer and processor data for the commercial fishery. The catch data from charter boats, expanded to other recreational segments, will be used for determination of the recreational fishery catch. These methods will be adequate for management purposes until the FMP's mandatory statistical reporting system is developed and implemented.

The State of Mississippi commented that the regulations were inconsistent with its Coastal Zone Management Program (CZMP) due to their coverage of areas within Mississippi Sound over

which the jurisdiction is disputed between Mississippi and the United States. These areas are referred to as enclaves, i.e., areas surrounded by State waters but subject to Federal jurisdiction. Mississippi's conclusion of inconsistency depends upon the question of jurisdiction over these enclaves, rather than any substantive conflict between the proposed regulations and the tenets of its CZMP. The present juridical status of these enclaves is that they are under Federal jurisdiction, and not within Mississippi's coastal zone management jurisdiction. NOAA's Office of Coastal Zone Management, in a supplemental finding dated January 26, 1981, specified that the enclaves are not part of Mississippi's coastal zone. Therefore, as a matter of law, there is no inconsistency with Mississippi's CZMP.

The FDNR questioned the consistency of the regulations with Florida's CZMP, to the extent that the regulations allow the harvest of coastal pelagic fish with purse seines. State law, incorporated into Florida's CZMP, prohibits the utilization of such gear to take food fish within and without the waters of Florida (Florida Statutes § 370.071(3)). Florida's claim of inconsistency is without legal foundation for the following reasons:

1. The Gulf of Mexico Fishery Management Council forwarded copies of the FMP to Florida's Office of Coastal Zone Management on April 8, 1981, and on October 16, 1981, with letters requesting comments on its finding of consistency with Florida's CZMP. The FMP sent in October contains an extensive discussion of the purse-seine measures and reasons (including statutory prohibitions) for rejecting Florida's ban on the use of this gear. Florida did not respond to either of these letters until FDNR submitted its comments on the proposed regulations last July. In accordance with the provisions of 15 CFR 930.41, it is appropriate for the Federal agency to presume State agency agreement to the Federal determination of consistency after 45 days. NOAA has properly assumed Florida's agreement with the Gulf Council's conclusion of consistency.

2. The Administrator, NOAA, has independently reviewed the issue of consistency with Florida's CZMP and determined that the FMP is consistent to the maximum extent practicable. The regulation regarding purse seines is in concert with the articulated goal of Florida's CZMP regarding the utilization of the marine resources of the State, as set forth at page II-33 of the CZMP. Though the Federal and State

regulations are not identical, identity is not required by the Coastal Zone Management Act (CZMA). The statutory requirement of consistency is qualified. Consistency is required only to the "maximum extent practicable" (CZMA § 307(c)(1)). This qualified requirement of consistency requires that Federal activities be fully consistent with State coastal zone programs "unless compliance is prohibited based on the requirements of existing law applicable to the Federal agency's operations" (15 CFR 930.32(a)). In this instance, NOAA is constrained by the Magnuson Act. To implement a regulation prohibiting the use of purse seines for the harvest of coastal pelagic fish would violate several of the national standards of the Magnuson Act. Therefore, to the maximum extent practicable, this regulation is consistent with Florida's CZMP. The Administrator of NOAA has considered and rejected Florida's request to delay implementation of the FMP because the State did not respond to the Council's consistency determination within the 45-day period, and because Florida has offered no challenge to NOAA's determination that the FMP is consistent with the CZMP "to the maximum extent practicable."

One commenter questioned whether her statements presented during public hearings had been considered. This commenter also questioned why her written comments had not been appended to the final Environmental Impact Statement (FEIS). A review of the administrative record, established during the preparation of the FMP, showed that the comments were considered by the Councils, their Scientific and Statistical Committees, and NMFS. The written comments were not appended to the FEIS because they were not submitted during the National Environmental Policy Act comment period.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), after considering all comments received on the FMP and the proposed regulations, has determined that the FMP and final regulations comply with the national standards, other provisions of the Magnuson Act, and other applicable law.

The adoption and implementation of the FMP is a major Federal action that will have a significant impact on the quality of the human environment. Under the National Environmental Policy Act and NOAA Directive 02-10, a draft environmental impact statement was filed with the Environmental Protection Agency. The notice of

availability was published on February 5, 1980 (45 FR 7831). The final environmental impact statement was filed and the notice of availability was published on April 30, 1982 (47 FR 18652).

The Administrator, NOAA, has determined that these proposed regulations are not major under Executive Order 12291. A Regulatory Impact Review (RIR) has been prepared that analyzes the expected benefits and costs of the regulatory action. The review provides the basis for the Administrator's determination. The FMP's management measures are designed to maintain current landings and the productivity of each user group, while preventing overfishing of the king and Spanish mackerel and cobia stocks.

The RIR indicates that the proposed regulations will result in benefits to fishermen and the economy that are greater than the associated Federal costs to manage the fishery on a continuing basis. Benefits that will accrue from implementation of the proposed measures come from the prevention of overfishing. The benefit, in terms of pounds of fish, is the difference between the OY specified in the plan and the amount caught after overfishing occurs; in monetary terms, the benefit is the difference between the contribution to the Gross National Product (GNP) by OY and the contribution to GNP associated with the catch after overfishing occurs. The expected benefits range from \$5.6 to \$27.9 million annually over the next five years. Empirical data indicated that the level of fishing effort by commercial and recreational fishermen is increasing rapidly, and mackerel stocks and catch will decline if effort increases.

These regulations will have a significant impact on a substantial number of small entities, under the Regulatory Flexibility Act. A final regulatory flexibility analysis (RFA) has been prepared in compliance with the Regulatory Flexibility Act and has been combined with the RIR summarized above. Copies of the final RFA/RIR are offered to the public.

The FMP and implementing regulations will not increase the Federal paperwork burden as defined by the Paperwork Reduction Act, because the data collection system will not be implemented at this time. Section 642.24(b) of the implementing regulations requires that owners or operators of purse-seine vessels fishing for king and Spanish mackerel report their catch for each trip by telephone. Since there are fewer than 10 vessels in this fleet, this information is to be

gathered from fewer than 10 persons, so no "collection of information" is involved for purposes of the Paperwork Reduction Act.

The Coastal Zone Management offices for each State having an approved program under the CZMA and whose territorial waters are adjacent to the management area were provided copies of the FMP for review as to consistency with their coastal zone management programs. The only comments are discussed above. NOAA has concluded that, to the maximum extent practicable, the FMP is consistent with the applicable coastal zone management programs. The States of Georgia and Texas do not have approved programs.

The Assistant Administrator has determined that there is a good cause to waive the 30-day period of delayed effectiveness required under the Administrative Procedure Act. Fishing activity for Spanish mackerel begins to intensify in October, and effective regulations are essential during that period to ensure orderly prosecution of the fishery. The regulations establish annual quotas and allocations for various user groups. Delaying implementation of the regulation would also interfere with the orderly installation of observers aboard purse-seine vessels, and thereby result in adverse impacts on this segment of the fishery during the initial part of the fall fishing season when mackerel are most susceptible to that gear. For these reasons, the Assistant Administrator has found that it would be impracticable to delay the effective date of this action.

List of Subjects in 50 CFR Part 642

Fish, Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 1, 1983.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

50 CFR is amended by adding a new Part 642 to read as follows:

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Subpart A—General Provisions

Sec.

- 642.1 Purpose and scope.
- 642.2 Definitions.
- 642.3 Relation to other laws.
- 642.4 Permits and fees.
- 642.5 Recordkeeping and reporting requirements [Reserved].
- 642.6 Vessel identification [Reserved].
- 642.7 Prohibitions.
- 642.8 Facilitation of enforcement.
- 642.9 Penalties.

Subpart B—Management Measures

Sec.

- 642.20 Seasons.
- 642.21 Quotas.
- 642.22 Closures.
- 642.23 Size restrictions.
- 642.24 Vessel, gear, equipment limitations.
- 642.25 Specifically authorized activities.
- 642.26 Area, time limitations.

Authority: 16 U.S.C. 1801 et seq.

Subpart A—General Provisions

§ 642.1 Purpose and scope.

(a) The purpose of this Part is to implement the Fishery Management Plan for Coastal Migratory Pelagic Resources developed by the Gulf of Mexico and South Atlantic Fishery Management Councils under the Magnuson Act.

(b) This Part regulates fishing for coastal migratory pelagic fish by fishing vessels of the United States within the fishery conservation zone off the Atlantic coastal States south of the Virginia-North Carolina border and in the Gulf of Mexico.

§ 642.2 Definitions.

In addition to the definitions in the Magnuson Act, and unless the context requires otherwise, the terms used in this Part shall have the following meaning:

Authorized Officer means:

- (a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;
- (b) Any certified enforcement officer or special agent of NMFS;
- (c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the U.S. Coast Guard to enforce the provisions of the Magnuson Act; or
- (d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Center Director means the Center Director, Southeast Fisheries Center, NMFS, 75 Virginia Beach Drive, Miami, Florida 33149; telephone 305-361-5761.

Coastal migratory pelagic fish means the following species:

King mackerel, *Scomberomorus cavalla*
Spanish mackerel, *Scomberomorus maculatus*
Cero mackerel, *Scomberomorus regalis*
Cobia, *Rachycentron canadum*
Little tunny, *Euthynnus alletteratus*
Dolphin, *Coryphaena hippurus*
Bluefish, *Pomatomus saltatrix* (Gulf of Mexico only)

Commercial fisherman means a person who sells, trades, or barter any part of his catch of coastal migratory pelagic fish.

Dealer means the person who first receives or purchases fish directly from a commercial fisherman.

Fishery conservation zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity, other than scientific research conducted by a scientific research vessel, which involves:

- (a) The catching, taking, or harvesting of fish;
- (b) The attempted catching, taking, or harvesting of fish;
- (c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or
- (d) Any operations at sea in support of, or in preparation for, any activity described in paragraph (a), (b), or (c) of this definition.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for:

- (a) Fishing; or
- (b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Fork length means the distance from the tip of the head to the center of the tail (caudal fin).

Magnuson Act means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

NMFS means the National Marine Fisheries Service.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means:

- (a) Any person who owns that vessel in whole or in part;
- (b) Any charterer of the vessel, whether bareboat, time, or voyage; or
- (c) Any person who acts in the capacity of a charterer, including, but not limited to, parties to a management agreement, operating agreement, or other similar arrangement that bestows control over the destination, function, or operation of the vessel; and

(d) Any agent designated as such by any person described in paragraphs (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen of the United States),

corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Processor means a person who processes fish or fish products for commercial use or consumption.

Regional Director means the Regional Director, Southeast Region, NMFS, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702; telephone, 813-893-3141, or a designee.

Secretary means the Secretary of Commerce or a designee.

U.S. fish processor means a facility located within the United States for, and vessels, of the United States used for or equipped for, the processing of fish for commercial use or consumption.

U.S.-harvested fish means fish caught, taken, or harvested by vessels of the United States within any foreign or domestic fishery regulated under the Magnuson Act.

Vessel of the United States means:

(a) Any vessel documented or numbered by the U.S. Coast Guard under United States law; or

(b) Any vessel, under five net tons, that is registered under the laws of any State.

§ 642.3 Relation to other laws.

(a) Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities.

(b) Certain responsibilities relating to data collection and enforcement may be performed by authorized State personnel under a cooperative agreement entered into by the State, the U.S. Coast Guard, and the Secretary.

(c) These regulations apply within the boundaries of any national park, monument, or marine sanctuary in the Gulf of Mexico and South Atlantic FCZ.

§ 642.4 Permits and fees.

No permits or fees are required for domestic recreational or commercial fishing vessels engaged in fishing in the coastal migratory pelagic fishery.

§ 642.5 Recordkeeping and reporting requirements. [Reserved]

§ 642.6 Vessel identification. [Reserved]

§ 642.7 Prohibitions.

It is unlawful for any person to:

(a) Fail to comply immediately with enforcement and boarding procedures specified in § 642.8;

(b) Fish for king or Spanish mackerel in violation of any area closures or season closures as specified in § 642.22 or § 642.28;

(c) Possess in or harvest from the FCZ Spanish mackerel under the minimum size limit specified in § 642.23(a)(1), except for the catch allowance specified in § 642.23(a)(2);

(d) Possess in or harvest from the FCZ cobia under the minimum size limit specified in § 642.23(b);

(e) Possess in the FCZ king mackerel on board a vessel with gill nets with a minimum mesh size less than that specified in § 642.24(a)(1), except for a catch allowance as specified in § 642.24(a)(2);

(f) Fish for king or Spanish mackerel using a purse seine, except in compliance with § 642.24(b);

(g) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, land, or export any fish or parts thereof taken or retained in violation of the Magnuson Act, this Part, or any other regulation under the Magnuson Act;

(h) Refuse to permit an Authorized Officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this Part, or any other regulation or permit issued under the Magnuson Act;

(i) Forcibly to assault, resist, oppose, impede, intimidate, threaten, or interfere with any Authorized Officer in the conduct of any search or inspection described in paragraph (h) of this section;

(j) Resist a lawful arrest for any act prohibited by this Part;

(k) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this Part; or

(l) Transfer directly or indirectly, or attempt to so transfer, any U.S.-harvested coastal migratory pelagic fish to any foreign fishing vessel, while such vessel is in the FCZ, unless the foreign fishing vessel has been issued a permit under Section 204 of the Magnuson Act which authorizes the receipt by such vessel of U.S.-harvested coastal migratory pelagic fish;

(m) Violate any other provision of this Part, the Magnuson Act, or any regulation or permit issued under the Magnuson Act.

§ 642.8 Facilitation of enforcement.

(a) *General.* The owner or operator of any fishing vessel subject to this Part shall immediately comply with instructions issued by an Authorized Officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, logbook, and catch for

purposes of enforcing the Magnuson Act and this Part.

(b) *Signals.* Upon being approached by a U.S. Coast Guard cutter or aircraft, or other vessel or aircraft authorized to enforce the Magnuson Act, the operator of a fishing vessel shall be alert for signals conveying enforcement instructions. The following signals extracted from the International Code of Signals are among those which may be used:

(1) "L" meaning "You should stop your vessel instantly,"

(2) "SQ3" meaning "You should stop or heave to; I am going to board you,"

(3) "AA AA AA etc." is the call to an unknown station, to which the signaled vessel should respond by identifying the vessel by radio, visual signals or illuminating the vessel identification, and

(4) "RY-CY" meaning "You should proceed at slow speed. A boat is coming to you."

(c) *Boarding.* A vessel signaled to stop or heave to for boarding shall:

(1) Stop immediately and lay to or maneuver in such a way as to permit the Authorized Officer and his party to come aboard;

(2) Provide a ladder, enough light, and a safety line when necessary or requested by the Authorized Officer to facilitate the boarding and inspection; and

(3) Take such other actions as necessary to ensure the safety of the Authorized Officer and his party and facilitate the boarding.

§ 642.9 Penalties.

Any person or fishing vessel found to be in violation of this Part is subject to the civil and criminal penalty provisions and forfeiture provisions of the Magnuson Act, and to 50 CFR Part 620 (Citations), 50 CFR Part 621 and 15 CFR Part 904 (Civil Procedures), and other applicable law.

Subpart B—Management Measures

§ 642.20 Seasons.

The fishing year of all species of coastal migratory pelagic resources begins on July 1 and ends on June 30.

§ 642.21 Quotas.

(a) *Hook-and-line and net fishing.*—(1) *King mackerel.* The total allowable catch for king mackerel is 37 million pounds per year.

(i) Annual quotas are 28 million pounds for the recreational fishery and 9 million pounds for the commercial fishery. A fish is counted against the commercial quota if it is sold.

(ii) The commercial quota is further divided between hook-and-line fishing and net fishing as follows;

Hook and Line: 3,877,200 pounds

Net: 5,122,800 pounds

(2) *Spanish mackerel*. The total allowable catch for Spanish mackerel is 27 million pounds per year.

(b) *Purse seine fishing*.—(1) *King mackerel*. The harvest of king mackerel by purse seines is limited to 400,000 pounds in the Atlantic and 400,000 pounds in the Gulf of Mexico per fishing year. King mackerel harvested by purse seines are included in the net quotas under paragraph (a)(1)(ii) of this section.

(2) *Spanish mackerel*. The harvest of Spanish mackerel by purse seines is limited to 300,000 pounds in the Atlantic and 300,000 pounds in the Gulf of Mexico per fishing year. Spanish mackerel harvested by purse seines are included in the total allowable Spanish mackerel catch under paragraph (a)(2) of this section.

(3) *Geographic boundary*. The boundary between the Gulf of Mexico and the Atlantic Ocean begins at the intersection of the other boundary of the FCZ and the 83° W. longitude, proceeds north to 24°35' N. latitude (Dry Tortugas), east to Marquesas Key, then through the Florida Keys to the mainland.

§ 642.22 Closures.

(a) The Secretary, by publication of a notice in the **Federal Register**, shall close the king or Spanish mackerel fishery for a particular gear type or user group when the quota for that gear type or user group under § 642.21(a)(1) or (b) has been harvested.

(b) The Secretary, by publication of a notice in the **Federal Register**, shall close the king or Spanish mackerel fishery when the total allowable catch for the fishery under § 642.21(a)(1) or (2) has been harvested.

§ 642.23 Size restrictions.

(a) *Spanish mackerel*.—(1) *Minimum size*. The minimum size limit for the harvest or possession of Spanish mackerel in the FCZ is 12 inches (fork length) for both the recreational and commercial fisheries, except for the incidental catch allowance under paragraph (a)(2) of this section.

(2) *Catch Allowance*. A catch of Spanish mackerel under the 12-inch fork length is allowed equal to five percent of the total catch by weight of Spanish mackerel on board.

(b) *Cobia*. The minimum size limit for the possession of cobia in the FCZ is 33 inches (fork length).

§ 642.24 Vessel, gear, equipment limitations.

(a) *Gill nets*.—(1) *Minimum size*. The minimum mesh size for gill nets used to fish for king mackerel is 4½ inches (stretched mesh).

(2) *Catch allowance*. A catch of king mackerel is allowed equal to ten percent of the total catch by number of Spanish mackerel on board a vessel with gill nets with a minimum mesh size smaller than that specified in paragraph (a)(1) of this section.

(b) *Purse seines*. Owners or operators of purse seine vessels fishing for king or Spanish mackerel shall:

(1) Send a letter of intent to fish for king or Spanish mackerel, indicating the number of vessels and area to be fished, to the Regional Director (i) at least three months in advance of beginning fishing each fishing year, or (ii) within a shorter time period deemed reasonable by the Regional Director and publicized in the news media;

(2) Notify the Center Director by telephone, 48 hours in advance of each trip, of departure information (port, dock, date, and time) and of the expected landing information (port, dock, and date);

(3) Report to the Center Director, by

telephone, the quantity of landings, by species, for each trip as soon as practical after landing, and not later than 15 hours after unloading;

(4) Accommodate observers for scientific and statistical purposes; and

(5) Provide for embarkment and disembarkment of observers as determined by the Center Director.

§ 642.25 Specifically authorized activities.

The Secretary may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

§ 642.26 Area, time limitations.

(a) *Field orders*.—Subject to the procedures and restrictions set forth in paragraphs (b) and (c) of this section, the Secretary may take any of the following actions by field order under the circumstances specified:

(1) If the Secretary determines that a conflict exists in the king mackerel fishery between hook-and-line and gillnet fishermen in an area of the FCZ between 27° 0.6' N. latitude and 27° 50' N. latitude off the east coast of the State of Florida, the Secretary may:

(i) Prohibit use of gillnet gear to take king mackerel within the areas (depicted in Figure 1 and described in Table 1) encompassed by points 1, 2, 5, and 6; 2, 3, 4, and 5; or 1, 2, 3, 4, 5, and 6;

Table 1

Point 1—Bethel Shoal light at 27° 44.3' N. latitude, 80° 10.4' W. longitude;
Point 2—A wreck 15 miles southeast of Fort Pierce Inlet at 27° 23.5' N. latitude, 80° 03.7' W. longitude;
Point 3—Marker WR 16, five miles northeast of Jupiter Inlet at 27° 0.6' N. latitude, 80° 2.6' W. longitude;
Point 4—27° 0.6' N. latitude, 79° 55.0' W. longitude at approximately the 100 fm. depth due east of Point 3;
Point 5—27° 23.5' N. latitude, 79° 54.0' W. longitude at approximately the 100 fm. depth due east of Point 2; and
Point 6—27° 44.3' N. latitude, 79° 53.5' W. longitude at approximately the 100 fm. depth due east of Point 1.

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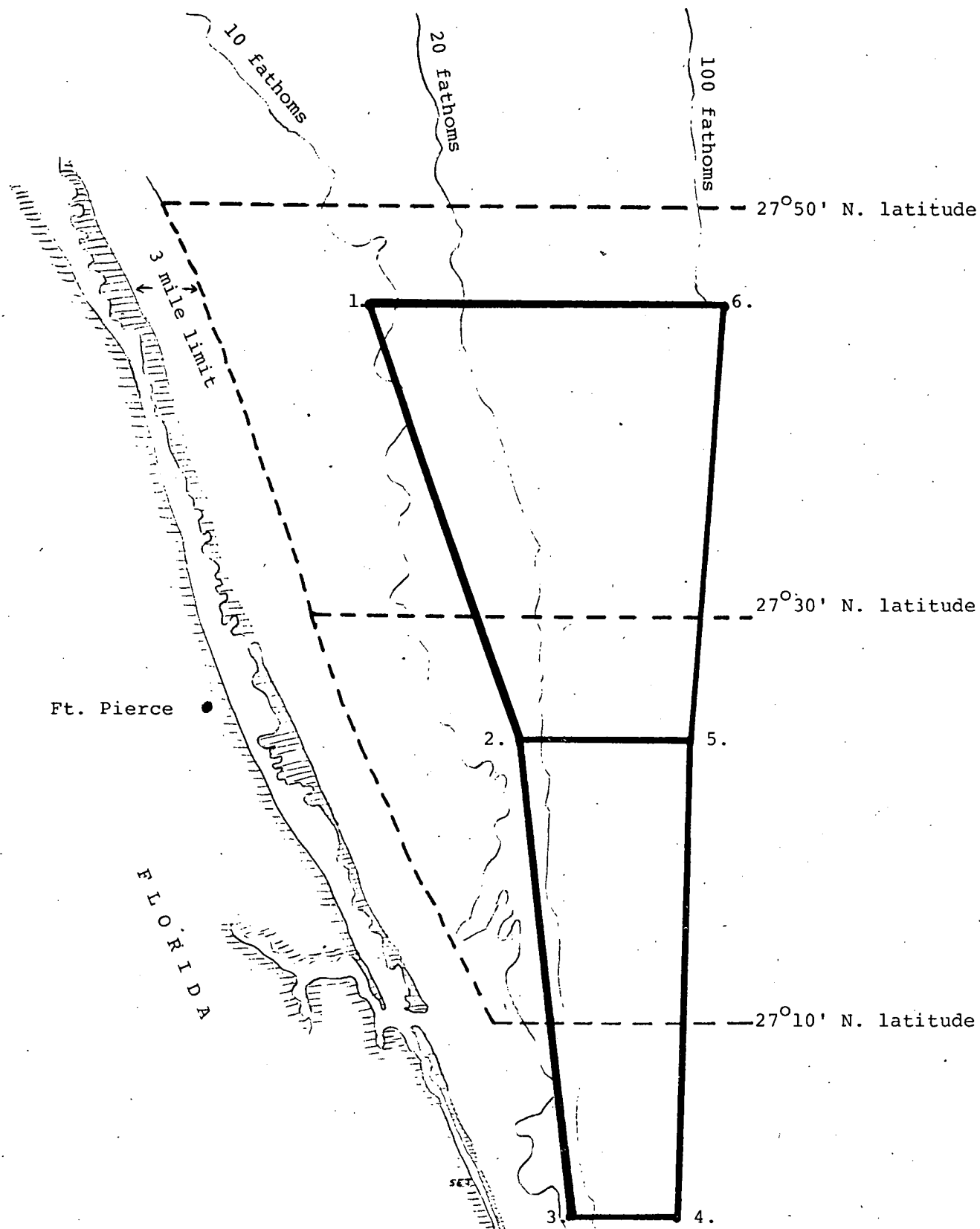


Figure 1. Area divisions under §642.26.

(ii) Prohibit use of hook-and-line gear to take king mackerel in the FCZ landward of line between points 1 and 2, 2 and 3, or 1, 2, and 3;

(iii) In the first year a conflict arises, close the FCZ between 27° 30' N. latitude and 27° 10' N. latitude to the use of gill nets for taking king mackerel, and close the FCZ between 27° 30' N. latitude and 27° 50' N. latitude to the use of hook-and-line gear for taking king mackerel (in any succeeding year that a conflict develops, the Secretary may change the zone that is closed to each gear); or

(iv) Alternate daily the use of each gear within the area between 27° 10' N. latitude and 27° 50' N. latitude as follows:

(A) On even days of the month, close the area to the use of gillnet gear to take king mackerel.

(B) On odd days of the month, close the area to the use of hook-and-line gear to take king mackerel.

(2) If a conflict described in paragraph (a)(1) of this section results in death or serious bodily injury or significant gear loss, the Secretary may close the fishery for king mackerel to all users in the FCZ between 27° 10' N. latitude and 27° 50' N. latitude.

(b) *Procedures.* The Secretary shall use the following procedures in determining whether a conflict exists for which a field order is appropriate:

(1) When the Secretary is advised by any person that a conflict exists, he will confirm the existence of such a conflict through information supplied him by NMFS, the U.S. Coast Guard, other appropriate law enforcement agencies, or personnel of the State of Florida agency with marine fishery management responsibility.

(2) The Secretary shall also confer with the Chairmen of the South Atlantic and Gulf of Mexico Fishery Management Councils (Councils), the State of Florida agency with marine fishery management responsibility, and such other persons as the Secretary deems appropriate.

(c) *Restrictions on field orders.*—(1) No field order may be implemented which results in exclusive access of any user group or gear type to the fishery during the time the field order is in effect.

(2) No field order may be effective for more than five days, except under the conditions set forth in paragraph (c)(4) of this section.

(3) When the Secretary submits to the Federal Register a field order for implementation under this section, he will immediately arrange for a fact-finding meeting in the area of the conflict, to be convened no later than 72

hours from the time of implementation of the field order.

(i) The following persons will be advised of such a meeting:

(A) The Chairmen of the Councils;
(B) The State of Florida agency with fishery management responsibility;
(C) Local media;

(D) Such user-group representatives or organizations as may be appropriate and practicable; and

(E) Other persons as deemed appropriate by the Secretary or as requested by the Chairmen of the Councils or the State of Florida agency.

(ii) The fact-finding meeting will be held for the purpose of evaluating the following:

(A) The existence of a conflict needing resolution by field order;

(B) The appropriate term of the field order, i.e., either greater or less than five days;

(C) Other possible solutions to the conflict besides Federal intervention; and

(D) Other relevant matters.

(4) If the Secretary determines, as a result of the fact-finding meeting, that the term of the field order should exceed five days, he may, after consultation with the Chairman of the Councils and the State of Florida agency, extend such field order for a period not to exceed 30 days from the date of initial implementation. If the Secretary determines that it is necessary or appropriate for the term of such field order to extend beyond 30 days, he may extend it a second time, after consulting with the Chairman of the Council, for such period of time as necessary to resolve the conflict.

(5) The Secretary may rescind a field order if he finds, through application of the same procedures set forth in paragraph (b) of this section, that the conflict no longer exists.

[FR Doc. 83-3021 Filed 2-1-83; 2:06 pm]

BILLING CODE 3510-22-M

50 CFR Part 671

[Docket No. 30121-15]

Tanner Crab Off Alaska

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

ACTION: Emergency interim rule and request for comments.

SUMMARY: NOAA issues emergency regulations to eliminate a regulatory provision allowing Tanner crab pots to be stored on fishing grounds in a non-fishing condition for 72 hours prior to the opening of the fishing season. NOAA

also requests comments on the emergency rule.

This action is necessary to bring Federal regulations in the fishery conservation zone into conformity with State regulations in State waters, and to make Federal regulations more easily enforceable. This action will provide for an orderly fishery, eliminate anticipated illegal fishing in Federal waters prior to the opening of the fishing season, and give all vessels an equal start in the fishery. The comments will be considered prior to any future action to promulgate a final rule.

DATES: Section 671.26(b)(3)(ii) is suspended from 12:00 noon, Alaska Standard Time (AST) February 7, 1983, until 12:00 noon Alaska Daylight Time (ADT) May 8, 1983; § 671.26(b)(3)(iv) is added as a temporary regulation effective 12:00 noon AST February 7, 1983, until 12:00 noon ADT May 8, 1983. Comments must be received on or before March 7, 1983.

ADDRESS: Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

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

SUPPLEMENTARY INFORMATION: When the Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska (FMP) was implemented by final regulations on December 1, 1978 (43 FR 57149), State of Alaska regulations governing the domestic Tanner crab fishery were adopted and implemented as Federal regulations to govern the domestic fishery in the fishery conservation zone. The implementing regulations at § 671.26(b)(3)(ii) included a provision that Tanner crab pots with all doors fully open and with all bait containers removed may be stored in water deeper than the maximum permissible storage depth (less than 25 fathoms) for 72 hours prior to the opening of the Tanner crab seasons. This provision means, therefore, that Tanner crab pots in such nonfishing condition may be stored on the fishing grounds for 72 hours before the season starts. The purpose of this provision was to give boats with limited pot carrying capacity sufficient time to move their pots from onshore or legal inshore storage waters to the fishing grounds prior to the opening of the Tanner crab seasons in order to have the same number of actual fishing days as the boats with greater pot carrying capacity.

The State of Alaska subsequently eliminated its provision for storing pots

for 72 hours on the fishing grounds prior to a season opening. That action was taken in response to testimony that some fishermen were violating the regulations either by conducting exploratory fishing to determine areas of Tanner crab abundance or by fishing with baited pots in earnest for 3 days before the season started. Compliance with the 72-hour provision can only be ascertained by physically lifting each crab pot to the surface, as only the floating marker buoy is otherwise visible. Effective enforcement of the 72-hour provision would require the use of several patrol boats at great expense to adequately sample thousands of crab pots (more than 50,000 in the Kodiak area alone) that could be placed on several thousand square miles of fishing grounds. The State recognized that the 72-hour provision was largely unenforceable and fishermen who fished illegally were gaining up to 3 days of fishing time over those who complied with the 72-hour provision.

The king crab catch has declined drastically from 192.6 million pounds landed in 1980 to only 15 million pounds projected as the 1983 harvest. The *C. bairdi* Tanner crab catch is expected to drop from 81.6 million pounds in 1980 to 43.15 million pounds in 1983. The decline of these lucrative fisheries (shown in Table 1) has necessitated extra fishing effort in shorter seasons, with fishermen exploiting every means available to meet expenses. The bleak outlook for the 1983 crab fisheries will further intensify competition between fishermen, and will cause them to seek every possible advantage. Continuance of the 72-hour provision in the fishery conservation zone with no such provision in State waters will create a chaotic fishery with baited pots placed on the fishing grounds 72 hours prior to the season opening, giving offshore fishermen an unfair advantage over inshore fishermen. The 72-hour provision would also create a safety hazard during the storm-ridden winter Tanner crab season by enticing the smaller vessels, which traditionally fish the protected inshore waters, to more dangerous offshore areas.

TABLE 1.—RECENT HARVESTS (MILLIONS OF POUNDS) OF KING CRAB AND *C. bairdi* TANNER CRAB FROM THE WESTERN REGION OFF ALASKA

	1980	1981	1982	1983 ¹
King crab	192.6	87.0	30.0	15.0
Tanner crab (<i>C. bairdi</i>)	81.6	57.9	38.8	43.15

¹ Projected harvest based on 1982 surveys.

Federal enforcement agencies do not have the capability to enforce

effectively the 72-hour provision. Coast Guard vessels used for fisheries enforcement are not equipped with specialized pot hauling gear and cannot inspect more than a minimal number of pots. The National Marine Fisheries Service does not have enforcement vessels capable of operating in the Tanner crab fishery. Therefore, illegal fishing during the 72-hour period is to be expected and we are lifting the pot storage provision in all districts.

Section 305(e)(1) of the Magnuson Fishery Conservation and Management Act authorizes the Secretary of Commerce (Secretary) to promulgate emergency regulations to address an emergency in a fishery. The Secretary finds that an emergency exists for the reasons discussed above and therefore promulgates this emergency regulation. This emergency rule remains in effect for 90 days. A thirty-day period for comments on this regulation is also provided. These comments will be considered before a final rule is promulgated to remove the 72-hour provision.

Classification

The Assistant Administrator has determined that these emergency regulations are necessary and appropriate for the welfare of the Tanner crab fishery off the Coast of Alaska, and that it is consistent with the Magnuson Act, including the national standards, and other applicable law.

The Assistant Administrator has determined that the rules are not "major" under E.O. 12291 requiring a regulatory impact analysis.

The NOAA Administrator has determined that the emergency which justifies the promulgation of emergency regulations under Section 305(e) of the Magnuson Act also constitutes an emergency situation under Section 8(a)(1) of E.O. 12291. Because it is imperative to implement these rules immediately, it is impracticable to comply with Section 3(c)(3), which requires that NOAA transmit to the Director of the Office of Management and Budget (OMB) a copy of every nonmajor rule, at least 10 days prior to publication. However, a copy of these emergency regulations has been transmitted to the Director of OMB.

These emergency regulations which amend regulations pertaining to the Commercial Tanner Crab Fisheries off the Coast of Alaska, do not entail any Federal collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3507.

The Regulatory Flexibility Act (RFA) is inapplicable as no proposed rule was published.

An environmental assessment on this rule was filed with the Environmental Protection Agency on January 28, 1983. Based on this assessment, the Assistant Administrator for Fisheries, NOAA, has determined that this rule does not involve a major Federal action significantly affecting the quality of the environment and requiring an environmental impact statement under Section 102(2)(c) of the National Environmental Policy Act.

The Assistant Administrator has also determined that implementation of this regulation will be carried out in a manner that is consistent, to the maximum extent practicable, with the Alaska Coastal Management Program, as required by Section 307(c) of the Coastal Zone Management Act of 1972 and its implementing regulations, 15 CFR Part 930, Subpart C.

The North Pacific Fishery Management Council has proposed an amendment to the FMP which, upon approval and implementation, would eliminate the 72-hour pot storage provision. This amendment, however, would not be implemented before the February 1983 openings of the commercial Tanner crab season. Neither could this emergency rule be implemented before the season openings if an opportunity were provided for prior public comment.

The early pot deployment provision, should it remain in effect, would encourage a disorderly fishery and would pose a serious threat to the survival of a significant portion of the crab fleet. For these reasons the Assistant Administrator has found that it would be contrary to the public interest to afford a prior opportunity for public comment before taking this action, or to delay its effective date. A public comment period is provided to obtain comments which may be used to develop a final rule.

List of Subjects in 50 CFR Part 671

Fish, Fisheries, Reporting and recordkeeping requirement.

Dated: February 1, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 671 is amended as follows:

PART 671—TANNER CRAB OFF ALASKA

1. The authority citation for Part 671 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 671.26 is amended by suspending paragraph (b)(3)(ii) from 12:00 noon Alaska Standard Time (a.s.t.) February 7, 1983, until 12:00 noon Alaska Daylight Time (a.d.t.) May 8, 1983, and § 671.26(b)(3)(iv) is added as a temporary regulation which is effective 12:00 noon a.s.t. February 7, 1983, and

expires at 12:00 noon a.d.t. May 8, 1983, to read as follows:

§ 671.26 Season and gear restrictions.

* * * * *

(b) * * *

(3) * * *

(iv) Tanner crab pots with all doors secured fully open and with all bait and

bait containers removed may be stored in water depth greater than the maximum permissible storage depth for 72-hours after the season closure where the pots are fished.

* * * * *

[FR Doc. 83-3020 Filed 2-1-83; 3:26 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 48, No. 25

Friday, February 4, 1983

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 HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 79N-0141]

Corn Sugar, Corn Syrup, and Invert Sugar (Syrup); Proposed Affirmation of GRAS Status as Direct Human Food Ingredients; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on its proposal to affirm that corn sugar, corn syrup, and invert sugar are generally recognized as safe (GRAS) as direct human food ingredients. The National Soft Drink Association asked for the extension, and FDA is granting it.

DATE: Comments by March 2, 1983.

ADDRESS: Written comments, data, and information to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Corbin Miles, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: FDA issued in the Federal Register of Tuesday, November 30, 1982 (47 FR 53917) a proposal to affirm corn sugar, corn syrup, and invert sugar as GRAS. FDA asked for comments by January 31, 1983.

On January 31, 1983, the National Soft Drink Association asked FDA to extend the comment period by 30 days. It said that circumstances beyond its control prevented it from making the January 31, 1983 cutoff.

After carefully evaluating the request, FDA has concluded that an extension is appropriate to provide adequate time to

prepare responses to the proposed regulations. FDA recognizes the significance of the issues involved in this matter and wishes to ensure that all interested parties have a fair amount of time for comment. Therefore, FDA has concluded that the comment period should be extended an additional 30 days.

Interested persons may, on or before March 2, 1983, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 1, 1983.

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

[FR Doc. 83-3127 Filed 2-3-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 182 and 184

[Docket No. 79N-0142]

Sucrose; Proposed Affirmation of GRAS Status as Direct Human Food Ingredient; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on its proposal to affirm that sucrose is generally recognized as safe (GRAS) as a direct human food ingredient. The National Soft Drink Association asked for the extension, and FDA is granting it.

DATE: Comments by March 2, 1983.

ADDRESS: Written comments, data, and information to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Corbin Miles, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: FDA issued in the Federal Register of

Tuesday, November 30, 1982 (47 FR 53923) a proposal to affirm sucrose as GRAS. FDA asked for comments by January 31, 1983.

On January 31, 1983, the National Soft Drink Association asked FDA to extend the comment period by 30 days. It said that circumstances beyond its control prevented it from making the January 31, 1983 cutoff.

After carefully evaluating the request, FDA has concluded that an extension is appropriate to provide adequate time to prepare responses to the proposed regulations. FDA recognizes the significance of the issues involved in this matter and wishes to ensure that all interested parties have a fair amount of time for comment. Therefore, FDA has concluded that the comment period should be extended an additional 30 days.

Interested persons may, on or before March 2, 1983, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 1, 1983.

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

[FR Doc. 83-3128 Filed 2-3-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 182 and 184

[Docket No. 80N-0218]

Citric Acid and Certain Citrates; Affirmation of GRAS Status

Correction

In FR Doc. 83-202 beginning on page 834 in the issue of Friday, January 7, 1983, make the following corrections:

1. On page 834, middle column, in the 13th line from the bottom of the page (not counting the footnote), "and natural constituents" should have read "are natural constituents".

2. On page 836, middle column, in the 25th line from the bottom of the page,

"supplements in GRAS" should have read "supplements is GRAS".

3. On page 837, in the table, the second entry now reading "Citric acid (scientific literature)" should have read "Citric acid (scientific literature review)".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 51

[LR-224-81]

Definition of Newly Discovered Oil; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations concerning the definition of the term "newly discovered oil" for purposes of the windfall profit tax.

DATES: The public hearing will be held on April 12, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by March 29, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-224-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 4998 of the Internal Revenue Code of 1954. The proposed regulations appeared in the *Federal Register* for Friday, November 5, 1982 (47 FR 50306).

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and desire to present oral comments at the hearing on the proposed regulations should submit

an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by March 29, 1983.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

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

[FR Doc. 83-3114 Filed 2-3-83; 8:45 am]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 450]

Establishment of Russian River Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms; Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Sonoma County, California, approximately one mile northwest of Santa Rosa, to be known as the "Russian River Valley." Included in the proposal are those areas through which flow the Russian River or some of its tributaries and where there is a significant climate effect from coastal fogs. This proposal is based upon a petition submitted by the Russian River Valley Appellation Committee consisting of twenty industry members in the area. The establishment of viticultural areas and their subsequent use as appellations of origin in wine labeling and advertising will allow wineries to better designate the specific grape growing areas where their wines come from and will enable consumer to better identify the wines they purchase.

DATE: Written comments must be received by March 21, 1983.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco

and Firearms, P.O. Box 385, Washington, DC 20044-0385 [Notice No. 450].

Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at the ATF Reading Room, Room 4405, Federal Building, 12th and Pennsylvania Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:

James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7826).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations provide for the establishment of definite American viticultural areas and allow for their use as appellations of origin on wine labels and in wine advertisements. The American viticultural areas are listed in 27 CFR Part 9.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition from "The Appellation Committee" proposing a large area of approximately 150 square miles located in Sonoma County, California, one mile northwest of Santa

Rosa as a viticultural area to be known as "Russian River Valley." The proposed viticultural area includes those areas through which flow the Russian River or some of its tributaries and which there is a significant climate effect from coastal fogs. There are more than 8,000 acres of producing vineyards and twenty-seven wineries in the proposed area.

The petitioner states that the proposed viticultural area is distinguished from surrounding areas by historical reference, climate, and geographical and physical features.

a. Historical reference. Viticulture in the Russian River Valley area of Sonoma County was established in the 1860's. By 1876, wine production in the area was in excess of 500,000 gallons and planted acreage totalled approximately 7,000 acres. In a "History of Sonoma County, California," published in 1880, mention is made of the four "great valleys" comprising Sonoma, Petaluma, Santa Rosa, and the Russian River. The use of the name "Russian River Valley" on wine labels began in 1970 and is now used by four wineries in the proposed viticultural area.

B. Climate. The specific growing climate is the principle distinctive characteristic of the proposed Russian River Valley viticultural area. The area designated is a cool growing coastal area because of fog intruding up the Russian River and its tributaries during the early morning hours. The result of these coastal fog intrusions give growing temperatures that are normally Region I or cooler. This area therefore is distinguished from the warmer neighboring valleys such as Dry Creek Valley, Alexander Valley and Sonoma Valley.

The petitioner submitted detailed information on how the climate in the proposed Russian River Valley viticultural area is different from surrounding areas. The data was mostly compiled by the Office of the Sonoma County Farm Adviser. The neighboring Alexander Valley is termed "coastal warm" with a range of accumulated heat units better 2800 and 3500 as calculated according to the Winkler and Amerine formula for degree days. The proposed Russian River Valley viticultural area is termed "coastal cool" with a range of 2000 and 2800 accumulated heat units.

c. Geographical and physical features. The boundaries of the proposed Russian River Valley viticultural area may be found on ten U.S.G.S. 7.5 minute quadrangle maps. The boundary and the names of the maps, are described in proposed § 9.66.

Executive Order 12291

It has been determined that this notice of proposed rulemaking is not classified as a "major rule" within the meaning of Executive Order 12291, 48 FR 13193 (1981), because it will not have an annual effect on the economy of \$100 million dollars or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Russian River Valley viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Public Participation—Written Comments

ATF requests interested persons to submit comments regarding this proposed viticultural area. Although this notice proposes boundaries for the Russian River Valley viticultural area, comments concerning alternative boundaries for this viticultural area will be considered as well. ATF is also particularly interested in comments regarding the viticultural area name. Petitions have also been received for the Chalk Hill and the Green Valley viticultural areas which have boundaries totally within the proposed Russian River Valley viticultural area. ATF is interested in receiving historical or current evidence that would substantiate having Chalk Hill and Green Valley viticultural areas within the proposed Russian River Valley viticultural area or allowing the proposed Russian River Valley viticultural area to overlap both the Chalk Hill and Green Valley proposed

viticultural areas. Should the proposed Chalk Hill viticultural area be allowed both the Chalk Hill and Russian River Valley names? Should the proposed Green Valley viticultural area be allowed both the Green Valley and Russian River Valley names? Should the boundaries of the proposed Russian River Valley viticultural area be modified to eliminate overlapping in the absence of historical or current evidence? Comments regarding overlapping viticultural boundaries in general are also desired.

All pertinent comments will be considered prior to the proposal of final regulations. Comments are not considered confidential. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should make a request, in writing, to the Director within the 45 day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine whether a public hearing will be held.

Drafting Information

The principal author of this document is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Viticultural areas, Consumer protection, Wine.

Authority

Accordingly, under the authority in 27 U.S.C. 205 (49 Stat. 981, as amended), ATF proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.66 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.66 Russian River Valley.

Par. 2. Subpart C is amended by adding § 9.66 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.66 Russian River Valley.

(a) *Name.* The name of the viticultural area described in this section is "Russian River Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Russian River Valley viticultural area are the 1954 U.S.G.S. 7.5 minute series maps titled:

"Healdsburg Quadrangle, California"
 "Guerneville Quadrangle, California"
 "Cazadero Quadrangle, California"
 "Duncans Mills Quadrangle, California"
 "Camp Meeker Quadrangle, California"
 "Valley Ford Quadrangle, California"
 "Sebastopol Quadrangle, California"
 "Santa Rosa Quadrangle, California"
 "Mark West Springs Quadrangle, California"
 "Jintown Quadrangle, California"

(c) *Boundaries.* The Russian River Valley viticultural area is located in Sonoma County, California.

(1) *Starting point Healdsburg map*—Healdsburg Avenue Bridge over the Russian River at Healdsburg. Proceed south along Russian River to where Foreman Lane meets the river at mouth of Dry Creek.

(2) Proceed west along Foreman Lane to where it crosses Westside Road and becomes Felta School Road.

(3) Proceed west on Felta School Road to the point where it crosses Felta Creek.

(4) Proceed 18000' up Felta Creek to its headwaters as shown on the *Guerneville map*, as "Springs."

(5) Proceed southwest in a straight line 58 degrees W 15000' more or less to the section corner common to Sections 8, 9, 16, and 7 just north of Sonoma Quicksilver Mine.

(6) Proceed due north along section line to the point where it intersects Sweetwater Springs Road.

(7) Proceed southwest and south along Sweetwater Springs Road to where it becomes Armstrong Woods Road then into the town of Guerneville, where it intersects California Hwy 116.

(8) Proceed west along California Hwy 116 through the *Cazadero map* and onto the *Duncans Mills map* to Monte Rio where it intersects the Bohemian Hwy.

(9) Proceed south along the Bohemian Hwy onto the *Camp Meeker map* and then the *Valley Ford map* to the town of Freestone where it intersects the Bodega Road.

(10) Proceed east along the Bodega Road onto the *Sebastopol map* to the city of Sebastopol where it becomes California Hwy 12 then along California

Hwy 12 to its intersection with Wright Road.

(11) Proceed north along Wright Road to where it becomes Fulton Road and into the town Fulton to where it intersects River Road.

(12) Proceed east along River Road to its intersection with Mark West Springs Road.

(13) Proceed north east along Mark West Springs Road through the *Santa Rosa map* and onto the *Mark West map* to where it becomes Porter Creek Road and onto its intersection with Franz Valley Road.

(14) Proceed north along Franz Valley Road to the northerly most crossing of Franz Creek.

(15) Proceed west along Franz Creek until it intersects the line separating Section 21 and Section 22.

(16) Proceed South on this line separating Sections 21 and 22 to the corner common to Sections 21 and 22 and Sections 27 and 28.

(17) Proceed west from the common corner of Sections 21 and 22 and 27 and 28 and in a straight line to the peak of Chalk Hill on the *Healdsburg map*.

(18) Proceed west from the peak of Chalk Hill in a straight line to the point where Brooks Creek joins the Russian River.

(19) Proceed north west in a straight line 8000' to a peak marked 772' elv. on the *Jintown map*.

(20) Proceed north west in a straight line from hill top 772' elv. to hill top 596' elv.

(21) Proceed north west in a straight line from hill top 596' elv. to hill top 516' elv.

(22) Proceed north west in a straight line from hill top 516' elv. to hill top 530' elv.

(23) Proceed west in a straight line from hill top 530' elv. to hill top 447' elv.

(24) Proceed west in a straight line from hill top 447' elv. to the point where Alexander Valley road meets Healdsburg Avenue.

(25) Proceed south along Healdsburg Avenue through the city of Healdsburg on the *Healdsburg map* to the point where it crosses the Russian River at the point of beginning.

Approved: January 28, 1983.

W. T. Drake,
 Acting Director.

[FR Doc. 83-3109 Filed 2-3-83; 8:45 am]

BILLING CODE 4810-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2269-2]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: On March 12, 1982 (47 FR 10813), EPA conditionally approved the Marion County, Indiana State Implementation Plan (SIP) for sulfur dioxide (SO₂), including stack height increases for three emissions sources: Indianapolis Power and Light Company's (IPL) Stout Generating Station, National Starch and Chemicals Company and Detroit Diesel Allison's Plant #8. Subsequently, IPL filed a Petition for Review of this rulemaking action in the U.S. Court of Appeals for the Seventh Circuit (Case No. 82-1738). As a result of IPL's Petition, EPA has reviewed the rulemaking record and determined that the stack height increases were not formally adopted by the State of Indiana, as part of its SO₂ control strategy for Marion County. EPA, therefore, is proposing to rescind its approval of the stack height increases for IPL's Stout Generating Station, the National Starch and Chemicals Plant and Detroit Diesel Allison Plant #8.

DATE: Comments on this proposed action must be received by April 5, 1983.

ADDRESSES: Copies of the materials relating to this rulemaking are available for inspection at the following addresses:

Air Programs Branch (5AP-11), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch (5AP-11), Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Air Programs Branch, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-8031.

SUPPLEMENTARY INFORMATION: Under Section 107 of the Clean Air Act (CAA), EPA has designated certain areas in

Indiana as not attaining National Ambient Air Quality Standards (NAAQS) for SO₂. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). Indiana's Marion County is designated as not attaining the primary SO₂ NAAQS. For these areas, Part D of the CAA requires that the State revise its SIP to provide for attaining the primary SO₂ NAAQS by December 31, 1982. These SIP revisions must also provide for attaining the secondary NAAQS as soon as practicable. The requirements for an approvable SIP are described in a "General Preamble" for Part D rulemakings published at 44 FR 20372 (April 4, 1979), 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979).

On June 26, 1979, Indiana submitted to EPA a revision to the Indiana SIP pursuant to Part D of the CAA. This submittal included a revised SO₂ control strategy for attaining the NAAQS in Marion County. The strategy was developed by the Marion County Task Force (consisting of local Agency and industry representatives), based on computer dispersion modeling. It consisted of site-specific SO₂ emission limits for a number of point sources in Marion County. In addition to these emission limits, the strategy included stack height increases for the three plants mentioned above. The Task Force submitted the strategy (as a document entitled "Marion County Control Concept," dated February 22, 1979) to the Indiana Air Pollution Control Board (IAPCB) for inclusion in the SIP.

On May 23, 1979, the IAPCB acted to adopt as part of its SIP a revised SO₂ regulation, entitled APC-13. This regulation included a generally applicable, state-wide SO₂ limit of 6.0 lb per million Btu heat input. In addition to the general limit, an Appendix to the regulation incorporated the site specific SO₂ emission limits for the Marion County sources specified in the Task Force's control strategy document. Regulation APC-13 was adopted in final form, including the Appendix, on May 23, 1979. On June 26, 1979, Indiana submitted Regulation APC-13, and the "Marion County Control Concept" to EPA as a revision to the Indiana SIP.

EPA proposed to conditionally approve the revision on March 27, 1980 (45 FR 20432). In response to this proposal, on August 27, 1980 and July 16, 1981, Indiana committed itself to submit additional data and regulations, if necessary, to fulfill EPA's conditions. At

a later date, Indiana agreed to meet its commitments by November 1982. EPA reviewed Indiana's commitments and the comments received in response to EPA's notice of proposed rulemaking, and on March 12, 1982, EPA conditionally approved the Marion County SO₂ plan as meeting the requirements of Part D of the CAA (47 FR 10813).¹ Additionally, EPA proposed on March 12, 1982 to approve the November 1982 date by which Indiana committed itself to fulfill the conditions (47 FR 10860).

Subsequent to EPA's March 12, 1982 conditional approval of the Marion County SO₂ plan, pursuant to Section 307(b) of the CAA, IPL filed a Petition for Review of this rulemaking in the U.S. Court of Appeals for the Seventh Circuit (Cause No. 82-1738). As a result of IPL's Petition, EPA re-examined the rulemaking record pertaining to the Marion County Plan. This review indicates that although the IAPCB formally adopted the site specific emission limits from the Marion County Task Force control strategy document as part of Regulation 325 IAC 7-1 (formerly APC-13), the Board did not formally adopt the stack height increases for those sources. Because of this the stack height provisions do not meet the requirements of Section 110(a) of the CAA, 42 U.S.C. 7410(a) and the implementing regulations at 40 CFR Part 51, Subpart B.

Therefore, EPA is proposing to rescind its approval of the stack height increases at: IPL's Stout Plant, the National Starch and Chemicals Plant and the Detroit Diesel Allison's #8 Plant. EPA's action on these stack heights will not affect its conditional approval of the emission limitations for these plants contained in Indiana's SO₂ regulation 325 IAC 7-1.

EPA's March 12, 1982 conditional approval of the Marion County strategy was based on the requirement that the State submit additional data to rectify deficiencies in its modeling analysis, including a determination that the strategy for the 24-hour standard is constraining, a justification of the background SO₂ levels used, a revised emissions inventory, and an adequate meteorological base and receptor network. In response to EPA's conditional approval, Indiana informed EPA that the modeling analysis would be revised to meet the above conditions.

The modeling that was submitted in 1979 assumed the stack height increases

contained in the Task Force control strategy document. Therefore, EPA's continued conditional approval of the Marion County SO₂ plan is with the understanding that the State must adopt and submit as a SIP revision enforceable requirements for stack height increases if the reanalysis continues to assume stack height increases at these or other sources.

The State committed to complete its reanalysis and if necessary, to submit revised regulations to EPA as a revision to its SIP by the end of November 1982. The State had not met this date; however, the State and the Marion County Task Force have kept EPA informed on their progress in completing the reanalysis for Marion County.

EPA will publish in a future **Federal Register** notice its action concerning the State's failure to fulfill the conditions for approval cited in the March 12, 1982 Notice of Final Rulemaking. For a discussion of conditional approvals and their practical effect, see 44 FR 38583 (July 2, 1979) and 43 FR 67182 (November 23, 1979).

All interested persons are invited to submit written comments on EPA's proposed SIP action. Written comments received by the date specified above will be considered in determining whether EPA will take action as proposed. After review of all comments submitted, EPA will publish in the **Federal Register** the Agency's final action.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(Secs. 110, 172 and 301(a) Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601(a)))

Dated: December 7, 1982.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 83-3058 Filed 2-3-83; 8:45 am]

BILLING CODE 6560-50-M

¹ Indiana has recodified Regulation APC-13 as 325 IAC 7-1. EPA approved the codification change on July 16, 1982 (47 FR 30978).

40 CFR Part 123**[SW-4-FRL 2299-1]****Hazardous Waste Management Program Mississippi; Application for Interim Authorization, Phase II, Component C****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of public comment period and of a public hearing.

SUMMARY: Today EPA is announcing the availability for public review of the Mississippi application for Phase II, Component C, Interim Authorization, Hazardous Waste Management Program, inviting public comment, and giving notice that if significant public interest is expressed, EPA will hold a public hearing on the application.

DATE: If significant public interest is expressed in holding a hearing, a public hearing is scheduled for March 24, 1983 at 7:00 p.m. EPA reserves the right to cancel the public hearing if significant public interest in holding a hearing is not communicated to EPA by telephone or in writing by March 14, 1983. EPA will determine by March 18, 1983, whether there is significant interest to hold the public hearing. All written comments on the Mississippi interim authorization application must be received by the close of business on March 14, 1983.

ADDRESSES: If significant public interest is expressed, EPA will hold a public hearing on Mississippi's application for interim authorization on March 24, 1983, at 7:00 p.m. at the Metro Center—Ramada Inn, Ellis Avenue and I-20 West, Jackson, Mississippi.

Written comments on the application and written or telephoned communication of interest in EPA's holding a public hearing on the Mississippi application must be sent to: James H. Scarbrough, Chief, Residuals Management Branch, U.S. EPA, 345 Courtland St., N.E., Atlanta, Georgia 30365, 404/881-3016.

If you wish to find out whether or not EPA will hold a public hearing on the Mississippi application based upon EPA's decision that there was significant public interest in such a hearing, write or telephone after March 18, 1983, the EPA contact person listed below or telephone Mr. Jack McMillan; Director, Division of Solid/Hazardous Waste Management, Mississippi Department of Natural Resources, Post Office Box 10385, Jackson, Mississippi 39209, 601/961-5062.

Copies of the Mississippi interim authorization application for Phase II Component C, are available during

normal business hours at the following addresses for inspection and copying:

Division of Solid/Hazardous Waste Management, Mississippi Department of Natural Resources, Post Office Box 10385, Jackson, Mississippi 39209, Telephone: 601/961-5171

Environmental Protection Agency, Regional Office Library, Room 121, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Telephone: 404/881-4216

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, N.E. Telephone: 404/881-3016.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 *Federal Register* (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of Mississippi received interim authorization for Phase I on January 7, 1981.

In the January 26, 1981 *Federal Register* (46 FR 7965), the Environmental Protection Agency announced the availability of portions or components of Phase II of interim authorization. Component A, published in the *Federal Register* January 12, 1981 (46 FR 2802), contains standards for permitting containers, tanks, surface impoundments and waste piles. Component B, published in the *Federal Register* January 23, 1981 (46 FR 7666), contains standards for permitting hazardous waste incinerators.

The State of Mississippi received interim authorization for Phase II, Components A and B, on August 31, 1982.

In the July 28, 1982 *Federal Register* (47 FR 32378) the Environmental Protection Agency announced that states with qualified programs can be authorized for Phase II Interim Authorization, Component C. Component C published in the *Federal*

Register includes standards for permitting of land disposal facilities.

A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123, Subpart F (45 FR 33479).

As noted in the May 19, 1980 *Federal Register*, copies of complete state submittals for Phase II interim authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—land, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business formation.

(Solid Waste Disposal Act, amended by Resource Conservation and Recovery Act of 1976 and Solid Waste Disposal Act Amendments of 1980, 42 U.S.C. 6901 et seq.)

Dated: January 26, 1983.

Charles R. Jeter,
Regional Administrator.

[FR Doc. 83-3058 Filed 2-3-83; 8:45 am]

BILLING CODE 6580-50-M

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Review of Special Rules on Sea Turtles**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule related notice; extension of comment period.

SUMMARY: The comment period on the Service's Notice of Intent to review special rules on threatened sea turtles (48 FR 42) is extended to February 17, 1983, in response to requests for extension by several interested parties.

ADDRESS: Comments may be sent to: Robert Batky, Staff Biologist, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Batky, Staff Biologist, U.S. Fish and Wildlife Service.

Robert J. Batky,
Acting Chief, Federal Wildlife Permit Office.

[FR Doc. 83-2827 Filed 2-3-83; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 227****Review of Special Rules on Sea Turtles**

AGENCY: National Oceanic and Atmospheric Administration, Commerce

ACTION: Extension of comment period.

SUMMARY: A notice was published (48 FR 42-43, January 3, 1983) stating that special rules concerning sea turtles (50 CFR 227 Subpart D) were being

reviewed. The comment period for that notice is hereby extended by 15 days.

DATE: Comments must be received by February 22, 1983.

ADDRESS: Please address correspondence to the U.S. Fish and Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203. Information on this notice is available for review during the hours of 7:45 a.m. to 4:15 p.m. Monday through Friday except holidays in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Batky, Staff Biologist, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654,

Arlington, Virginia 22203; (703/235-1903), or Mr. Charles Karnella, National Marine Fisheries Service, Office of Protected Species and Habitat Conservation, U.S. Department of Commerce, Washington, D.C. 20235; (202/634-7471).

List of Subjects in 50 CFR Part 227

Endangered and threatened wildlife.

Dated: February 1, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-3022 Filed 2-3-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 48, No. 25

Friday, February 4, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Hop Marketing Advisory Board; Renewal

Notice is hereby given that the Hop Marketing Advisory Board is being renewed for an additional period of 2 years under provisions of the Federal Advisory Committee Act (86 Stat. 770).

The purpose of the Board is to advise the Hop Administrative Committee under Federal Marketing Order No. 991 concerning marketing policy and other operational matters as the Committee requests.

This Board represents handlers of hops. Representation for most is based on the quantities of hops handled; and one representative is for extractors.

Information about this Board may be obtained from Joseph C. Perrin, Northwest Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, 1600 S.W. Fourth Avenue, Suite 805, Portland, Oregon 97201-5577. Telephone: 503-221-2724.

Authority for this Board will expire January 27, 1985 unless it is determined that continuance is in the public interest.

Dated: February 1, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-3103 Filed 2-3-83; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Committee of State Foresters; Meeting

The Committee of State Foresters will meet in Phoenix, Arizona, on March 10, 1983. The meeting will convene at 8:30 a.m. on March 10 in the Navajo D Room of the Phoenix Hilton Hotel, Phoenix, Arizona.

The Committee, comprised of seven members who are the Executive Committee of the National Association of State Foresters, consults with the Secretary of Agriculture and various agencies of the Department on the implementation of the Cooperative Forestry Assistance Act of 1978 (Pub. L. 95-313). The Assistant Secretary for Natural Resources and Environment or his designee will chair the meeting. He and representatives of the Forest Service and other interested agencies will attend from the Department of Agriculture.

The meeting will be open to the public. Persons who wish to attend should notify the Committee's Executive Secretary, John H. Ohman, Deputy Chief for State and Private Forestry, USDA—Forest Service, P.O. Box 2417, Washington, DC 20013, telephone (202) 447-6657. Written statements may be filed with the Committee before or after the meeting.

Dated: January 31, 1983.

F. Dale Robertson,

Associate Chief, Forest Service.

[FR Doc. 83-3104 Filed 2-3-83; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Renewal of Agricultural Advisory Committees for Trade

Notice is hereby given that the Secretary of Agriculture, after consultation with the United States Trade Representative, has renewed the following advisory committees:

Agricultural Policy Advisory Committee for Trade, and nine separate Agricultural Technical Advisory Committees for Trade in: Cotton, Dairy Products, Fruits and Vegetables, Grain and Feed, Livestock and Livestock Products, Oilseeds and Products, Poultry and Eggs, Sweeteners and Tropical Products, and Tobacco.

The purpose of these committees is to provide advice to the Secretary and the U.S. Trade Representative with respect to the trade policy of the United States pursuant to section 135(c) of the Trade Act of 1974 (Pub. L. 93-618), as amended by the Trade Agreements Act of 1979 (Pub. L. 96-39). Meetings of these committees will be open only to members of the committees in accordance with section 135(f)(2) of the Act unless otherwise determined.

The renewal of such committees is in the public interest in connection with the duties of the Department imposed by the Trade Act of 1974, as amended by the Trade Agreements Act of 1979.

Dated: January 31, 1983.

John J. Franke, Jr.,

Deputy Assistant Secretary for Administration, Office of the Secretary.

[FR Doc. 83-3049 Filed 2-3-83; 8:45 am]

BILLING CODE 3410-10-M

Soil Conservation Service

Pohick Creek Watershed, Virginia; Environmental Statement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, give notice that an environmental impact statement is not being prepared for the Pohick Creek Watershed Site No. 1, Fairfax County, Virginia.

FOR FURTHER INFORMATION CONTACT: Manly S. Wilder, State Conservationist, Soil Conservation Service, 400 North Eighth Street, P.O. Box 10028, Richmond, Virginia 23240, telephone 804-771-2457.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Manly S. Wilder, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns Pohick Creek Site No. 1 structure for flood control and watershed protection located on South Run. The structure will be about 54 feet high, inundate 43 acres in the sediment pool, contain 190,000 cubic yards of compacted earth fill, and control runoff from 3,960 acres. A 401 water quality certificate and a 404 permit have been issued.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Gerald P. Bowie.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: January 21, 1983.

Manly S. Wilder,
State Conservationist.

[FR Doc. 83-2774 Filed 2-1-83; 8:45 am]

BILLING CODE 3410-16-M

Wolf and Loosahatchie River Basins, Tennessee; Environmental Statement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Intent To Prepare an Environmental Impact Statement.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Wolf and Loosahatchie River Basins, Shelby, Tipton, Fayette, Haywood, and Hardeman Counties, Tennessee, and Marshall, Benton and Tippah Counties, Mississippi.

FOR FURTHER INFORMATION CONTACT: Donald C. Bivens, State Conservationist, Soil Conservation Service, 675 U.S. Courthouse, Nashville, Tennessee 37203, Telephone: 615/251-5471.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will have minimal impacts on the environment. In keeping with agency policy (7 CFR 650.7(A)(2)), Donald C. Bivens, State Conservationist, has determined that the preparation and review of a combined plan and environmental impact statement are needed for this project.

The project concerns erosion control, water quality improvement, and environmental enhancement. Alternatives being considered to reach

these objectives include various systems for conservation land treatment, with associated measures for on-farm water conservation and management.

A Draft Plan—Environmental Impact Statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the Draft Plan—Environmental Impact Statement. Meetings were held throughout the project area in 1981 to determine the scope of the evaluation of the proposed action. Further information on the proposed action, and future meetings may be obtained from Donald C. Bivens, State Conservationist, at the above address or telephone 615/251-5471.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: January 17, 1983.

Donald C. Bivens,
State Conservationist.

[FR Doc. 83-3050 Filed 2-3-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended January 28, 1983

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See 14 CFR 302.1701 et seq.)

Date filed	Docket No.	Description
Jan. 24, 1983	41237	American Airlines, Inc., P.O. Box 61616, DFW Airport, Texas 75261. Application of American Airlines, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests the Board to issue it a back-up certificate, to become effective if Western Airlines, Inc., withdraws its service from the market, as follows: "Between the coterminal points Houston and Dallas/Ft. Worth, Texas, the intermediate points Calgary and Edmonton, Alberta, Canada, and the coterminal points Anchorage and Fairbanks, Alaska."
Jan. 27, 1983	41245	Conforming Applications, Motions to Modify Scope, and Answers may be filed by February 22, 1983. Frontier Airlines, Inc., 8250 Smith Road, Denver Colorado 80207. Application of Frontier Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for an amendment of its Certificate of Public Convenience and Necessity for Route 73F in order to provide scheduled round-trip foreign air transportation of persons, property and mail as follows: Between (1) San Francisco, California, on the one hand, and the coterminal points of Toronto, Ontario and Montreal, Quebec, Canada, on the other hand, via the intermediate point of Denver, Colorado; and (2) Los Angeles, California, on the one hand, and the coterminal points of Toronto, Ontario and Montreal, Quebec, Canada, on the other hand, via the intermediate point of Denver, Colorado.
Jan. 28, 1983	41246	Answers may be filed by February 10, 1983. Pan American World Airways, Inc., c/o Richard D. Mathias, Suite 901, 1660 L Street, N.W., Washington, D.C. 20036. Pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that the Board amend its certificate for Route 132 so as to enable Pan Am to provide scheduled air transportation between various U.S. coterminal points (identified in Segment 4 of its certificate for Route 132) and Milan, Italy and Switzerland. Conforming Applications, Motions to Modify Scope and Answers may be filed by February 25, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-3105 Filed 2-3-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41244]**First American Bank of Virginia, Violations of Public Charter Regulations, Enforcement Proceeding; Assignment of Proceeding**

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated at Washington, D.C., February 1, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 83-3107 Filed 2-3-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41242]**Northeast Airlines, Inc., Enforcement Proceeding; Assignment of Proceeding**

This proceeding has been assigned to Administrative Law Judge Ronnie A. Yoder. Future communications should be addressed to him.

Dated at Washington, D.C., February 1, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 83-3106 Filed 2-3-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE**National Bureau of Standards****[Docket No. 21129-238]****Approval of Federal Information Processing Standard 97, Operational Specifications for Fixed Block Rotating Mass Storage Subsystems**

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759 (f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards. On June 18, 1981, notice was published in the *Federal Register* (46 FR 31911-31912) that a standard for Operational Specifications for Fixed Block Rotating Mass Storage Subsystems was being proposed for Federal use. As a result of comments received, a major revision was undertaken and published in the *Federal Register* on April 9, 1982 (47 FR 15396-15397). Interested parties were invited to submit written comments concerning the revised proposed standard to the National Bureau of Standards (NBS).

The written comments submitted by interested parties and other material available to the Department relevant to this standard were reviewed by NBS. On the basis of this review, NBS recommended to the Secretary his approval of the standard as a Federal Information Processing Standard (FIPS), and prepared a detailed justification document for the Secretary's review in support of that recommendation. The purpose of this notice is to announce that the Secretary has approved the standard as a FIPS, and that the standard shall be published as FIPS Publication 97. The provisions of this standard are effective on the date of publication of this notice in the *Federal Register*.

This standard is a companion to the existing I/O Channel Interface Standard, FIPS 60-1, and an alternative to FIPS 63, Operational Specifications for Rotating Mass Storage Subsystems, which gives operational specifications for variable block disks. If either FIPS PUB 63 or FIPS PUB 97 is used, the other is not required.

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6622, Main Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230.

The approved FIPS contains two portions: (1) An announcement portion which provides information concerning the applicability, implementation, and maintenance of the standard and (2) a specifications portion which deals with the technical requirements of the standard. Only the announcement portion of the standard is provided in this notice. This FIPS incorporates by reference the technical specifications of NBS document "Operational Specifications for Fixed Block Rotating Mass Storage Subsystems" dated 11 July 1982, Revision 6.

Interested parties may purchase either paper or microfiche copies of this standard, including the technical specifications portion, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this standard is set out in the Where to Obtain Copies Section of the Announcement portion of the standard.

Persons desiring further information about this standard may contact Mr. William Burr, Center for Computer Systems Engineering, Institute for

Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (301) 921-3723.

Dated: January 31, 1983.

Ernest Ambler,
Director.

Federal Information Processing Standards Publication 97

(Date)

Announcing the Standard for Operational Specifications for Fixed Block Rotating Mass Storage Subsystems

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Operational Specifications for Fixed Block Rotating Mass Storage Subsystems (FIPS PUB 97).

Category of Standard. Hardware Standard, Interface.

Explanation. This standard defines the peripheral device dependent operational interface specifications for connecting fixed block rotating mass storage equipment as a part of automatic data processing (ADP) systems. It is to be used together with FIPS PUB 60-1, I/O Channel Interface, and FIPS PUB 61, Channel Level Power Control Interface. This standard, together with these two referenced standards, provides for full plug-to-plug interchangeability of fixed block rotating mass storage equipment as a part of ADP systems. FIPS PUB 63, Operational Specifications for Rotating Mass Storage Subsystems, provides, together with FIPS PUB 60-1 and FIPS PUB 61, for plug-to-plug interchangeability of variable block rotating mass storage equipment as a part of ADP systems. This standard serves the same purpose as FIPS PUB 63; it specifies the operational characteristics of a particular type of rotating mass storage subsystem. The two standards are alternatives to each other. If either standard is used, the other is not required.

The Government's intent in employing this standard for Fixed Block Operational Specifications for Rotating Mass Storage Subsystems is to reduce the cost of satisfying its data processing requirements through increasing its available alternative sources of supply for computer systems components at the time of initial system acquisition, as well as in system augmentation and in system component replacement. This standard is also expected to lead to improved reutilization of system components.

When acquiring ADP systems and system components, Federal agencies shall cite this standard in specifying the interface for connecting fixed block rotating mass storage peripheral equipment as a part of ADP systems.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. Not applicable.

Applicability. In the acquisition or operation of rotating mass storage equipment under circumstances where the use of Federal Information Processing Standard I/O Channel Interface (NBS FIPS PUB 60-1) is required, each item of rotating mass storage equipment must conform to either this standard or FIPS PUB 63.

Verification of the correct operation of all interfaces that are required to conform to this standard shall be provided in accordance with the verification procedures established for FIPS 60 through 63 prior to the acceptance of all applicable ADP equipment.

Specifications. This standard incorporates by reference the technical specifications of the following NBS document: Operational Specifications for Fixed Block Rotating Mass Storage Subsystems. The version as of the initial issuance is Revision 6. Subsequently, the current version, as maintained by NBS, shall apply.

Implementation. The provisions of this standard become effective on the date of the announcement in the *Federal Register* of its approval by the Secretary of Commerce.

All applicable equipment ordered on or after the effective date may conform to the provisions of this standard rather than the provisions of FIPS PUB 63. (The provisions of FIPS PUB 63 have been in effect since June 23, 1980). Such equipment or actions must conform to the provisions of this standard, or FIPS PUB 63, unless a waiver has been granted in accordance with the procedures described elsewhere in this publication.

This standard shall be reviewed by NBS within three years after its effective date, taking into account technological trends and other factors, to determine whether the standard should be affirmed, revised, or withdrawn.

Waivers. Heads of agencies desiring a waiver from the requirements stated in this publication, so as to acquire ADP equipment that does not conform to this standard, shall submit a request for such a waiver to the Secretary of Commerce for review and approval. Approval will be granted if, in the judgment of the Secretary based on all available information, including that provided in the waiver request, a major adverse economic or operational impact would occur through conformance with this standard.

A request for waiver shall include: (1) a description of the existing or planned ADP system for which the waiver is being requested, (2) a description of the system configuration, identifying those items for which the waiver is being requested, and including a description of planned expansion of the system configuration at any time during its life cycle, and (3) a justification for the waiver, including a description and discussion of the major adverse economic or operational impact that would result through conformance to this standard as compared to the alternative for which the waiver is requested.

The request for waiver shall be submitted to the Secretary of Commerce, Washington, D.C. 20230, and labeled as a Request for Waiver to a Federal Information Processing Standard. Waiver requests will normally be processed within 45 days of receipt by the Secretary. No action shall be taken to issue solicitation documents or to order equipment for which this standard is applicable and which does not conform to this standard prior to receipt of a waiver approval response from the Secretary.

Where to Obtain Copies. Either paper or microfiche copies of this Federal Information Processing Standard, including the technical specifications, may be purchased from the National Technical Information Service (NTIS) by ordering Federal Information Processing Standard Publication 97 (FIPS PUB 97), Operational Specifications for Fixed Block Rotating Mass Storage Subsystems. Ordering information, including prices and delivery alternatives, may be obtained by contacting the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, Virginia 22161, telephone: (703) 487-4650.

[FR Doc. 83-3039 Filed 2-3-83; 8:45 am]

BILLING CODE 3510-CN-M

Office of the Secretary

Advisory Committee on East-West Trade; Notice of Re-establishment

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of re-establishment of the Advisory Committee on East-West Trade.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, and after consultation with the General Services Administration, the delegate of the Secretary of Commerce has determined that the re-establishment of the Advisory Committee on East-West Trade is in the public interest in connection with the performance of duties imposed on the Department of Commerce by law.

SUPPLEMENTARY INFORMATION: The Committee was first established in 1974. Its purpose is to advise Department of Commerce officials on ways to promote, facilitate and coordinate the expansion of two-way trade with the Soviet Union, Poland, Hungary, the German Democratic Republic, Czechoslovakia, Romania, Bulgaria, the People's Republic of China and certain other areas of the world with similar economic/political structures, so as to contribute materially to a more positive balance of trade and payments situation; to provide the Assistant

Secretary for International Economic Policy with a back-up link with the cumulative expertise of the business and academic communities which would advise in the determination of future directions and policies for East-West Trade, and to provide an evaluation of the efficiency of current East-West trade techniques.

The Committee will consist of not more than 25 members to be appointed by the Secretary to ensure balanced representation of interests, such as academia, business, industry, and public interest groups. The Committee will continue to function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's charter will be filed with appropriate committees of the Congress and with the Library of Congress.

FOR FURTHER INFORMATION CONTACT:

Committee Control Officer, JeNelle Matheson, Office of the People's Republic of China and Hong Kong, International Trade Administration, Room 2317, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-2462, or Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce (202) 377-4217.

Dated: January 28, 1983.

Dennis C. Boyd,

Executive Director, Information Resources Management.

[FR Doc. 83-3077 Filed 2-3-83; 8:45 am]

BILLING CODE 3510-CW-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1983 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 9, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT:
C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1983, November 18, 1982 (47 FR 52101):

Class 2540

Kit, Deep Water Fording, Vertical Exhaust System
2540-00-473-0111

Class 5340

Strap
5340-00-235-4433

Class 5660

Fastener, Fence Post
5660-00-148-7251

Class 6530

Urinary Drainage Set
6530-01-074-6600

Class 7910

Pad, Floor Polishing Machine
7910-00-820-7989
7910-00-820-7991
7910-00-820-9925
7910-00-820-9898
7910-00-820-7996
7910-00-820-7990
7910-00-820-9926
7910-00-820-9924
7910-00-820-7997

(For GSA Regions 1, 2, 3, 4, 5, and W only)

Class 7930

Dishwashing, Compound, Hand
7930-00-880-4454
7930-00-899-9534
7930-01-055-6136
(For GSA Regions 4, 6, 7, 8, and 9)

SIC 7331

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101 First Street, S.E.

Cedar Rapids, Iowa

C. W. Fletcher,
Executive Director.

[FR Doc. 83-3054 Filed 2-3-83; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1983; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1983 services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: February 4, 1983.

ADDRESS: committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT:
C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On October 15, 1982 and November 28, 1982, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 46126 and 47 FR 53447) of proposed additions to Procurement List 1983, November 18, 1982 (47 FR 52101).

After consideration of the relevant matter presented, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

- a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.
 - b. The actions will not have a serious economic impact on contractors for the services listed.
 - c. The actions will result in authorizing small entities to provide services procured by the Government.
- Accordingly, the following services are hereby added to Procurement List 1983:

SIC 0782

Grounds Maintenance
USAR Facility—Portland (South)
Sears Hall, 2731 SW Multnomah Boulevard
Portland, Oregon
USAR Facility—Portland (West)
Sharff Hall, 8801 N. Chautauqua Boulevard
Portland, Oregon

SIC 7349

Custodial Service
Social Security Administration
Computer Center Building
6201 Security Boulevard
Baltimore, Maryland

C. W. Fletcher,
Executive Director.

[FR Doc. 83-3053 Filed 2-3-83; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Draft Environmental Impact Statement (DEIS) for Proposed Hydropower Development at Locks and Dams 5, 7, and 8, Upper Mississippi River (Minnesota and Wisconsin)

AGENCY: St. Paul District, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

1. *Proposed Action.* The general proposed actions are the addition of hydroelectric generating units to the existing structures at locks and dams 5, 7, and 8 on the Upper Mississippi River in Minnesota and Wisconsin.

2. *Alternatives.* Detailed alternatives for hydropower at the three sites have not been developed. Besides no action, the reasonable alternatives for each site would include alternatives relating to powerhouse location and to the size and number of generating units. Planning constraints already identified for each of the three sites will limit the alternatives considered.

3. *Scoping Process.* The St. Paul District invites the participation of affected Federal, State, and local agencies, affected Indian tribes, interested organizations, and private citizens in the scoping process for the programmatic DEIS and draft supplements on hydropower development at locks and dams 5, 7, and 8.

Public Involvement—A series of three public meetings will be held in the vicinities of the proposed hydropower sites to present the results of preliminary studies and to obtain public comment on the scope of the programmatic DEIS. These meetings will be held in March 1983 at times and locations to be announced by public notice. Three additional public meetings will be held after detailed studies and before feasibility report completion.

An agency scoping meeting will also be held, at a time and place to be announced, to obtain comments from interested Federal and State agencies on the scope of the programmatic DEIS. Additional agency scoping meetings will be held for each of the three proposed sites to address site-specific concerns.

Significant Issues—Significant issues identified in the reconnaissance studies will be addressed in the programmatic DEIS and the site-specific DEIS supplements, including:

- The effects of construction on currently unknown cultural resources.
- The effects of construction on social conditions.
- The effects of hydroplant operation on flow patterns, erosion, and sedimentation in the Mississippi River.
- The effects of construction and hydroplant operation on tailwater fish habitat, the tailwater sport fishery, and associated recreation.
- The potential for entrainment and impingement of adult fish, eggs, larvae, and young in the turbines and the impact of increased mortality on fish populations.
- The potential for increased barriers to fish movements through the dams and the impacts of further restrictions of movements on fish populations.
- The impacts of construction and hydroplant operation on endangered species, especially the Higgins' eye pearly mussel and the bald eagle.
- The impacts of transmission lines on migratory birds.
- Cumulative effects of hydroplant construction and operation of multiple sites on Mississippi River animal and plant life.

Additional significant issues will probably be identified in the scoping process. These will be considered in detail in the programmatic DEIS or in the site-specific supplements, as appropriate.

Cooperating Agencies—The St. Paul district will request information for the programmatic DEIS and site-specific supplements from the U.S. Fish and Wildlife Service, the Wisconsin Department of Natural Resources, the Iowa Conservation Commission, and the Minnesota Department of Natural Resources.

4. Schedule:

Programmatic DEIS—The programmatic DEIS covering general and cumulative aspects of hydropower development on the Upper Mississippi River should be available for public review by January 1985.

Site-Specific Supplements—The St. Paul District will prepare a feasibility report for each of the three sites, according to the following schedule: lock

and dam 8—September 1985, lock and dam 7—September 1986, and lock and dam 5—September 1986. Separate draft supplements to the environmental impact statement will be prepared for the three sites as part of each feasibility report. These supplements will discuss site-specific impacts of hydropower development. This notice of intent covers these site-specific draft supplements as well as the programmatic DEIS for hydropower development.

5. Agency Contacts:

Questions about the proposed actions and DEIS can be answered by Mr. Carl Stephan (612-725-7472) or Mr. Daniel Wilcox (612-725-5936) of the Planning Division, St. Paul District, Corps of Engineers, 1135 U.S. Post Office and Custom House, St. Paul, Minnesota 55101.

Dated: January 26, 1983.

Edward G. Rapp,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-3062 Filed 2-3-83; 8:45 am]

BILLING CODE 3710-CY-M

Department of the Navy

Privacy Act of 1974; System of Records; Correction

AGENCY: Department of the Navy, DOD.

ACTION: Correction of a Notice for a System of Records.

SUMMARY: The Department of the Navy corrects the notice for a system of records subject to the Privacy Act of 1974 by deleting the exemption for the system. The corrected notice is set forth below.

DATE: The correction will be effective February 4, 1983.

ADDRESS: Send any comments to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (Op-09BIP), Department of the Navy, The Pentagon, Washington, DC 20350. Telephone 202/694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records subject to the Privacy Act of 1974, Title 5, United States Code Section 552 (Pub. L. 93-579; 44 Stat. 1896 *et seq.*), has been published in the Federal Register at:

FR Doc. 82-674 (47 FR 2574) January 18, 1982
FR Doc. 82-9204 (47 FR 14944) April 7, 1982
FR Doc. 82-9844 (47 FR 15636) April 12, 1982
FR Doc. 82-12593 (47 FR 20018) May 10, 1982

FR Doc. 82-15596 (47 FR 25041) June 9, 1982

FR Doc. 82-23533 (47 FR 37948) August 22, 1982

FR Doc. 82-27420 (47 FR 44314) October 6, 1982

FR Doc. 82-27692 (47 FR 44381) October 7, 1982

FR Doc. 82-28879 (47 FR 46879) October 21, 1982

FR Doc. 82-29834 (47 FR 49067) October 29, 1982

FR Doc. 82-30255 (47 FR 50069) November 4, 1982

FR Doc. 82-32787 (47 FR 54139) December 1, 1982

FR Doc. 83-805 (48 FR 1338) January 12, 1983

FR Doc. 83-1207 (48 FR 2584) January 20, 1983

This correction does not require an altered system report in accordance with 35 U.S.C. 522a(o).

M.S. Healy,

OSD Federal Register Liaison, Department of Defense.

January 31, 1983.

NO5300-4

System name:

Personnel Management and Training Research Statistical Data System (47 FR 2680) January 18, 1982.

Change:

System exempted from certain provisions of the Act:

Delete the entire entry and substitute with the word: "None."

NO5300-4

SYSTEM NAME:

Personnel Management and Training Research Statistical Data System

* * * * *

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-3098 Filed 2-3-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Education Appeal Board; Illinois Proceeding

AGENCY: Department of Education.

ACTION: Notice of Education Appeal Board Proceeding.

INFORMATION: This notice advises readers that the Education Appeal Board has rescheduled the prehearing conference in the following case: *Appeal of the State of Illinois*, Docket Nos. 7-(62)-80 and 9-(64)-80, February 18, 1983, to start at 10:30 a.m. in Room 3000, 400 Maryland Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Dr. David S. Pollen, Chairman,
Education Appeal Board, 400 Maryland
Avenue, SW. (Room 2141, FOB-6),
Washington, D.C. 20202. Telephone (202)
245-7835.

SUPPLEMENTARY INFORMATION: Under the Education Amendments of 1978 (20 U.S.C. 1234), the Education Appeal Board has authority to conduct (1) Audit appeal proceedings, (2) withholding, termination, and cease and desist proceedings initiated by the Secretary of Education, and (3) other proceedings designated by the Secretary as being within the jurisdiction of the Board. For information concerning the Board and its procedures, see the Board's final regulations as published in the *Federal Register* on May 18, 1981 (46 FR 27304).

(Catalog of Federal Domestic Assistance Number not applicable)

Dated: January 31, 1983.

Wendy Borchardt,

Acting Deputy Under Secretary.

[FR Doc. 83-3110 Filed 2-3-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. PP-77]

New England Electric Transmission Corp.; Withdrawal of Application

AGENCY: Economic Regulatory Administration (ERA), DOE.

ACTION: Notice of withdrawal of application in ERA Docket No. PP-77.

SUMMARY: On January 3, 1983, the New England Electric Transmission Corporation (NEET) notified DOE of its decision to withdraw its application for a Presidential Permit (Docket No. PP-77). This request leaves intact the application filed concurrently by the Vermont Electric Power Company (VELCO) in ERA Docket No. PP-76.

FOR FURTHER INFORMATION CONTACT:

Lise Courtney M. Howe, Office of General Counsel (GC-11), Department of Energy, Forrestal Building, Mail Stop 6F-094, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-2900

Garet Bornstein, Division of Petroleum and Electricity (RG-44), Office of Fuels Programs, Department of Energy, Forrestal Building, Room GA-017, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-5935

SUPPLEMENTARY INFORMATION: On December 11, 1981, NEET applied for a Presidential Permit authorizing construction of a transmission facility

crossing the international border at Pittsburg, New Hampshire (47 FR 5454), as part of a planned interconnection between the New England Power Pool (NEPOOL) and Hydro-Quebec. VELCO filed a substantially identical application on the same day, but with a crossing point in Norton, Vermont (47 FR 5455). On March 1, 1982, DOE consolidated the applications for the preparation of a single Environmental Impact Statement (47 FR 8619).

Both NEET and VELCO filed applications because at that time it had not been determined whether the border crossing and route would be in New Hampshire or Vermont. According to NEET, the potential for oil displacement and the resulting cost savings were too great to justify deferring a Presidential Permit application until the State authorities had acted and a final route chosen.

The certification hearings in New Hampshire and Vermont now have proceeded to a point where it is clear that the crossing point at Pittsburg, New Hampshire, will not be used. NEET therefore has requested that DOE terminate Docket PP-77. This request does not affect VELCO's application for a border crossing in Norton, Vermont.

As originally proposed in VELCO's application, NEET still will construct and operate the converter terminal proposed in the VELCO application and any transmission facilities located in New Hampshire.

Issued in Washington, D.C. on February 1, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-3066 Filed 2-3-83; 8:45]

BILLING CODE 6450-01-M

[ERA Docket No. 82-CERT-025]

American Cyanamid Co.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On December 15, 1982, American Cyanamid Company (American Cyanamid), One Cyanamid Plaza, Wayne, New Jersey 07470, filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for certification of an eligible use of up to 3,000 Mcf of natural gas per day to displace approximately 20,000 gallons (476 barrels) of No. 6 fuel oil (2.5 percent sulfur) per day at its acrylic fiber plant located in Pensacola, Florida. The eligible seller of the natural gas is Conecuh-Monroe Counties Gas District (Conecuh-Monroe), and the gas will be

transported by United Gas Pipe Line Company. Notice of that application was published in the *Federal Register* (48 FR 2823, January 21, 1983), and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On February 3, 1982, American Cyanamid received a recertification (ERA Docket No. 81-Cert-028, effective February 5, 1982) of an eligible use of natural gas at the Pensacola Plant purchased from Conecuh-Monroe for a period of one year, which expires February 4, 1983.

The ERA has carefully reviewed American Cyanamid's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that American Cyanamid's application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual recertification, is available for public inspection at the ERA Natural Gas Division Docket Room, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., February 1, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-3065 Filed 2-3-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 82-CERT-024]

Energy Systems Co., Division of Internorth, Inc.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On December 6, 1982, Energy Systems Company, Division of InterNorth, Inc. (Energy Systems), 2223 Dodge Street, Omaha, Nebraska 68102, filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of 550,000 Mcf of natural gas per year, which is estimated to displace the use of approximately 4 million gallons (95,238 barrels) of No. 2 fuel oil (0.2 to 0.3 per

cent sulfur) per year at Energy Systems' Howard Street Plant facility located in Omaha, Nebraska. The eligible seller of the natural gas is Peoples Natural Gas Company, Division of InterNorth, Inc.

The gas will be transported by the Northern Natural Gas Company (Northern), an interstate pipeline company, and by Metropolitan Utilities District, a local distribution company. Incidental transportation of the natural gas to Northern will be provided by Panhandle Eastern Pipeline Company, an interstate pipeline.

On February 3, 1982, Energy Systems received a certification (ERA Docket No. 82-CERT-001) of an eligible use of natural gas purchased from Peoples Natural Gas Company for a period of one year expiring on February 2, 1983, for use at its Howard Street Plant facility.

The ERA has carefully reviewed Energy Systems' application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Energy Systems' application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

This recertification is being issued prior to the 10-day public comment period and being made effective February 3, 1983 to provide continuity with the current certificate's February 2, 1983 expiration date.

The recertification involves the displacement of imported fuel oil and it is in the public interest to maximize the displacement of imported fuel. Energy Systems indicates that the gas volumes are presently flowing and disruption of the gas would cause a loss of oil displacement. Energy System's customers consist primarily of schools, hospitals, and local and county government agencies. It is therefore, not in the public interest to delay or disrupt unnecessarily the displacement of this imported fuel oil, especially since the same purchase and use of gas at this

facility has qualified as an "eligible use" for the past three years.

Given the circumstances related to time-sensitive nature of this case and the authority of the Administrator to terminate a certification for good cause (10 CFR 595.08), it is not in the public interest to permanently lose this opportunity to displace large volumes of fuel oil while public comments are being solicited.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula Daigneault, within ten (10) calendar days of the date of publication of this notice in the *Federal Register*.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Energy Systems and any persons filing comments and will be published in the *Federal Register*.

Issued in Washington, DC., January 28, 1983.

James W. Workman,
Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-3030 Filed 2-3-83; 8:45 am]

BILLING CODE 6450-01-M

Distribution of \$200,000,000 in Escrowed Funds to States, District, Territories and Possessions

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Distribution of \$200,000,000 pursuant to The Further Continuing Appropriations Act, 1983, Pub. L. No. 97-377, Section 155.

SUMMARY: The Economic Regulatory Administration (ERA) hereby gives notice, on behalf of the Secretary of Energy, of the distribution of a total of

\$200,000,000 of petroleum violation escrow funds to the states, the District of Columbia, the Commonwealth of Puerto Rico and the territories and possessions of the United States pursuant to the Further Continuing Appropriations Act, 1983, Pub. L. No. 97-377, section 155, ("the statute"). The statute authorized the Secretary of Energy to disburse, as soon as practicable, up to \$200,000,000 derived from settlements of alleged petroleum pricing and allocation violations and held in trust accounts administered by the Department of Energy ("Department") on December 17, 1982. Subsection (a) of the statute authorized a one time distribution of funds to effectuate restitution by a means reasonably designed to benefit the class of persons who were injured by the violations, but whose members cannot be reasonably identified, or where the amount of each purchaser's overcharge is too small for reasonable determination.

Table A lists the amounts distributed to each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. territories and possessions. (Hereafter referred to as "jurisdictions.") Each jurisdiction's share of the funds was calculated pursuant to subsection (d) of the statute: the ratio of the volume of refined petroleum products consumed within that jurisdiction during the period September 1, 1973 through January 28, 1981 to the volume of refined petroleum products consumed within all jurisdictions during that period.

The amounts disbursed by the Secretary to the jurisdictions are to be used "as if the funds were received under one or more [of five] energy conservation programs" identified in the provision. In general, these programs for which the funds may be used include the weatherization of dwelling units, particularly those where elderly or handicapped low-income persons reside; primary and supplemental state energy conservation plans; programs to reduce energy consumption or allow the use of an alternative energy source in school and hospital facilities; programs to promote energy conservation by small businesses and individual energy consumers; and programs to assist low-income households to pay residential heating or cooling costs.

FOR FURTHER INFORMATION CONTACT:
Carl A. Corrallo, Department of Energy, RG-30, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633-9012.

SUPPLEMENTARY INFORMATION:**The Statute**

The statute authorized the Secretary of Energy to disburse, as soon as practicable, up to \$200,000,000 derived from settlements of alleged petroleum pricing and allocation violations which were held in trust accounts administered by the Department on December 17, 1982.

Subsection (a) of the statute authorized a one time distribution of funds to effectuate restitution by a means reasonably designed to benefit the class of persons who were injured by the violations, but whose members cannot be reasonably identified, or where the amount of each purchaser's overcharge is too small for reasonable determination. The statute *excluded* from disbursement those funds: (1) Which were subject to special refund proceedings, 10 CFR Part 205, Subpart V, which had been initiated prior to December 17, 1982 at the Office of Hearings and Appeals (OHA); (2) which were likely to be required to satisfy claimants identified in judicial proceedings initiated prior to that date; and (3) which were received pursuant to Consent Orders or Remedial Orders which contained remedial provisions which were inconsistent with this statutory disposition. The Statute, section 155(e)(1).

Table A lists the amounts distributed to each State, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. territories and possessions. Each jurisdiction's share of the funds was calculated pursuant to subsection (d) of the Statute: the ratio of the volume of refined petroleum products consumed within that jurisdiction during the period September 1, 1973 through January 28, 1981 to the volume of refined petroleum products consumed within all jurisdictions during that period. Refined petroleum products are defined in subsection (e)(5) as gasoline, kerosene, distillates, (including Number 2 fuel oil), LPG (other than ethane), refined lubricating oils, diesel fuel, and residual fuel oil, excluding refinery feedstocks. The data used for these calculations were provided by the Energy Information Administration.

The Statute specifies the following energy conservation programs for which the funds may be used:

(1) The program under part A of the Energy Conservation in Existing Buildings Act of 1976, 42 U.S.C. 6861 *et seq.*;

(2) The programs under part D of Title III of the Energy Policy and Conservation Act (relating to primary

and supplemental state energy conservation programs), 42 U.S.C. 6321 *et seq.*;

(3) The program under part G of Title III of the Energy Policy and Conservation Act (relating to energy conservation for schools and hospitals), 42 U.S.C. 6371 *et seq.*;

(4) Programs under the National Energy Extension Service Act, 42 U.S.C. 7001 *et seq.*; and

(5) The program under the Low-Income Home Energy Assistance Act of 1981, 42 U.S.C. 8621 *et seq.*

In general, funds may be used under these programs for the weatherization of dwelling units, particularly those where elderly or handicapped low-income persons reside; for primary and supplemental state energy conservation plans; for programs to reduce energy consumption or allow the use of an alternative energy source in school and hospital facilities; for programs to promote energy conservation by small businesses and individual energy consumers; and for programs to assist low-income households to pay residential heating or cooling costs.

The funds disbursed by the Department may not supplant funds otherwise available for such programs, nor be used by the Department or any jurisdiction for administrative expenses. Each chief executive officer is required, within one year of the disbursement of the funds, to specify to the Secretary the energy conservation program(s) to which the funds are or will be applied. This information should be provided to the Department at the address above.

Distribution Procedures

The \$200 million is being disbursed to the states from monies in the escrow account as of December 17, 1982. The Department had established a separate account for each case under which monies had been received. This has been necessary to account for receipts in individual cases where terms and amounts of payment vary considerably. The funds disbursed to the states do not include sums: (1) Subject to OHA Subpart V proceedings; (2) which were likely to be required to satisfy claimants identified in judicial proceedings; and (3) which were received pursuant to Consent Orders or Remedial Orders which contained remedial provisions which were inconsistent with statutory disbursement.

Prior to disbursement, each governor or chief executive was contacted and notified of the pending disbursement. A written assurance was received from each that the terms of the statute regarding use of the funds would be observed. The Department will publish a ruling shortly to clarify the application

of Departmental regulations to the use of these monies.

Conclusion

The disbursement to the jurisdictions outlined above complies with the statute in that:

1. Disbursements were made as soon as practicable to the states, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

2. The amount paid to each was calculated by determining the ratio of the volume of refined petroleum products consumed within that jurisdiction during the period September 1, 1973 through January 28, 1981 to the volume of refined petroleum products consumed within all jurisdictions during this period.

3. A total disbursement of \$200 million was made from petroleum violation escrow funds held in trust by the Department on December 17, 1982, excluding sums: (1) Subject to OHA Subpart V proceedings; (2) which were likely to be required to satisfy claimants identified in judicial proceedings; and (3) which were received pursuant to Consent Orders or Remedial Orders which contained remedial provisions which were inconsistent with the statutory disbursement.

Issued in Washington, D.C., January 31, 1983.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

TABLE A

Jurisdiction	Amount
Alabama.....	\$2,963,400
Alaska.....	795,600
American Samoa.....	33,000
Arizona.....	1,980,800
Arkansas.....	2,152,200
California.....	18,914,400
Colorado.....	2,063,200
Connecticut.....	3,292,400
District of Columbia.....	466,000
Delaware.....	912,800
Florida.....	9,105,800
Georgia.....	4,298,400
Guam.....	256,600
Hawaii.....	1,380,400
Idaho.....	917,400
Illinois.....	9,016,200
Indiana.....	4,717,400
Iowa.....	2,462,200
Kansas.....	2,103,600
Kentucky.....	2,570,200
Louisiana.....	5,902,800
Maine.....	1,450,000
Maryland.....	3,575,800
Massachusetts.....	6,645,800
Michigan.....	6,558,000
Minnesota.....	3,283,000
Mississippi.....	2,379,200
Missouri.....	3,731,800
Montana.....	867,800
Nebraska.....	1,377,400
Nevada.....	773,400
New Hampshire.....	890,400
New Jersey.....	7,490,600
New Mexico.....	1,191,400
New York.....	15,363,400

TABLE A—Continued

Jurisdiction	Amount
North Carolina.....	4,310,600
North Dakota.....	696,200
Northern Mariana Islands.....	17,000
Ohio.....	7,117,000
Oklahoma.....	2,365,200
Oregon.....	1,962,200
Pennsylvania.....	9,166,000
Puerto Rico.....	2,038,200
Rhode Island.....	768,400
South Carolina.....	2,338,800
South Dakota.....	688,200
Tennessee.....	3,171,400
Texas.....	17,073,600
Utah.....	1,123,000
Vermont.....	457,600
Virginia.....	5,075,400
Virgin Islands.....	1,363,800
Washington.....	3,115,800
West Virginia.....	1,168,800
Wisconsin.....	3,341,000
Wyoming.....	783,200

[FR Doc. 83-3029 Filed 2-3-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Proposal for "Refiners' Monthly Crude Oil Cost Report," Form EIA-14

AGENCY: Energy Information Administration, DOE.

ACTION: Request for comments on proposed Form EIA-14, "Refiners' Monthly Crude Oil Cost Report."

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) is proposing a revision to Form EIA-14, "Refiners' Monthly Crude Oil Cost Report," (formerly "Refiners' Monthly Cost Report"). If approved by the Office of Management and Budget, EIA would implement the revised form for the April 1983 filing which will be due on May 1, 1983.

DATE: Written comments must be received by EIA within 30 days following the publication of this notice.

ADDRESS: Comments should be sent to Mr. Lamar Gowland at the address listed immediately below.

FOR FURTHER INFORMATION CONTACT: Mr. Lamar Gowland, Office of Oil and Gas, Energy Information Administration, Department of Energy, Room 2G-056, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-6608.

SUPPLEMENTARY INFORMATION:

- I. Current Action
- II. Changes in the new Form EIA-14
- III. Request for Comments

I. Current Action

EIA proposes implementation of Form EIA-14, "Refiners' Monthly Crude Oil Cost Report," a revised version of Form EIA-14, "Refiners' Monthly Cost Report," which expires March 1983. Form EIA-14 will enable EIA to continue the data series which were collected on the predecessor form. The data will be collected and processed by EIA. EIA will publish the aggregate refiners' acquisition cost of crude oil from Form EIA-14 in the "Monthly Energy Review," the "Weekly Petroleum Status Report," and the "Annual Report to Congress." The aggregate data are now and will continue to be used by EIA in its Short Term Integrated Forecasting System and other emergency preparedness and forecasting models. Aggregate data are now widely used by other Federal agencies for modeling and analysis.

II. Changes in the new Form EIA-14

A number of changes have been made in the form which will lower respondent burden, improve the value of the information submitted, and increase the compatibility of the definitions with other EIA forms. Among these changes are:

- Part IV, which collected data on purchases and equity production of refined products, has been deleted.
- Respondents are required to report thirty, rather than forty-five, days after the close of the month.
- Definitions have been changed to be more consistent with the EIA forms which collect petroleum supply data.
- The instructions have been rewritten to emphasize the purpose of Form EIA-14, that is, to collect net refinery gate prices for crude oil paid by domestic refiners.
- The provision which allowed respondents on the Form ERA-51, "Transfer Pricing Report," to use Form ERA-51 numbers for the Form EIA-14 has been eliminated.

III. Request for Comments

Form EIA-14 is reproduced following

this notice. Prospective respondents and other interested parties should comment on the planned revisions within 30 days following the publication of this notice. The following general guidelines are provided to assist in the preparation of responses:

(As a potential data provider.)

A. Are the instructions and definitions clear and sufficient?

B. Can the data be submitted using the definitions included in the instructions?

C. Can the data be submitted in accordance with the response time specified in the instructions?

D. How many hours, including time for preparation and administrative review, will your company require to complete and submit the form?

E. What is the estimated cost of completing this form, including the direct and indirect costs associated with the data collections? Direct costs should include all costs, such as administrative costs, directly attributable to providing this information.

F. How can the form be improved?

(As a potential user.)

A. Can your company analysts use data at the levels of detail indicated on the form?

B. For what purposes would you use these data? Be specific.

C. How could the form be improved to better meet your specific data needs?

D. Are there alternative sources of data and do you use them? What are their deficiencies?

EIA is also interested in receiving comments from persons as to their views on the need for the collection of this information at all.

Comments submitted in response to this Notice will be included in the request for Office of Management and Budget approval of this data collection and will become a matter of public record.

Issued in Washington, D.C. January 31, 1983.

Yvonne M. Bishop,
Director, Statistical Standards, Energy Information Administration.

BILLING CODE 6450-01-M

U.S. Department of Energy
Energy Information Administration
Washington, D.C. 20586

Form Approved
OMB No.
(Expires

REFINERS' MONTHLY CRUDE OIL COST REPORT

This report is mandatory under the Federal Energy Administration Act of 1974, P.L. 93-275. Late filing, failure to keep records, or failure to otherwise comply with these instructions may result in criminal fines, civil penalties, and other sanctions as provided by law. See the instructions for provisions concerning confidentiality of data.

PART I: IDENTIFICATION DATA

1. Legal Name of Refiner:		2. DOE Identification Number:	
3. Address of Executive Office: (1) Street: (2) City: (3) State: (4) Zip Code:			
4. Report Month: MM YY [][] [][]		5. This Report Is: (1) An (2) A Original Resubmission	
6. Contact Person for Information Concerning This Report: (1) Name: (2) Telephone Number (Including Area Code) [][][][] [][][][] [][][][]			
7. Address of Contact Person: (1) Street: (2) City: (3) State: (4) Zip Code:			

PART II: CERTIFICATION

I, the authorized executive officer, certify that the information submitted on and with this form is factually correct, complete, and in accordance with Federal Energy Regulations (Title 10 Code of Federal Regulations) and instructions to EJA-14.

8. Name: 9. Title: 10. Signature: 11. Date Signed:

The U.S. Code, Title 18 (Crimes and Criminal Procedures), Section 1001 makes it a criminal offense to make a willfully false statement or presentation to any Department or Agency of the United States as to any matter within its jurisdiction.

PART III: SUMMARY OF CRUDE OIL COSTS AND VOLUMES

Item No.	Category Description	Monthly Acquisitions	
		Total Cost (In thousands of dollars) (c)	Total Volume (In thousands of barrels) (d)
(a)	(b)		
12	Domestic Crude Oil		
13	Imported Crude Oil		
14	Unfinished Oils		

EJA-14 (483)

BILLING CODE 6450-01-C

EIA-14
Form Approved
OMB No.
Expires:

INSTRUCTIONS FOR FILING REFINERS' MONTHLY COST REPORT, EIA-14

General Information

I. Purpose

Form EIA-14 is designed to collect summary data that permit the Energy Information Administration (EIA) to provide to the government and the public certain cost and price statistics on the United States petroleum industry. The statistics are published in the "Monthly Energy Review," and "Weekly Petroleum Status Report," and are widely disseminated, to government and petroleum analysts.

II. Who Must Submit

Each refiner must submit Form EIA-14, except firms (referred to as independent natural gas processors) that neither refine crude oil nor have crude oil refined by others and solely process natural gas for liquids and related products.

III. When To Submit

1. Submit Form EIA-14 within 30 days after the last day of the report month. For example, if the report month is March 1983, this report is due on or before April 30, 1983.

2. DOE will routinely accept resubmissions of Form EIA-14 within 1 year after the required submission date of the original filing.

IV. What and Where To Submit

Mail one original of Form EIA-14 each month to: U.S. Department of Energy, Energy Information Administration (EI-421), Mail Station BE-079, Forrestal Bldg., Washington, D.C. 20585.

V. Sanctions

The timely submission of Form EIA-14 by a company required to report is mandatory under Public Law 93-275, Federal Energy Administration Act of 1974. Late filing, failure to keep records, or failure to otherwise comply with these instructions may result in criminal fines, civil penalties, and other sanctions as provided by law.

VI. Provisions Regarding Confidentiality

The information contained on these forms may be (i) information which is exempt from disclosure to the public under the exemption for trade secrets and confidential commercial information specified in the Freedom of Information Act, 5 U.S.C. 552(b)(4) (FOIA), or (ii) prohibited from public release by 18 U.S.C. 1905. However, before a determination can be made that particular information is within the coverage of either of these statutory provisions, the person submitting the information must make a showing satisfactory to the Department concerning its confidential nature.

Therefore, respondents should state briefly and specifically (on an element-by-element basis if possible), in a letter accompanying submission of the form why they consider the information concerned to be a trade secret or other proprietary information, whether such

information is customarily treated as confidential information by their companies and the industry, and the type of competitive hardship that would result from disclosure of the information. In accordance with the provisions of 10 CFR 1004.11 of DOE's FOIA regulations, DOE will determine whether any information submitted should be withheld from public disclosure.

If DOE receives a response and does not receive a request, with substantive justification, that the information submitted should not be released to the public, DOE may assume that the respondent does not object to disclosure to the public of any information submitted on the form.

A new written justification need not be submitted each time the Form EIA-14 is submitted if:

a. Views concerning information items identified as privileged or confidential have not changed; and

b. A written justification setting forth respondent's views in this regard was previously submitted.

In accordance with the cited statutes and other applicable authority, the information must be made available, upon request, to the Congress or any committee of Congress, to the General Accounting Office, and other Congressional agencies authorized by law to receive such information.

General Instructions

I. For the purpose of this report, the reporting firm is the parent company and the consolidated entities (if any) which the parent directly or indirectly controls, taken altogether. If the respondent is a consolidated entity of a foreign parent, it is to report for its domestic operations as if it were the parent.

II. Report for all refineries located in the U.S. which are controlled by the firm.

III. Report volumes and their corresponding costs for each item on a net refinery gate booking basis.

IV. Report all data on an ownership basis. Report quantities according to the customary accounting procedures used by your firm. See definition of Crude Oil Purchases.

V. Use parentheses () to indicate negative entries.

VI. Report all quantities in thousands. Quantities ending in 499 or less are to be rounded down; quantities ending 500 or more are to be rounded up to the next highest number. For example 106,489 is rounded to 106, and 106,589 is rounded to 107.

VII. Resubmissions are only required for changes that exceed five percent of the reported line item. Resubmissions are only required to correct previously reported data. On resubmission forms, report only data which is changed, not all items.

VIII. The United States (U.S.) is defined as the 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, and the American territories in the Pacific. Report the figures for Puerto Rico and the Virgin Islands only if your firm operates a refinery(ies) in these areas.

IX. Computer generated reports will be accepted if they follow the format of the printed form and are certified.

Definitions

For purposes of filing this form, the following definitions apply:

1. Crude Oil (Including Lease Condensate)

A mixture of hydrocarbons that existed in liquid phase in underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities. Included are lease condensate and liquid hydrocarbons produced from tar sand, gilsonite and oil shale. Drip gas is also included, but topped crude oil (residual) oil and other unfinished oils are excluded. Liquids produced at natural gas processing plants and mixed with crude oil are likewise excluded where identifiable. Crude oil is considered as either domestic or imported according to the following:

Domestic Crude Oil—Crude oil produced in the United States or from its "outer continental shelf" as defined in 43 U.S.C. 1331.

Imported Crude Oil—Crude oil produced outside the United States.

2. Crude Oil Purchases (Unfinished Oil Purchases)

The volume of crude oil (a) acquired by the respondent for processing for his own account and booked into its refineries in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned, or (b) in the case of a processing agreement, delivered to another refinery for processing for the respondent's own account.

Crude oil which has been added by a refiner to inventory and which is thereafter sold or otherwise disposed of without processing for the account of that refiner shall be deducted from its crude oil purchases at the time when the related cost is deducted from refinery inventory in accordance with accounting procedures generally applied by the refiner concerned.

Exchanges or sales which occurred before the oil was booked into refineries is not included.

Crude oil processed by the respondent for the account of another is not included.

3. Exchange

Any transaction in which quantities of crude oil or any other petroleum product(s) are received or given up in return for other crude oil or petroleum product(s). Exchanges include reciprocal purchases and sales.

A "Quota of Ticket Exchange," also referred to as "ticket trade," is a type of transaction through which one refiner is able to use another refiner's fee-paid import licenses. Exchanges of this type are not to be considered as purchases or sales in completing the EIA-14 Form, and, therefore, should not be included.

4. Lease Condensate

A natural gas liquid recovered from gas well gas (associated and nonassociated) in lease separators or natural gas field facilities. Lease condensate consists primarily of pentanes and heavier hydrocarbons.

5. Petroleum Refinery

An installation that manufactures finished petroleum products from crude oil, unfinished oils, natural gas liquids, other hydrocarbons, and alcohol.

6. Refiner

A firm or the part of a firm that refines products or blends and substantially changes products, or refines liquid hydrocarbons from oil and gas field gases, or recovers liquefied petroleum gases incident to petroleum refining and sells those products to resellers, retailers, reseller/retailers or ultimate consumers. "Refiner" includes any owner of products which contracts to have these products refined and then sells the refined products to resellers, retailers, or ultimate consumers.

7. Unfinished Oils

All oils, both domestic and imported, requiring further refining, except those requiring only mechanical blending.

SPECIFIC INSTRUCTIONS

Item	Instruction
Part I.—Identification Data	
1	Refer to the form. This item is self-explanatory.
2	Enter the six-digit code which the DOE has assigned you. If you do not presently have a number, leave item number 2 blank and DOE will assign you one.
3-7	Refer to the form. These items are self-explanatory.
Part II.—Certification	
8-11	All filings of Form EIA-14 must be certified in order to constitute filing. Refer to the form for specific item numbers; these are self-explanatory.
Part III.—Summary of Crude Oil Costs and Volumes	
12-14	Refer to the form and/or appropriate definitions. Total Cost Report the total net refinery gate cost in thousands of U.S. dollars of each item. Include all costs associated with the acquisition of the oil e.g., cost of oil, shipping, insurance, taxes, storage fees etc. For exchange receipts use the market value of the oil as determined by the firm's customary accounting practices. Total Volume Report the total net refinery gate volume in thousands of barrels.

[FR Doc. 83-3068 Filed 2-3-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-268-000]

American Electric Power Service Corp.; Filing

February 1, 1983.

Take notice that American Electric Power Service Corporation (AEP) tendered for filing on January 20, 1983, on behalf of its affiliate Ohio Power Company (OPCO) which is an AEP operating subsidiary, Modification No. 21 dated January 1, 1983 to the Operating Agreement dated June 14, 1962, between OPCO and the Cleveland Electric Illuminating Company. AEP states that the Commission has

previously designated the 1962 Agreement as OPCO's Rate Schedule FERC No. 31 and Cleveland Company's Rate Schedule FERC No. 1.

AEP further states that Section 1 of Modification No. 21 provides for an increase in the transmission demand charge for Short Term Power to \$0.35 per kilowatt per week and to \$0.07 per kilowatt per day. Section 2 increases the Limited Term Power transmission demand charge to \$1.50 per kilowatt per month. These transmission demand charges are utilized just for multiparty transactions and apply only to OPCO.

AEP requests an effective date of January 17, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3084 Filed 2-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-273-000]

Arizona Public Service Co.; Filing

February 1, 1983

Take notice that on January 24, 1983, Arizona Public Service Company (APS) tendered for filing proposed Supplement to APS-FPC Rate Schedule No. 33 for sale of non-firm energy to United States—Western Area Power Administration.

APS requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington,

D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3085 Filed 2-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-267-000]

Baltimore Refuse Energy Systems Company, Limited Partnership; Filing

February 1, 1983.

Take notice that on January 19, 1983, the Baltimore Refuse Energy Systems Company, Limited Partnership (Bresco), tendered for filing proposed Baltimore Refuse Energy Systems Company, Limited Partnership Rate Schedule No. 1 (Bresco Rate Schedule No. 1), applicable to sales of energy and capacity by Bresco to Baltimore Gas and Electric Company (BG&E) from a solid waste resource recovery and electric generating facility to be located at Baltimore, Maryland (the Facility).

The proposed initial rate is set forth in the Electric Power Purchase Contract (the "Electric Power Purchase Contract"), dated June 3, 1982, among WESI Baltimore, Northeast Maryland Waste Disposal Authority (the "Authority") and BG&E. Under the Electric Power Purchase Contract, the rate for sales of electric energy by Bresco to BG&E shall be the highest incremental operating cost of generation dispatched economically on the Pennsylvania-New Jersey-Maryland Interconnection (PJM) signal to BG&E from time to time (integrated over each clock-hour and expressed in mills per kilowatt hour). In addition, BG&E shall make payments to Bresco for Installed Capacity based on the PJM Installed Capacity Transaction Accounting System.

Bresco requests waiver of the Commission's notice requirements.

Copies of the instant filing have been served upon BG&E, the Authority and the PSC.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3086 Filed 2-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-279-000]

Centel Corp.; Filing

February 1, 1983.

Take notice that on January 24, 1983, Centel Corporation (Centel) tendered for filing on behalf of its Southern Colorado Power Division a Power Purchase Agreement, dated September 2, 1980, between Centel and the City of Las Animas, Colorado. The agreement provides for sales of power and energy by the Southern Colorado Power Division to the City of Las Animas for resale.

Centel requests an effective date of September 2, 1980, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the City of Las Animas and the Colorado Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3087 Filed 2-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-271-000]

Empire District Electric Co.; Filing

February 1, 1983.

Take notice that on January 21, 1983, Empire District Electric Company (Empire) tendered for filing a proposed Amendment to Schedule L, Peaking Power Service, a part of that agreement for interchange of power and interconnected operation between Empire and Kansas Gas and Electric Company (KG&E) designated rate schedule FERC 69.

Empire states that the amendment will change the maximum contract demand of 60,000 kW to 90,000 kW and add a \$15 per day scheduling and accounting charge.

Empire requests an effective date of May 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3088 Filed 2-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-282-000]

Empire District Electric Co.; Filing

February 1, 1983.

Take notice that the Empire District Electric Company (EDE) on January 24, 1983, tendered for filing a proposed Agreement for Interchange of Power and Interconnected Operation between EDE and the Grand River Dam Authority (GRDA).

EDE states that the proposed contract provided for interconnected operation between EDE and GRDA which will be of mutual advantage to the parties by allowing them to purchase and sell or exchange electric power and energy from one system to the other.

EDE requests an effective date of February 1, 1983.

A copy of the filing was served upon the Corporation Commission of the State of Oklahoma.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3089 Filed 2-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER77-175-003]

Florida Power & Light Co.; Compliance Filing

February 1, 1983.

Take notice that on January 24, 1983, Florida Power & Light Company submitted for filing revised rate schedules pursuant to the Commission's Opinion No. 152, issued on November 10, 1982 and the Commission's order issued June 17, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 16, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3090 Filed 2-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-440-000]

J-W Gathering Co., Proceeding

February 1, 1983.

Pursuant to § 284.123(b)(2) of the Commission's Regulations, the Commission has appointed a Staff panel to hear an oral presentation of data, views and arguments in the above-captioned proceeding.

The Staff panel will be convened at 10:00 a.m., on February 24, 1983 in a room to be designated at the Commission's offices at 825 North Capitol Street, N.E., Washington D.C. Participants are requested to limit their remarks to approximately 30 minutes.
Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3081 Filed 2-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL81-11-000]

Kansas City Power & Light Co.; Refund Report

February 1, 1983.

Take notice that on December 13, 1982, Kansas City Power & Light Company submitted for filing a refund report pursuant to the Commission's order of November 18, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 16, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3082 Filed 2-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-272-000]

Pacific Power & Light Co.; Filing

February 1, 1983.

Take notice that on January 21, 1983, Pacific Power & Light Company (PP&L) tendered for filing the First Revision to Original Sheet No. 5 (Index of Purchasers) of the Tariff, and Service Agreement identified as a Letter Agreement between the Department of Water Resources, State of California and Pacific dated October 29, 1982, which Agreement provides for the sale of power at rates specified in Service Schedule PPL-3 under PP&L's Tariff, effective November 21, 1982.

PP&L requests an effective date of April 1, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests

should be filed on or before February 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3093 Filed 2-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP79-28]

Public Service Commission of New York (Offshore Construction Costs of Natural Gas Pipelines), Informal Settlement Conference

Issued: January 28, 1983.

Take notice that on Tuesday, February 15, 1983 at 10:00 a.m., there will be an informal settlement conference in the above captioned proceeding. The conference will be held in the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Parties, participants, and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter, attendance will not be deemed to authorize intervention as a party in this proceeding.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3083 Filed 2-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-276-000]

Public Service Company of New Mexico; Filing

February 1, 1983.

Take notice that Public Service Company of New Mexico (PNM) on January 24, 1983, tendered for filing an economy energy agreement between PNM and Arizona Electric Power Cooperative, Inc., (AEP CO), which filing has been done as an initial rate schedule.

PNM states that the service to be provided hereunder is interruptible economy energy and is identical to PNM Rate Schedules FERC Sections 47 and 48. Rates for the service provided are detailed in Section 7 and are based on either (1) split savings, or (2) 115% return of energy, or (3) 115% of seller's cost.

PNM requests an effective date of December 1, 1982, and therefore

requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Arizona Electric Power Cooperative, Inc. and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3094 Filed 2-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-274-000]

Public Service Company of New Mexico; Filing

February 1, 1983.

Take notice that Public Service Company of New Mexico (PNM) on January 24, 1983, tendered for filing an interconnection agreement between PNM and the City of Farmington, New Mexico, along with Service Schedules A through G which provide related services. The interconnection agreement would supersede FPC Rate Schedule No. 35, Supplement No. 11. These service schedules include emergency assistance and schedule outage assistance, economy energy interchange, electric service, transmission service, hazard sharing and installed reserve criteria, a power cell from the City to PNM and switchyard facility service.

PNM states that all services provided in the existing FPC Rate Schedule No. 35, Supplement No. 11, have been incorporated into the interconnection agreement with only minor changes. The interconnection agreement contains additional services listed above. The interconnection agreement and related service schedules were entered into to reflect the City's acquisition of an undivided 8.475 percent ownership interest in Unit 4 of the San Juan Generation Station. Because of the City's participation in Unit 4, it was determined that other services would

provide mutual benefit to both the City and PNM and, therefore, were addressed in an interconnection agreement and the service schedules.

PNM requests an effective date of April 27, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3095 Filed 2-3-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-277-000]

Public Service Company of New Mexico; Filing

February 1, 1983.

Take notice that on January 24, 1983, Public Service Company of New Mexico (PNM) tendered for filing an agreement for transmission service between Raton Public Service Company and PNM.

PNM states that the service to be provided hereunder is transmission wheeling service to be provided by PNM to the Raton Public Service Company, which is a corporation organized to provide electric service to the municipality of the City of Raton, New Mexico. PNM is providing transmission facilities from either PNM Shiprock 230 kV switchyard or the Four Corners Generation Station 230 kV or 345 kV switchyard to Plains Generation Substation at Ojo or PNM's West Mesa Substation. This will enable the Raton Public Service Company to obtain delivery of power and energy it has purchased for the City of Raton from third parties. This agreement was executed the 16th day of November, 1982, by and between the Raton Public Service Company and PNM.

PNM requests an effective date of December 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been mailed to the City of Raton and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3096 Filed 2-3-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-269-000]

Public Service Company of Oklahoma; Filing

February 1, 1983.

Take notice that Public Service Company of Oklahoma (PSO) tendered for filing on January 21, 1983 a Second Amendment to Interconnection Agreement between PSO and Northeast Oklahoma Electric Cooperative, Inc. (Interconnection Amendment) and the First Amendment to Accounting Agreement between Northeast Oklahoma Electric Cooperative, Inc. and Grand River Dam Authority and PSO (Accounting amendment).

PSO states that the Interconnection Agreement provides for the continuance of existing interconnections and for the establishment of new interconnection points to be constructed in the future. The Accounting Amendment provides for the accounting of electric power and energy flow resulting from the interconnections provided in the Interconnection Amendment.

PSO requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been sent to Northeast Oklahoma Electric Cooperative, Inc., the Grand River Dam Authority and to the Oklahoma Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3097 Filed 2-3-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-270-000]

Public Service Company of Oklahoma; Filing

February 1, 1983.

Take notice that Public Service Company of Oklahoma (PSO) tendered for filing on January 21, 1983, a First Amendment to an Agreement for Interchange of Electric Power and Energy between Grand River Dam Authority (GRDA) and PSO (Amendment). The Amendment provides for additional interconnection of electric lines between GRDA and PSO.

PSO requests an effective date of July 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been sent to GRDA and the Oklahoma Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3078 Filed 2-3-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-280-000]

San Diego Gas & Electric Co.; Filing

February 1, 1983.

Take notice that on January 20, 1983, San Diego Gas & Electric Company (SDG&E) tendered for filing a correction to its transmittal dated September 14, 1982 (an Interconnection Agreement between SDG&E and Plains Electric Generation and Transmission Cooperative (Plains), which has been designated Rate Schedule FERC No. 48) in Docket No. ER82-806-000.

The third paragraph on Page 2 of SDG&E's September 14, 1982 transmittal should read as follows:

"Service Schedule B provides for Scheduled Outage Assistance mutually agreed to by the receiving and supplying parties for capacity and associated energy during Facility Outage. If Plains has an outage, SDG&E would sell Plains' capacity and associated energy from San Juan through SDG&E's Purchase Agreement with PNM (FERC Rate Schedule 39), since Plains has firm transmission service to San Juan. When SDG&E agrees to deliver capacity for scheduled outage assistance to Plains, the demand charge will be up to but not exceeding 100% of the demand cost as stated in FERC Rate Schedule 39. SDG&E will consider delivering capacity at less than full demand cost because SDG&E does not have firm transmission service to San Juan."

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3079 Filed 2-3-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-281-000]

San Diego Gas & Electric Co.; Cancellation

February 1, 1983.

Take notice that on January 24, 1983, San Diego Gas & Electric Company (SDG&E) tendered for filing a Notice of Cancellation of FPC Rate Schedule No.

23 between SDG&E and the California Department of Water Resources.

SDG&E requests an effective date of March 31, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3080 Filed 2-3-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-275-000]

Southern California Edison Co.; Filing

February 1, 1983.

Take notice that on January 24, 1983, Southern California Edison Company (SCE) tendered for filing an agreement entitled "Agreement for Delivery of Energy from the Solar Power Pilot Plant" which has been executed by SCE and Department of Water and Power of the City of Los Angeles (Los Angeles).

SCE states that under the terms and conditions of the agreement, SCE will make available to Los Angeles interruptible transmission service from the Point of Receipt to the Point of Delivery as specified in the Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Department of Water and Power of the City of Los Angeles.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to

intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3081 Filed 2-3-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-278-000]

Southern California Edison Co.; Filing

February 1, 1983.

Take notice that on January 24, 1983, Southern California Edison Company (Edison) tendered for filing a change of rates for interruptible transmission service as embodied in the Edison-Pasadena Interruptible Transmission Service Agreement No. 9987 with the City of Pasadena (Rate Schedule FERC No. 88).

Edison requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the City of Pasadena.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-3082 Filed 2-3-83; 8:45 am]
BILLING CODE 6717-01-M

Office of the Secretary**International Atomic Energy Agreement; Proposed Subsequent Arrangement; U.S. and European Atomic Energy Community**

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "Subsequent arrangement" under the Additional Agreement for Cooperation Between the Government

of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning Peaceful Application of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer: RTD/IAEA(EU)-16, from the Federal Republic of Germany to Yugoslavia through the IAEA, 107 partially irradiated fuel elements, containing 20.2 kilograms of uranium, enriched to approximately 14% in U-235, for use as fuel in the Josef Stefan research reactor.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: February 1, 1983.

George Bradley,
Principal Deputy Assistant Secretary for
International Affairs.

[FR Doc. 83-3067 Filed 2-3-83; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Salt Lake City Area; Post-1989 Marketing Plan

AGENCY: Western Area Power
Administration, DOE.

ACTION: Request for applicant profile
data.

SUMMARY: The Western Area Power Administration (Western) has been developing a post-1989 marketing plan for the Colorado River Storage Project (CRSP), Collbran, Provo River, and Rio Grande Projects since the initial public information forum was held on May 22, 1980, in Salt Lake City, Utah. Western's Salt Lake City Area Office requires applicant profile data to evaluate alternate allocation methods and to complete the development of a post-1989 marketing plan for these resources. Those parties that may be interested in applying for an allocation of these resources must provide the applicant profile data requested herein.

DATES: Applicant profile data necessary to assist Western in completing the post-1989 marketing plan must be submitted to Western on or before March 15, 1983, by those interested in obtaining an allocation of capacity and energy from CRSP, Collbran, Provo River, and Rio Grande Projects. Western expects to publish a proposed marketing plan by mid-summer 1983 to be followed by public forums at which Western will explain the marketing proposals, answer questions, and receive comments on the proposed marketing plan.

ADDRESSES: Applicant profile data should be sent to: M. Albert M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, Department of Energy, P.O. Box 11606, Salt Lake City, UT 84147. Telephone: (801) 524-6372.

Further information concerning the request for applicant profile data may be obtained from Mr. Gabiola.

SUPPLEMENTARY INFORMATION: All entities which are interested in an allocation of capacity and energy from the CRSP, Collbran, Provo River, and Rio Grande Projects under the post-1989 marketing plan should furnish applicant profile data to the Salt Lake City Area Manager on or before March 15, 1983. This data also will be utilized for such other purposes as area load and resource studies. The content and format of the requested data is as follows:

Applicant Profile Data

1. Eligibility—a statement of eligibility as a preference customer under Reclamation Law and pertinent statutes, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

2. Organization—a brief description of the organization that will interact with Western on contract and billing matters.

3. Loads—a. Number and type of customers served: residential, commercial, industrial, military base, agricultural, or other.

b. Monthly maximum demand and energy use for 1980, 1981, and 1982 versus contract rates of delivery for Federal power.

c. Weekly load duration curves for the peak weeks in the summer and winter seasons for 1980, 1981, and 1982 for the total system load or hourly load data for producing such load duration curves.

d. Average annual seasonal and monthly load factors for the total system for 1980-1982.

e. Projected load factors and monthly capacity and energy demand 1983-2010

period. Indicate forecasting method and basic assumptions.

4. Resources—a. List of operating generating resources, if any, including capacity, location, and 1982 availability factor.

b. Estimated percent of total supply received from Western, 1983-1989.

c. Status of power supply contracts with parties other than Western.

5. Transmission—

a. Voltage of service required and location of possible delivery points.

b. A brief description of the type of transmission service being requested of Western, direct or wheeled.

6. Renewable Resources and Congeneration Projects—a. List of future firm and planned resources, if any, including capacity, location, scheduled operation date, and expected average annual lifetime capacity factor.

b. Estimated busbar cost (cent/kWH) of each project in 1983 dollars.

c. As appropriate, proposed plans for wheeling to Western's system.

7. The name, address, and telephone number of a contact person from the consulting firm used, if any.

8. Any other information the applicant desires to include. Although not required, Western would appreciate receiving load duration curves for recent summer and winter seasons or hourly load data for a year.

9. The signature and title of an appropriate official who is able to attest to the validity of the data submitted and who is authorized to submit an application for power.

The proposed post-1989 power marketing plan which had been scheduled tentatively for publishing in the *Federal Register* in January 1983 has been delayed in view of the need for applicant profile data to better evaluate alternate allocation methods. Western expects to publish a proposal by mid-summer 1983. The public information and comment forums which were tentatively scheduled for February and March 1983 will be rescheduled later. Western expects to complete the post-1989 power marketing plan and allocation prior to October 1, 1984.

Issued at Golden, Colorado, January 28, 1983.

Robert L. McPhail,
Administrator.

[FR Doc. 83-3031 Filed 2-3-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51451TSH; FRL 2295-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the *Federal Register* of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of thirty PMN's and provides a summary of each.

DATES: Close of Review Period:

PMN 83-393, 83-394, 83-395, 83-396, and 83-397—April 16, 1983

PMN 83-398, 83-399, 83-400, 83-401, 83-402 and 83-403—April 17, 1983

PMN 83-404, 83-405, 83-406, 83-407, 83-408, 83-409, 83-410, 83-411, 83-412 and 83-413—April 18, 1983

PMN 83-414, 83-415, 83-416, 83-417, 83-418, 83-419, 83-420, 83-421 and 83-422—April 19, 1983

Written comments by:

PMN 83-393, 83-394, 83-395, 83-396 and 83-397—March 17, 1983

PMN 83-398, 83-399, 83-400, 83-401, 83-402 and 83-403—March 18, 1983

PMN 83-404, 83-405, 83-406, 83-407, 83-408, 83-409, 83-410, 83-411, 83-412 and 83-413—March 19, 1983

PMN 83-414, 83-415, 83-416, 83-417, 83-418, 83-419, 83-420, 83-421 and 83-422—March 20, 1983

ADDRESS: Written comments, identified by the document control number "[OPTS-51451]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT:

Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by

the manufacturer on the PMN's received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-393

Manufacturer. Celanese Corporation.
Chemical. (G) Aromatic amine-epoxy resin adduct.

Use/Production. (G) Controlled release. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 24 workers, up to 8 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. 100-1,000 kg/yr released to land. Disposal by approved landfill.

PMN 83-394

Manufacturer. Celanese Corporation.

Chemical. (G) Poly glycidyl amine.

Use/Production. (G) Intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 20 workers, up to 8 hrs/da, up to 15 da/yr.

Environmental Release/Disposal. 100-1,000 kg/yr released to land. Disposal by approved landfill.

PMN 83-395

Manufacturer. Confidential.

Chemical. (G) Modified alkyd polymer from a vegetable oil, carbomonocyclic anhydride, carbomonocyclic acid, a substituted alkane triol and a substituted alkanolic ester.

Use/Production. (G) Open use. Prod. range: 0-450,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal, inhalation, and eye, a total of 128 workers, up to 8 hrs/da, up to 230 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with more than 10,000 kg/yr to land. Disposal by incineration, landfill, or sold as fuel.

PMN 83-396

Manufacturer. Chem-Fleur, Inc.

Chemical. (G) Methoxy dicyclopentadiene carboxaldehyde.

Use/Production. (S) Industrial and consumer fragrance base. Prod. range: 1,000-15,000 kg/yr.

Toxicity Data. Irritation: Skin—Non-irritant, Eye—Irritant; LD₅₀: 2.8 g/kg.

Exposure. Confidential.

Environmental Release/Disposal. Less than 10 kg/yr released to air, 3½ hrs/da, 9 da/yr. Disposal by incineration.

PMN 83-397

Manufacturer. Confidential.

Chemical. (G) Amine salt of a phosphonic acid.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Minimal.

Environmental Release/Disposal. No release. Disposal in accordance with Resource Conservation Recovery Act (RCRA).

PMN 83-398

Manufacturer. R. T. Vanderbilt Company, Inc.

Chemical. (G) Substituted 1,3,4-thiadiazole.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal and inhalation, minimal.

Environmental Release/Disposal. Less than 10 kg/yr released to air and land. Disposal by approved landfill.

PMN 83-399

Manufacturer. Confidential.

Chemical. (S) Polymer of dimethyl ester of 4,4'-(hydroxymethylene) bis-1,2-benzenedicarboxylic acid with 4,4'-oxydianiline.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Minimal.

Environmental Release/Disposal. Minimal. Disposal by approved landfill.

PMN 83-400

Manufacturer. Confidential.

Chemical. (G) Copolymer of acrylic and methacrylic monomers.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture processing and use: dermal and eye, a total of 29 workers, up to 8 hrs/da, up to 25 da/yr.

Environmental Release/Disposal. 100-10,000 kg/yr released to land. Disposal by approved landfill.

PMN 83-401

Importer. Confidential.

Chemical. (G) Naphthalenetrisulfonic acid, chlorotriazinylamino-methoxymethylphenylazo.

Use/Import. (S) Industrial dye for fibers and fabrics. Import range: 200-1,500 kg/yr.

Toxicity Data. Acute oral: 6 g/kg;

Irritation: Skin—Slight, Eye—Slight.

Exposure. Processing: dermal and inhalation, a total of 1-3 workers, up to 2-3 hrs/da, up to 70-100 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air with

100–1,000 kg/yr to water, 2–3 hrs/da, 75–100 da/yr. Disposal by incineration and approved landfill.

PMN 83-402

Manufacturer. W. R. Grace & Company.

Chemical. (G) Poly alkylene oxide-aromatic diisocyanate prepolymer.

Use/Production. (S) Unknown industrial uses. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and use: dermal, a total of 6 workers, up to 16 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. No release. Disposal by state and federal regulations.

PMN 83-403

Importer. Sandoz Colors & Chemicals. *Chemical.* (G) Disazo aromatic compound.

Use/Production. (S) Site limited intermediate. Import range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Processing: dermal, a total of 1 worker, up to 1½ hr/da, up to 3 da/yr.

Environmental Release/Disposal. No Release.

PMN 83-404

Manufacturer. Confidential.

Chemical. (G) Unsaturated amide quaternary ammonium polymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. 96 hr LC₅₀ (fathead minnow): 2.0 mg/l; 48 hr LC₅₀ (Daphnia magna): 81mg/l.

Exposure. Manufacture and use: Minimal.

Environmental Release/Disposal. No release.

PMN 83-405

Manufacturer. Confidential.

Chemical. (G) Polymer of a methacrylate ester, an unsaturated alcohol ester and a maleate diester.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Minimal.

Environmental Release/Disposal. Release is negligible. Disposal by RCRA.

PMN 83-406

Importer. Confidential.

Chemical. (G) Benzenesulfonic acid, aminochlorotriazinylamino-carboxychlorophenylpyrazolonylazo-

Use/Import. (S) Industrial dye for fibers and fabrics. Import range: 400–5,000 kg/yr.

Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin-Moderate.

Exposure. Processing, use and disposal: dermal and inhalation, a total of 80 workers, up to 4 hrs/da, up to 120 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr to air with 100–1,000 kg/yr to water. Disposal by publicly owned treatment works (POTW) and incineration.

PMN 83-407

Manufacturer. Celanese Corporation.

Chemical. (G) Unsaturated ester of a substituted aryl ether polymer.

Use/Production. (G) Open use. Prod. range: 1,000–10,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal, a total of 12 workers, up to 8 hrs/da, up to 200 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–100 kg/yr to land. Disposal by incineration and approved landfill.

PMN 83-408

Importer. Rhone-Poulenc, Inc.

Chemical. (G) Triazine trisisocyanate.

Use/Import. (S) Paint formulation.

Import range: 100,000–200,000 lbs/yr.

Toxicity Data. Acute oral: 5,000 mg/kg; Irritation: Skin-Slight, Eye-Very irritating.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83-409

Manufacturer. Confidential.

Chemical. (G) N,N'-alkylene bis(di-2-ethylhexyl phosphorodithioly) alkanamide.

Use/Production. (S) Site limited lubricant additive. Prod. range: 15,900–450,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and disposal: dermal, inhalation and eye, a total of 3 workers, up to 1 hr/da, up to 25 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by approved landfill.

PMN 83-410

Manufacturer. Confidential.

Chemical. (G) N,N'-dimethyl alkyl amine salts of mono-and-di-2-ethylhexyl hydrogen phosphates.

Use/Production. (S) Site limited lubricant additive. Prod. range: 10,500–140,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture, processing and disposal: dermal, inhalation and

eye, a total of 5 workers, up to 3 hrs/da, up to 30 da/yr.

Environmental Release/Disposal.

100–1,000 kg/yr released to air and less than 10 kg/yr to water and land. Disposal by POTW and approved landfill.

PMN 83-411

Manufacturer. Confidential.

Chemical. (G) C₁₂₋₁₄-alkylamine salts of alkyl acid phosphates.

Use/Production. (S) Site limited lubricant additive. Prod. range: 225,000–320,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture, processing and disposal: dermal, inhalation and eye, a total of 5 workers, up to 3 hrs/da, up to 46 da/yr.

Environmental Release/Disposal. 100–1,000 kg/yr released to air and less than 10 kg/yr to water and land. Disposal by POTW and approved landfill.

PMN 83-412

Importer. Confidential.

Chemical. (G) Substituted pyridinium, chloride.

Use/Import. (S) Colorant for paper.

Import range: Confidential.

Toxicity Data. Acute oral: 1.56 ml/kg; Irritation: Skin—Slight, Eye—Severe; LC₅₀ > 1 mg/l; LC₅₀, 48 hrs. 10 mg/l.

Exposure. Processing.

Environmental Release/Disposal. No release. Disposal by POTW and biological treatment system.

PMN 83-413

Manufacturer. Confidential.

Chemical. (G) Modified epoxy polymethacrylate resin.

Use/Production. Confidential. Prod. range: 100,000–500,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal and inhalation, a total of 7 workers, up to 8 hrs/da, up to 200 da/yr.

Environmental Release/Disposal. No release. Disposal by POTW and approved landfill.

PMN 83-414

Importer. Sandoz Colors & Chemicals.

Chemical. (G) Disazo, substituted aromatic compound.

Use/Import. (S) Site-limited intermediate. Import range: Confidential.

Toxicity Data. No data on the PMN submitted.

Exposure. Processing: dermal, a total of 2 workers, up to 1 hr/da, up to 9 da/yr.

Environmental Release/Disposal. No release. Disposal by biological treatment system.

PMN 83-415

Importer. Sandoz Colors & Chemicals.
Chemical. (G) Aromatic disazo compound.

Use/Import. (S) Colorant for writing paper. Import range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Processing: dermal.

Environmental Release/Disposal. Less than 10 kg/yr released to air with 10-100 kg/yr to water. Disposal by biological treatment system.

PMN 83-416

Importer. Sandoz Colors & Chemicals.
Chemical. (G) Disazo, substituted aromatic compound.

Use/Import. (S) Site-limited intermediate. Import range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Processing.

Environmental Release/Disposal. No release. Disposal by biological treatment system.

PMN 83-417

Manufacturer. Confidential.
Chemical. (G) Alkyl diamine.
Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Minimal.

Environmental Release/Disposal. Less than 10 kg/yr released to water with 10-100 kg/yr to land.

PMN 83-418

Importer. Confidential.
Chemical. (G) Benzenedisulfonic acid, chlorotriazinylamino-dimethylphenylazo-sulfonaphthaleneazo-.

Use/Import. (S) Industrial dye for fibers and fabrics. Import range: 200-1,500 kg/yr.

Toxicity Data. Acute oral: 5 g/kg; Irritation: Skin—Slight, Eye—Slight.

Exposure. Processing: dermal and inhalation, a total of 4-6 workers, up to 2-3 hrs/da, up to 70-100 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, 2-3 hrs/da, 70-100 da/yr. Disposal by POTW, incineration, approved landfill and waste treatment plant.

PMN 83-419

Importer. Confidential.
Chemical. (G) Naphtholdisulfonic Acid, chlorotriazinylamino-sulfophenylazo-.

Use/Import. (S) Industrial dye for fibers and fabrics. Import range: 200-1,500 kg/yr.

Toxicity Data. Acute oral: 5 g/kg; Irritation: Skin—Slight, Eye—Moderate.

Exposure. Processing: dermal and inhalation, a total of 4-6 workers, up to 2-3 hrs/da, up to 70-100 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 2-3 hrs/da, 70-100 da/yr. Disposal by POTW, incineration, approved landfill and waste treatment plant.

PMN 83-420

Manufacturer. King Industries, Inc.
Chemical. (G) Acrylic—styrene oligomer.

Use/Production. (S) High solids coating component. Prod. Range: Confidential.

Toxicity Data. Acute oral: > 5 ml/kg; Acute dermal: > 2 ml/kg; Irritation: Skin—Mild, Eye—Minimal; LC₅₀, 4 hr: > 11.7 mg/l/hr.

Exposure. Manufacture: dermal, a total of 3 workers, up to 21 hrs/da, up to 173 da/yr.

Environmental Release/Disposal. No release. Disposal by approved landfill.

PMN 83-421

Manufacturer. King Industries, Inc.
Chemical. (G) Acrylic—styrene oligomer.

Use/Production. (S) High solids coating component. Prod. range: Confidential.

Toxicity Data. Acute oral: > 5 ml/kg; Acute dermal: > 2 ml/kg; Irritation: Skin—Moderate, Eye—minimal; LC₅₀, 4 hr: > 21.9 mg/l/hr.

Exposure. Manufacture: dermal, a total of 3 workers, up to 21 hrs/da, up to 173 da/yr.

Environmental Release/Disposal. No release. Disposal by approved landfill.

PMN 83-422

Manufacturer. Celanese Corporation.
Chemical. (G) Aromatic polyamic acid.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal, a total of 26 workers, up to 24 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and land.

Dated: January 21, 1983.

Woodson W. Bercaw,
Acting Director, Management Support Division.

[FR Doc. 83-2872 Filed 2-3-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59114; FRC 2295-4]**Unsaturated Amide Quaternary Ammonium Polymer; Premanufacture Exemption Application**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the *Federal Register* of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting of the exemption.

DATE: Written comments by February 22, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-59114]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

TME 83-19

Close of Review Period. March 4, 1983.

Manufacturer. Confidential.

Chemical. (G) Unsaturated amide quaternary ammonium polymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. 96 hrs. LC₅₀ (Fathead minnow)—2.0 mg/l; 48 hrs. LC₅₀ (*Daphnia magna*)—81 mg/l.

Exposure. Manufacture, processing and use: during material transfer, drumming or disposal.

Environmental Release/Disposal. No release.

Dated: January 21, 1983.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 83-2873 Filed 2-3-83; 8:45 am]

BILLING CODE 6560-50-M

[A-3-FRL 2299-3]

Determinations—EPA, Region III, Prevention of Significant Air Quality

I. PSD Permits Issued

A. Consolidation Coal Company, Greene County, Pennsylvania

Notice is hereby given that on May 3, 1982, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Consolidation Coal Company for approval to construct and operate a thermal dryer at its Bailey Mine in Greene County, Pennsylvania.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the thermal dryer, subject to certain conditions, including:

1. Total emissions from the thermal dryer at the Bailey Mine shall not exceed the limitations specified below:

Particulate Matter, 0.031 gr/DSCF;
Sulfur Oxides, 1.9 lb/MMBTU;
Oxides of Nitrogen, 0.8 lb/MMBTU;

2. Emissions from the thermal dryer shall not exhibit opacity greater than 20 percent.

3. The operator shall comply with all the applicable requirements of 40 CFR Part 60, Subpart Y—Standards of Performance for Coal Preparation Plants.

4. Within the time limits specified in General Condition 4 of this permit, stack emission tests for particulate matter, sulfur oxides, and oxides of nitrogen shall be conducted at the Bailey Mine thermal dryer in accordance with approved EPA methods as described in 40 CFR Part 60, Appendix A, Methods 5, 7, and 8.

5. The operator shall install, calibrate, maintain, and continuously operate the monitoring devices specified in 40 CFR Part 60, Subpart Y (§ 60.253).

B. A. E. Staley Manufacturing Company, Morrisville, Pennsylvania

Notice is hereby given that on May 27, 1982, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the A. E. Staley Manufacturing Company for approval to construct and operate a 249 MMBTU coal-fired boiler located at East Post Road, Morrisville, Pennsylvania.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the coal-fired boiler, subject to certain conditions, including:

1. The emissions from the proposed boiler shall not exceed the limitations specified below:

Particulates, 0.10 lb/MMBTU;
Sulfur Dioxides, 0.90 lb/MMBTU;
Nitrogen Oxides, 0.70 lb/MMBTU.

2. Within the time limits specified in General Condition 4 of this permit, stack emission tests for particulates, sulfur dioxide and nitrogen oxides shall be conducted on the proposed boiler in accordance with approved EPA test methods as described in 40 CFR Part 60, Appendix A.

3. Emission compliance testing shall be conducted while the boiler is operating at a minimum of 90% of design load capacity.

C. Texas Eastern Transmission Corporation, Greensburg, Pennsylvania

Notice is hereby given that on July 7, 1982, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Texas Eastern Transmission Corporation for approval to construct and operate a natural gas-fired turbine at Delmont Station, Greensburg, Pennsylvania.

This permit has been issued under EPA's Prevention of significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the natural gas turbine, subject to certain conditions, including:

1. Emissions from the natural gas turbine shall not exceed the limitations specified below:

Oxides of Nitrogen—150 PPMV Corrected to 15% O₂ and 40 CFR 60.332(a)(2).

2. Within the time limits specified in General Condition 3 of this permit, stack emission tests for oxides of nitrogen shall be conducted at the gas turbine in accordance with approved EPA methods as described in 40 CFR Part 60, Appendix A, Method 20.

3. Emissions data and operating parameters shall be monitored in

accordance with 40 CFR Part 60, Subpart GG.

II. PSD Nonapplicability Determination

Gulf Energy Processing Corporation, Weston, West Virginia

Notice is hereby given that on August 18, 1982, the Environmental Protection Agency issued a PSD nonapplicability determination to the Gulf Energy Processing Corporation for its proposed gas processing plant near Weston, West Virginia. It was determined that emissions from the plant will be less than 250 tons per year and therefore, the PSD requirements would not be applicable to the plant.

This nonapplicability determination does not relieve the reviewed source of the responsibility for complying with all local, State, and Federal regulations which are part of the State Implementation Plan. A determination will be void if the information submitted and used as a basis for the PSD nonapplicability decision proves to be incorrect or is modified.

III. Permit Extension

Adolph Coors Company, Elkton, Virginia

Notice is hereby given that on January 7, 1983, the Environmental Protection Agency approved a three year extension of the Adolph Coors Company's PSD permit. On November 16, 1982, EPA published a Notice of Proposed Approval and Public Comment Period (47 FR 51609) relative to the extension request. No comments were received.

Therefore, EPA has now approved the requested extension. All conditions contained in the March 19, 1981 PSD permit remain the same. The extension approval, however, contains the following additional conditions:

1. The PSD permit for the Coors' Elkton, Virginia facility is extended until September 19, 1985.

2. All emission limitations, reporting requirements and permit conditions contained in the March 19, 1981 permit remain in effect unless and until revised by the Environmental Protection Agency.

3. By March 19, 1984, the Company must submit an updated status report on this project including the corporate financial data, consumer market conditions, and construction status.

4. By June 30, 1984, EPA will complete its review of this material and perform a re-evaluation and update, if necessary, of the BACT determination and air quality modeling analyses. At this time, if construction has not yet commenced, permit conditions and emission

limitations will be revised if appropriate.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the above listed final actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before April 5, 1983.

Copies of these PSD determinations are available for public inspection upon request at the following location: Air Programs & Energy Branch (3AW10), Environmental Protection Agency, Region III, 8th & Walnut Streets, Philadelphia, PA 19106. Attention: Ms. Eileen Glenn (215/597-8187).

Dated: January 21 1983.

Peter N. Bibko,

Regional Administrator, EPA—Region III.

[FR Doc. 83-83 Filed 3087-2-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2293-7]

Availability of Environmental Impact Statements Filed January 17 Through January 21, 1983, Pursuant to 40 CFR 1506.9

Correction

In FR Doc. 83-2376 on page 4046 in the issue of Friday, January 28, 1983, make the following corrections in the second column:

1. Under "Environmental Protection Agency", in EIS 830029, "LI" should read "IL" and "NM" should read "MN".
2. Under "Amended Notices", the Due date in all three EIS's listed should read "April 8, 1983".

BILLING CODE 1505-01-M

[ER-FRL-2299-4]

Availability of Environmental Impact Statements Filed January 24 Through January 28, 1983 Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities General Information (202) 382-5075 or 382-5076.

Corps of Engineers:

EIS No. 830043 Report, COE, SEV, AR, LA, Red River Emergency Bank Protection and Stabilization

EIS No. 830041 Final, COE, NY, Lower East Entrance Channel, Ogdensburg Harbor, St. Lawrence County, Due: 03-07-83

Department of Commerce:

EIS No. 830053 DSuppl, NOA, REG, PAC, CA, OR, WA, 1983 Salmon Fisheries, Fishery Management Plan, Due: 03-12-83

Department of Defense:

EIS No. 830044 Final, DOD, CA, Terminal Island Complex, Fuel Pier Relocation, Los Angeles County, Due: 03-07-83

Department of the Interior:

EIS No. 830045 Final, NPS, SEV, WY, MT, ID, Yellowstone National Park, Grizzly Bear Management Plan, Due: 03-07-83

EIS No. 830046 FSuppl, BLM, PRO, CO, Prototype Oil Shale, Leasing Plan, Piceanase Basin, Rio Blanco Co., Due: 03-07-83

Department of Transportation:

EIS No. 830039 Draft, FHW, MA, Third Harbor Tunnel/I-90 Extension, I-93 to East Boston, Suffolk Co., Due: 03-21-83

EIS No. 830037 Draft, FHW, MN, West River Parkway Extension and Development, Hennepin County, Due: 03-21-83

EIS No. 830050 Draft, FHW, MN, CSAH-18 Completion, I-494 to TH-13 and TH-101, Hennepin and Scott Cos., Due: 03-31-83

EIS No. 830051 Draft, FHN, MN, CSAH-62 Extension, CSAH-4 to CSAH-61, Hennepin County, Due: 03-29-83

EIS No. 830040 Final, FHW, CA, CA-49/CA-108/Sonora Bypass Construction, Tuolumne County, Due: 03-07-83

EIS No. 830048 Final, FHW, VA, Jefferson Davis Highway/US 1 Improvement, Arlington County, Due: 03-07-83

Environmental Protection Agency:

EIS No. 830038 Draft, EPA, REG, Petroleum Refining Industry, Emission, Performance Standards, Due: 03-21-83

EIS No. 830047 Final, EPA, PR, ATL, San Juan Harbor Dredged Disposal Site, Designation, Due: 03-07-83

EIS No. 830049 Final, EPA, MD, Patuxent Wastewater Treatment Facilities, Grant, Anne Arundel County, Due: 03-07-83

EIS No. 830052 DSuppl, EPA, LA, Dolet Hill Power Plant, NPDES Permit, De Soto Parish, Due: 03-21-83

Department of Housing and Urban Development:

EIS No. 830055 Draft, HUD, MD, Riverside Development, Mortgage Insurance, Harford County, Due: 03-21-83

Department of Agriculture:

EIS No. 830036 Draft, AFS, AZ, Tonto National Forest Land and Resource Management Plan, Due: 04-22-83

EIS No. 830042 Final, AFS, AK, Greens Creek Mining Project, Tongass National Forest, Approval, Due: 03-07-83

EIS No. 830054 DSuppl, AFS, CA, Devers-Serrano-Villa Park Transmission Lines, Orange & Riverside Cos., Due: 03-21-83

Amended Notices:

EIS No. 820770 LDraft, UAF, LEG, Peacekeeper, M-X Missile Closely Spaced Basing, Published FR 12-08-82—Announcement of closing date for comments, Due: 03-08-83

EIS No. 830023 Draft, EPA, AK, City of Anchorage Wastewater Treatment Facilities Expansion, Grant, Published FR 01-21-83—Incorrect due date. Due: 03-07-83

Dated: February 1, 1983.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 83-3062 Filed 2-3-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

[Agreement No. 7680-46]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 7680-46 will not constitute a major Federal-action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

This agreement allows members of the American West African Freight Conference to serve ports and points between Canadian Atlantic and St. Lawrence River Ports and U.S. Atlantic and Gulf ports and African ports. The Conference includes Barber West Africa Line, Black Star Line, Ltd., Compagnie Maritime Zairoise, S.A.R.L., Companhia Nacional de Navegacao, Delta Steamship Line, Inc., Elder Dempster Lines, Ltd., Farrell Lines Incorporated, Jeco Shipping Line Int'l. N.V., Medafrika Line, Nigeria America Line, Ltd., Societe Ivoirienne de Transport Maritime, Sitram, Torm West Africa Line, Uiterwyk Lines (West Africa) Ltd., and Westwind Africa Line, Ltd.

This finding of No Significant Impact (FONSI) will become final within 20 days of publication of this notice in the *Federal Register* unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83-3069 Filed 2-3-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Formation of Bank Holding Companies; FNB Bancorp, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications

are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *FNB Bancorp, Inc.*, Newtown, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank and Trust Company of Newtown, Newtown, Pennsylvania. Comments on this application must be received not later than February 28, 1983.

B. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Bancshares of Hayti, Inc.*, Hayti, Missouri; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Hayti, Hayti, Missouri. Comments on this application must be received not later than February 28, 1983.

C. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *TwinCo, Inc.*, Twin Bridges, Montana; to become a bank holding company by acquiring 100 percent of the voting shares of PaRu, Inc., Twin Bridges, Montana, which owns 83.71 percent of First National Bank of Twin Bridges, Twin Bridges, Montana. Comments on this application must be received not later than February 28, 1983.

D. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Metro Bancorp., Inc.*, Phoenix, Arizona; to become a bank holding company by acquiring 100 percent of the voting shares of Metropolitan Bank (In Organization), Phoenix, Arizona. Comments on this application must be received not later than February 28, 1983.

E. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Banco de Vizcaya S.A.*, Bilbao, Spain; to become a bank holding company by acquiring at least 68 percent of the voting shares of Banco Comercial de Mayaguez, Mayaguez, Puerto Rico. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York. Comments on this application must be received not later than February 25, 1983.

Board of Governors of the Federal Reserve System, January 31, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-3027 Filed 2-3-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Colonial Group, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *First Colonial Group, Inc.*, Nazareth, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Nazareth National Bank and Trust Company, Nazareth, Pennsylvania. Comments on this application must be received not later than March 2, 1983.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Watseka Banc Corporation*, Watseka, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The First Trust and Savings Bank of Watseka,

Illinois, Watseka, Illinois. Comments on this application must be received not later than March 2, 1983.

C. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Unicorp Bancshares-Houston, Inc.*, Houston, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Unitedbank-Metro, Houston, Texas. Comments on this application must be received not later than March 2, 1983.

Board of Governors of the Federal Reserve System, January 31, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-3017 Filed 2-3-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies; Northern Trust Corp., et al.

The companies listed in this notice have 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 voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Northern Trust Corporation*, Chicago, Illinois; to acquire 100 percent of the voting shares or assets of First Security Bank of Oak Brook, Oak Brook, Illinois. Comments on this application must be received not later than February 28, 1983.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *South Dakota Bancshares, Inc.*, Pierre, South Dakota; to acquire 57.8 percent of the voting shares or assets of

Farmers State Bank, Faith, South Dakota. Comments on this application must be received not later than February 28, 1983.

Board of Governors of the Federal Reserve System, January 31, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-3028 Filed 2-3-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Company; Proposed de Novo Nonbank Activities; Citizens Bancorporation

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage de novo (or continue to engage in an activity earlier commenced de novo), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Citizens Bancorporation*, Sheboygan, Wisconsin (management consulting, data processing; Wisconsin): To engage, through its subsidiary, Citizens Management Services

Corporation in providing management consulting advice to nonaffiliated banks and nonbank depository institutions; and, providing data processing and data transmission services, data bases or facilities for the internal operations of the holding company or its subsidiaries and for others. These activities would be conducted from an office in Sheboygan, Wisconsin, serving the entire State of Wisconsin. Comments on this application must be received not later than February 22, 1983.

Board of Governors of the Federal Reserve System, January 31, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-3016 Filed 2-3-83; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee, Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on December 20, 1982, paragraph 1(a) of the Committee's authorization for domestic open market operations was amended to raise from \$3 billion to \$4 billion the limit on changes between Committee meetings in System Account holdings of U.S. government and federal agency securities, effective immediately, for the period ending with the close of business on February 9, 1983.

On January 25-26, 1983, the Committee voted to approve an additional increase to \$5.5 billion in the intermeeting limit on changes in holdings of U.S. government and federal agency securities, effective immediately, for the period ending with the close of business on February 9, 1983.

Note.—For paragraph 1(a) of the authorization, see 36 FR 22697. By order of the Federal Open Market Committee, January 28, 1983.

Murray Altmann,
Secretary.

[FR Doc. 83-3016 Filed 2-3-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade

Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) Northeast Texas Electric Cooperative, Inc.'s proposed acquisition of certain assets of Southwestern Electric Power Company.	Jan. 13, 1983.
(2) PSA, Inc.'s proposed acquisition of certain assets of Braniff Airways, Incorporated.	Jan. 11, 1983.
(3) Transaction Number 83-004, Thorfare Corporation's proposed acquisition of all assets of Casa Blanca Fan Company, Inc.	Jan. 14, 1983.
(4) Transaction Numbers 83-009 & 83-0011, the Plessey Company, plc's proposed acquisition of certain voting securities of Scientific Atlanta, Inc.	Jan. 20, 1983.
(5) Transaction Number 83-1104, Archer-Daniels-Midland Company's proposed acquisition of certain voting securities of Valmac Industries, Inc.	Jan. 17, 1983.
(6) Transaction Number 83-0013, Lear Petroleum Corporation's proposed acquisition of certain assets of Lathrop Field.	Do.
(7) Transaction Number 83-0010, Cliff & Dorothy Lane's proposed acquisition of certain voting securities of Archer-Daniels-Midland.	Do.
(8) Transaction Number 83-0024, National Distillers & Chemical Corp., proposed acquisition of certain voting securities of Suburban Propane Gas Corporation.	Do.
(9) Transaction Number 83-0999, Redland PLC's proposed acquisition of certain voting securities of Boston Industries, Inc.	Nov. 18, 1982.
(10) Transaction Number 83-0014, Anderson Strathclyde PLC's proposed acquisition of certain voting securities of National Mine Service Company.	Jan. 21, 1983.
(11) Transaction Number 83-0021, Selmi K. Zilkha's proposed acquisition of certain voting securities of McDonough Company.	Do.
(12) Transaction Number 83-0025, Lenox, Incorporated's proposed acquisition of all voting securities of Hartmann Luggage Company.	Jan. 20, 1983.
(13) Transaction Number 83-0031, KKR Associates' proposed acquisition of all voting securities of Dillingham Corporation.	Jan. 21, 1983.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 83-3070 Filed 2-3-83; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Assessment of Emerging Technologies for Future Office Building Structural and Enclosure Systems (Questionnaire)

AGENCY: General Services
Administration.

ACTION: Notice of Information
Collection; New.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration (GSA) plans to request the Office of Management and Budget to review and approve the use of a information collection request for the collection of data.

DATES: Comments on the information request must be submitted on or before February 25, 1983.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Anthony Artigliere, GSA Clearance Officer, GSA (ORAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: George Turner on (202-921-2140).

SUPPLEMENTARY INFORMATION: The information is necessary to provide data regarding the design, rehabilitation, and construction of future buildings. The results will be used for technological forecast and program planning regarding future needs of Federal office facilities. It is estimated that a total of 120 architects, engineers, and university professors will be contacted to provide data for the proposed questionnaire. The total estimated burden per response is 1 hour. A copy of the information collection proposal may be obtained from the Directives and Reports Management Branch (ORAI), Room 3011, GS Building, Washington, DC 20405, telephone (202-566-1164).

Dated: January 27, 1983.

Clarence A. Lee, Jr.,

Director of Administrative Services.

[FR Doc. 83-3033 Filed 2-3-83; 8:45 am]

BILLING CODE 6820-34-M

GOVERNMENT PRINTING OFFICE

Information Industry Council of the U.S. Government Printing Office; Agenda and Notice of Meeting

Notice is hereby given that a meeting of the Information Industry Council of the U.S. Government Printing Office will convene at 9:30 a.m. and will adjourn at 4 p.m. on March 4, 1983, in the Carl Hayden Room of the Government Printing Office, North Capitol and H Streets NW., Washington, D.C. 20401. The purpose of the meeting will be to advise the Public Printer on the potential impact of technological advances in the information industry on the operations of the Government Printing Office. The agenda will include discussions and presentations on GPO strategic planning, procurement, and documents dissemination programs.

Persons desiring additional information should contact Joseph E. Jenifer, Assistant Public Printer (Planning), U.S. Government Printing Office, Stop SP, North Capitol and H Streets NW., Washington, D.C. 20401, (202) 275-2664.

Dated at Washington, D.C., February 2, 1983.

Joseph E. Jenifer,

Assistant Public Printer (Planning).

[FR Doc. 83-3249 Filed 2-3-83; 8:45 am]

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings:

Los Angeles District Office, chaired by Abraham I. Kleks, District Director.

DATE: Tuesday, February 15, 1983, 10 a.m.

ADDRESS: Cooperative Extension Service, 4341 East Broadway, Phoenix, Arizona 85040.

FOR FURTHER INFORMATION CONTACT: Irene Gomez Caro, Consumer Affairs Officer, Food and Drug Administration, 1521 West Pico Blvd., Los Angeles, CA 90015, 213-688-4395.

Chicago District Office, chaired by Mary K. Ellis, District Director.

DATE: Friday, February 18, 1983, 10 a.m. to 11:30 a.m.

ADDRESS: Buffalo Grove High School, 1100 W. Dundee Rd., Buffalo Grove, IL 60090.

FOR FURTHER INFORMATION CONTACT: Marie A. Ekvall, Consumer Affairs Officer, Food and Drug Administration, Main Post Office Bldg., 433 West Van Buren St., Rm. 1222, Chicago, IL 60607, 312-353-7126.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: January 31, 1983.

William F. Randolph,

Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 83-3032 Filed 2-3-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82M-0377]

Medtronic Inc.; Premarket Approval of Versantrax™ Model 7000 Pulse Generator and Cenys™ Model 9701A Programmer

Correction

In FR Doc. 83-269 beginning on page 871 in the issue of Friday, January 7, 1983, make the following correction:

On page 872, first column, under supplementary information, in the eighth line, "Panel, and" should have read "Panel, an".

BILLING CODE 1505-01-M

J. B. Hunt Co.; Breeder Mix-42 HB; Withdrawal of Approval of NADA

Correction

In FR Doc. 82-29296, originally appearing on page 47466, on Tuesday, October 26, 1982, and corrected on page 3415, in the issue of Tuesday, January 25, 1983, the heading should read as printed above.

BILLING CODE 1505-01-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of

Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was last published on January 28.

Public Health Service

Health Resources and Services Administration

Subject: Health Resources and Services Administration Interim Abortion Reporting Procedures (0915-0008)—Reinstatement

Respondents: Federally-funded ambulatory health care centers and National Health Service Corps sites
OMB Desk Officer: Richard Eisinger

Food and Drug Administration

Subject: Food Canning Establishment Registration and Process Filing (0910-0037)—Revision

Respondents: Food canning establishments

Subject: Importers Entry Notice (0910-0046)—Extension/No Change

Respondents: Food and drug importers and brokers

Subject: Registration of Cosmetic Product Establishment (0910-0027)—Extension/No Change

Respondents: Cosmetic product manufacturers and repackers

Subject: Food Additive Petitions (0910-0016)—Extension/No Change

Respondents: Manufacturers, suppliers or processors of food additives
OMB Desk Officer: Fay S. Iudicello

Centers for Disease Control

Subject: Congenital Syphilis Followup Report—New

Respondents: State and local health departments

OMB Desk Officer: Richard Eisinger

National Institutes of Health

Subject: Country of Birth, Immigration and Immigrant Fertility Supplement to the April 1983 Current Population Survey—New

Respondents: Individuals or households
OMB Desk Officer: Richard Eisinger

Social Security Administration

Subject: Winter and Summer State Survey of Low-Income Home Energy Assistance Program (SSA-283/SSA-284 (1-83))—New

Respondents: State and local governments

Subject: Application for Supplemental Security Income (SSA-8000-BK)—Revision

Respondents: Individuals or households
OMB Desk Officer: Milo Sunderhauf

Office of Human Development Services

Subject: Impact Measures for the Resource Access Projects Evaluation (0980-0103)—Reinstatement

Respondents: Head Start grantees and state education agency representatives

OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524-F, Washington, D.C. 20201
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503

ATTN: (name of OMB Desk Officer).

Dated: January 31, 1983.

Dale W. Sopper,
Assistant Secretary for Management and Budget.

[FR Doc. 83-3112 Filed 2-3-83; 8:45 am]

BILLING CODE 4150-04-M

Order of Succession

AGENCY: Department of Health and Human Services, Secretary.

ACTION: Notice.

SUMMARY: This notice sets forth the order of succession in the event of the absence or disability of the Secretary and the Under Secretary or in the event of a vacancy in the Office of the Secretary and Under Secretary.

EFFECTIVE DATE: January 31, 1983.

ORDER OF SUCCESSION: 1. The Under Secretary acts as Secretary during the absence or disability of the Secretary.
2. During the absence or disability of the Secretary and Under Secretary or in the event of a simultaneous vacancy in the offices of the Secretary and the Under Secretary, the Assistant Secretary for Legislation acts as the Secretary.

3. This order of succession shall be effective immediately and shall cease to be effective on the confirmation by the Senate and assumption of office by my successor.

Authority: Section 2 of Reorganization Plan No. 1 of 1953 (5 U.S.C. App.).

Dated: January 31, 1983.

Richard S. Schweiker,
Secretary.

[FR Doc. 83-3111 Filed 2-3-83; 8:45 am]

BILLING CODE 4150-04-M

Advisory Council on Social Security; Public Hearing

AGENCY: Department of Health and Human Services.

ACTION: Notice of Public Hearing.

SUMMARY: The Secretary of Health and Human Services announced on September 16, 1982 the establishment of the Advisory Council on Social Security. The Council is charged to place particular emphasis on a review of the Medicare program, and to prepare and submit reports on its findings and recommendations.

In an effort to obtain the views of interested organizations and individuals, within the constraints of available time, the Council decided to conduct public hearings in designated locations around the country. Notice is hereby given that a 1-day hearing will be held in St. Petersburg, Florida on March 1, 1983. Similar 1-day hearings were previously announced in 47 FR 56723, December 20, 1982, for San Francisco on February 24, and in 48 FR 1549, January 13, 1983, for the Chicago area on March 9. All hearings will run from 9:00 a.m.

ADDRESS: The St. Petersburg hearing will be held in the St. Petersburg Public Library, 3745 9th Avenue North, St. Petersburg, Florida 33713.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burke, Executive Director, Advisory Council on Social Security, 200 Independence Avenue, SW., Washington, D.C. 20201; telephone (202) 755-8670 or 755-8671.

SUPPLEMENTARY INFORMATION: The hearings are open to the public. Attendance will be limited to the space available. Interested parties are invited to present testimony on Medicare issues; however, only those requesting in advance, preferably in writing, to appear will be permitted to present oral statements. Presenters should submit, 5 days in advance, 20 copies of their presentation, and should bring an additional 50 copies to the hearing to be made available to the public. Oral presentation should summarize the written statement, and will be limited to a maximum of 5 minutes. Other written material can be submitted for the record. Submit written requests to present testimony to the Advisory Council on Social Security, ATTN:

Public Hearing, 200 Independence Avenue, SW., Washington, D.C. 20201, or telephone (202) 755-8670 or 755-8671.

The designated Chairperson or the Executive Director reserves the right to determine order of presentation, but will make every effort, within available time, to hear all who wish to be heard.

Sign language interpreting services will be provided if requested in advance.

Records will be kept of all public hearings and will be available for public inspection at the Office of the Administrative Officer, Advisory Council on Social Security, Room 317-H, HHH Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Thomas R. Burke,
Executive Director.

[FR Doc. 83-2318 Filed 2-3-83; 8:45 am]

BILLING CODE 4120-03-M

Public Health Service

Request for Exclusive License Extension

Pursuant to 45 CFR Parts 6 and 8, the Assistant Secretary for Health of the Department of Health and Human Services hereby gives notice of intent to determine whether the Government should approve a seven year extension of an exclusive license issued to Bristol-Myers Company, to make, use, and sell an invention of Dr. Barnett Rosenberg, Ms. Loretta VanCamp, and Mr. Thomas Krigas, entitled "Anti-Animal Tumor Method," for which United States Patent No. 4,177,263 issued December 4, 1979. The invention involves the use of cis-platinum anti-tumor compounds, and was made at Michigan State University under National Institutes of Health research grant number GM-10890.

Narrative

Bristol-Myers Company (Bristol) currently holds an exclusive license to develop and market cis-platinum as a treatment of tumor cells. The exclusive license was originally issued in 1977 by Research Corporation, a patent management corporation assigned the patent rights in the invention by Michigan State University. Under its Institutional Patent Agreement (IPA) with the Department of Health and Human Services, the University and Research Corporation granted an exclusive license for a period of time not to exceed three years from the date of the first commercial sale in the United States of a product or process embodying the invention, or eight years from the date of the exclusive license, whichever occurred first.

In May 1978, Bristol and Research Corporation petitioned the Department

for an extension of the period of exclusivity to five years from the date of commercial sale, instead of the three-year period originally granted. The Department granted this request and extended the exclusive license to December 26, 1983. Bristol and Research Corporation have now requested the Department to approve an extension of the exclusive license for an additional seven years. They base this request on their need for a continued period of exclusivity in order to warrant their further investment in research and development for this invention.

The Department has received requests from other manufacturers that the exclusive license not be extended, and that they be granted nonexclusive licenses to market the product. The requesters are submitting to the Department, and to the patent management agent, Research Corporation, development plans for the product should they be granted nonexclusive licenses to market cis-platinum.

Cis-platinum is a significant anticancer agent. The Government's principal concern is the expeditious development and marketing of the product for the benefit of the public.

Questions on which the Department is inviting public comment include:

(1) Would the public best be served by extending the existing exclusive license to Bristol to further develop the product?

(2) Would it be in the best interest of the public to permit marketing of cis-platinum on a nonexclusive basis and invite as many pharmaceutical companies to apply as possible?

(3) How should the Government exercise its rights with respect to this invention in a manner that would best promote the public health?

The Department of Health and Human Services will make its determination of whether to approve an extension of the exclusive license on the basis of information already submitted to the Department and any other information submitted by interested parties. Any such submittals may include license applications and development plans indicating how the submitter proposes to develop and market the product should it be granted a nonexclusive license. License applications will be made available for review by the patent management agent, Research Corporation.

Date

Any such information should be submitted not later than 60 days after the date of this notice.

Address for Comments and Additional Information

Comments and requests for additional information should be addressed to Leroy B. Randall, Chief, Patent Branch, Westwood Building, Room 5A03, c/o National Institutes of Health, Bethesda, Maryland 20205, (301 496-7056).

Authority: 45 CFR Parts 6 and 8.

Dated: January 28, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-3028 Filed 2-3-83; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-83-1206]

Mortgage and Loan Insurance Programs Under the National Housing Act—Debenture Interest Rates

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner (HUD).

ACTION: Notice of Change in Debenture Interest Rates.

SUMMARY: This Notice announces changes in the interest rates to be paid on debentures issued with respect to a loan or mortgage insured by the Federal Housing Commissioner under the provisions of the National Housing Act (the "Act"). The interest rate for debentures issued under Section 221(g)(4) of the Act during the six-month period beginning January 1, 1983, is 9% percent. The interest rate for debentures issued under any other provision of the Act is the rate in effect on the date that the commitment to insure the loan or mortgage was issued, or the date that the loan or mortgage was initially endorsed for insurance, whichever rate is higher. The interest rate for debentures issued under these other provisions with respect to a loan or mortgage committed or endorsed during the six-month period beginning January 1, 1983, is 10% percent.

EFFECTIVE DATE: February 4, 1983.

FOR FURTHER INFORMATION CONTACT: Arnold H. Diamond, Director, Office of Financial Management, Room 6188 Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 426-4325 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 224 of the National Housing Act (24 U.S.C. 1715o) provides that debentures issued under the Act with respect to an insured loan or mortgage (except for debentures issued pursuant to Section 221(g)(4) of the Act) shall bear interest at the rate in effect on the date the commitment to insure the loan or mortgage was issued, or the date the loan or mortgage was initially endorsed for insurance, whichever rate is higher. This provision is implemented in HUD's regulations at 24 CFR 203.405, 203.479, 207.259(e)(6) and 220.830. Each of these regulatory provisions states that the applicable rates of interest will be published twice each year as a notice in the *Federal Register*.

Section 224 further provides that the interest rate on these debentures shall be set from time to time by the Secretary of HUD, with the approval of the Secretary of the Treasury, in an amount not in excess of the interest rate determined by the Secretary of the Treasury pursuant to a formula set out in the statute.

The Secretary of the Treasury (1) has determined, in accordance with the provisions of Section 224, that the statutory maximum interest rate for the period beginning January 1, 1983, is 10% percent and (2) has approved the establishment of the debenture interest rate by the Secretary of HUD at 10% percent for the six-month period beginning January 1, 1983. This interest rate will be the rate borne by debentures issued with respect to any insured loan or mortgage (except for debentures issued pursuant to Section 221(g)(4)) with an insurance commitment or endorsement date (as applicable) within the first six months of 1983.

For convenience of reference, HUD is publishing the following chart of debenture interest rates applicable to mortgages committed or endorsed since July 1, 1974:

Effective rate (percent)	On or after	Prior to
6%	July 1, 1974	July 1, 1975.
7%	July 1, 1975	Jan. 1, 1976.
7%	Jan. 1, 1976	July 1, 1976.
7%	July 1, 1976	Jan. 1, 1977.
8%	Jan. 1, 1977	July 1, 1977.
7%	July 1, 1977	Jan. 1, 1978.
7%	Jan. 1, 1978	July 1, 1978.
7%	July 1, 1978	Jan. 1, 1979.
8%	Jan. 1, 1979	July 1, 1979.
8%	July 1, 1979	Jan. 1, 1980.
9%	Jan. 1, 1980	July 1, 1980.
9%	July 1, 1980	Jan. 1, 1981.
11%	Jan. 1, 1981	July 1, 1981.
12%	July 1, 1981	Jan. 1, 1982.
12%	Jan. 1, 1982	Jan. 1, 1983.
10%	Jan. 1, 1983	

Section 221(g)(4) of the Act provides that debentures issued pursuant to that

paragraph (with respect to the assignment of an insured mortgage to the Secretary) shall bear interest at the "going Federal rate" in effect at the time the debentures are issued. The term "going Federal rate", as used in that paragraph, is defined to mean the interest rate which the Secretary of the Treasury shall determine, pursuant to a formula set out in the statute, for the six-month periods of January through June and July through December of each year. Section 221(g)(4) is implemented in the HUD regulations at 24 CFR 221.790.

The Secretary of the Treasury has determined that the interest rate to be borne by debentures issued pursuant to Section 221(g)(4) during the six-month period beginning January 1, 1983, is 9% percent.

HUD expects to publish its next notice of change in debenture interest rates in July 1983.

The subject matter of this notice falls within the categorical exclusion from HUD's environmental clearance procedures set forth in 24 CFR 50.21(a)(15). For that reason, no environmental finding has been prepared for this notice.

(Secs. 211, 221, 224, National Housing Act, 12 U.S.C. 1715B, 17151, 1715o; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Dated: January 28, 1983.

Philip Abrams,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 83-3015 Filed 2-3-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Gulf of Mexico; Leasing Systems, Sale No. 69 (Part II)

Section 8(a)(8) (43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act (OCSLA), as amended, requires that at least 30 days before any lease sale, a notice be submitted to the Congress and published in the *Federal Register*:

(A) Identifying the bidding systems to be used and the reasons for such use, and

(B) Designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

(A) *Bidding systems to be used.* In OCS Sale No. 69 (Part II), tracts will be offered under the following two bidding systems as authorized by section 8(a)(1)

(43 U.S.C. 1337(a)(1)): (1) bonus bidding with a fixed 16% percent royalty on 121 tracts, and (2) bonus bidding with a fixed 12% percent royalty on 4 tracts.

(1) *Bonus Bidding with a 16% Percent Royalty.* This system is authorized by section (8)(a)(1)(A) of the OCSLA, as amended. This system has been used extensively since the passage of the OCSLA in 1953 and imposes greater risk on the lessee than systems with higher contingency payments but may yield more rewards to firms if a commercial field is discovered. The relatively high front-end payments required may encourage rapid exploration.

(2) *Bonus Bidding with a 12% Percent Royalty.* This system is authorized by section (8)(a)(1)(A) of the OCSLA, as amended. This system has been chosen for certain deep water tracts proposed for Sale No. 69 (Part II) because these tracts are expected to incur substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to more shallow water tracts. Department of the Interior analyses indicate that the minimum economically developable discovery on a tract in such high cost areas under a fixed 12% percent royalty system would be less than for the same tracts under a 16% percent royalty system. As a result, more tracts may be explored and developed. In addition, the lower royalty rate system is expected to yield more rapid production rates and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition since the higher costs for exploration and development are the primary restraints to competition.

(B) *Designation of Tracts.* The selection of tracts to be offered under the two systems was based on the following factors:

(1) Lease terms on adjacent tracts were considered in order to reduce administrative costs and barriers to unitization and to enhance orderly development of each field.

(2) Generally, tracts in deep water were selected for a 12% percent royalty based on the favorable performance of this system in high cost areas.

The specific tracts to be offered under each system are as follows:

(a) Bonus Bidding with a 12% Percent Royalty—Tracts 69-266 thru 69-269, and

(b) Bonus Bidding with a 16 % Percent Royalty—All remaining tracts.

Dated: January 31, 1983.

Harold E. Doley, Jr.,

Director, Minerals Management Service.

[FR Doc. 83-3025 Filed 2-3-83; 8:45 am]

BILLING CODE 4310-MR-M

Insignificant Revision in July 1982 5-Year Outer Continental Shelf Leasing Schedule; Sale No. 57

AGENCY: Department of the Interior, Minerals Management Service.

ACTION: Notice.

SUMMARY: The 5-Year Outer Continental Shelf (OCS) Leasing Schedule issued on July 21, 1982, provided for OCS Sale No. 57 (Norton Basin) to be held in November 1982. However, on August 12, 1982, the U.S. Court of Appeals for the Ninth Circuit in *California v. Watt*, No. 81-5699, ruled that the Coastal Zone

Management Act (CZMA), in that specific instance, required the Department of the Interior to prepare a consistency determination prior to offering certain tracts in OCS Sale No. 53. Applying the decision broadly, the Department decided to review the consistency of Sale No. 57 with Alaska's CZM program. While the Department of the Interior does not believe that in every instance its activities leading to a sale and the issuance of leases after a sale directly affect a State's coastal zone, consistency determinations have been made in light of the court's opinion and in accordance with the CZMA and its implementing regulations. After considering the relative merits of delaying the sale to March 1983, it has been concluded that delaying the sale to complete the consistency determination serves the national interest.

After analyzing whether holding the sale 4 months later is a significant revision under section 18 of the OCS Lands Act, we have concluded that it would not be a significant revision of the 5-year program. Copies of this analysis are available from the address below.

FOR FURTHER INFORMATION CONTACT:

Chris Oynes, Minerals Management Service (645), 12203 Sunrise Valley Drive, Reston, Virginia 22092, 202/343-3116.

Dated: January 27, 1983.

Harold E. Doley, Jr.,

Director, Minerals Management Service.

James G. Watt,

Secretary of the Interior.

[FR Doc. 83-3024 Filed 2-3-83; 8:45 am]

BILLING CODE 4310-MR-M

BILLING CODE: 4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
Minerals Management Service
Outer Continental Shelf
Gulf of Mexico

Oil and Gas Lease Sale No. 69 - Part II

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended, (92 Stat. 629), and the regulations issued thereunder (30 CFR Part 256, formerly 43 CFR Part 3300; see the Federal Register at 47 FR 47006, October 22, 1982). A revision of these regulations appeared in the Federal Register of June 16, 1982, at 47 FR 26031 and 25967.

2. Filing of Bids. Sealed bids will be received by the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, by mail, at P. O. Box 7944, Metairie, Louisiana 70010; or, if delivered in person, at the Imperial Office Building, 2301 North Causeway Boulevard, Metairie, Louisiana. Bids may be delivered to the above addresses until 4:15 p.m., March 7, 1983, or by personal delivery to the Louisiana Superdome, Gate "A," Level 200, Rooms 3, 4, and 5, 1500 Poydras St., New Orleans, Louisiana, between the hours of 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t., March 8, 1983. Bids received by the Regional Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Regional Manager prior to 9:30 a.m., c.s.t., March 8, 1983. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale was published in the Federal Register on October 6, 1982, at 47 FR 44166.

3. Method of Bidding. A separate bid must be submitted for each tract. Each bid must be placed in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., March 8, 1983." A suggested bid form appears in 30 CFR Part 256, Appendix A, for bonus bid tracts. Bidders are advised that tract numbers are assigned solely for administrative purposes and that tract numbers are not the same as block numbers found on leasing maps or official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the Minerals Management Service. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Partnerships also need to submit a list of signatories authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of \$3 per acre or fraction thereof. The following systems will be utilized:

- (a) Bonus Bidding with a 12½ Percent Royalty: Bids on tracts 69-266 through 69-269, must be submitted on a cash bonus basis with a fixed royalty of 12½ percent. All leases awarded under this system will provide for a minimum annual royalty payment of \$3 per acre or fraction thereof.
- (b) Bonus Bidding with a 16 2/3 Percent Royalty: Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus bid basis with a fixed royalty of 16 2/3 percent. All leases awarded under this system will provide for a minimum royalty payment of \$3 per acre or fraction thereof.
5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., c.s.t., March 8, 1983, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982) and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See Item 14, "Information to Lessees."
6. Bid Opening. Bids will be opened on March 8, 1983, beginning at 10:00 a.m., c.s.t., at the last address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, March 8, 1983, that bid will be returned unopened to the bidder, as soon thereafter as possible.
7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.
8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.
9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:
 - (a) the bidder has complied with all requirements of this notice and applicable regulations;
 - (b) the bid is the highest valid bid; and
 - (c) the amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of \$150 or more per acre or fraction thereof. Any bid submitted which does not conform to the requirements of this notice of sale, the OCS Lands Act, as amended, or applicable regulations may be returned to the person submitting that bid by the Regional Manager and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's rental, and satisfy the bonding requirements of 30 CFR Part 256 Subpart I within the time provided in 30 CFR 256.47. A modification of the payments procedure for successful bidders appears in the revision of regulations discussed in paragraph 1, above. These changes do not apply to the submission of the one-fifth bonus with bids, described in paragraph 3, above.

11. Leasing Maps/Official Protraction Diagrams. Tracts offered for lease may be located on the following leasing maps/official protraction diagrams which are available from the Regional Manager, Gulf of Mexico OCS Region at the first address stated in paragraph 2.

- (a) Outer Continental Shelf Leasing Maps - Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for \$17.
- (b) Outer Continental Shelf Official Protraction Diagram Nos.:
 - NH 16-4 Mobile
 - NH 16-5 Pensacola
 - NH 16-7 Viosca Knoll
 - NH 16-8 Destin Dome
 - NG 16-6 (no name)
 - NH 17-4 Charlotte Harbor
 These sell for \$2 each.

12. Tract Descriptions. The tracts offered for bids are as follows:
 Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement may not be included in this notice for various reasons, including the prior offering of specific tracts in OCS Sale No. 69 (Partial Offering) on November 17, 1982. Some of the blocks are included in prior environmental impact statements rather than the environmental impact statement for this sale.

TRACT LIST OCS SALE 69 Part II

OCS LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10 (Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
69-103	86	All	4994.55
69-104	87	All	4994.55
69-105	88	All	4994.55
69-106	89	All	4994.55
69-107	90	All	4994.55
69-108	94	All	4994.55
69-109	95	All	4994.55
69-110	96	All	4994.55
69-111	97	All	4994.55
69-112	101	All	4994.55
69-113	146	All	4560.81
69-114	149	All	4999.96

OCS LEASING MAP, MAIN PASS AREA, SOUTH AND EAST ADDITION, LOUISIANA MAP NO. 10A (Approved September 8, 1959)

Tract	Block	Description	Acreage
69-115	158	All	4994.55
69-116	160	All	4994.55
69-117	161	All	4994.55
69-118	162	All	4994.55
69-119	163	All	4994.55

OCS LEASING MAP, MAIN PASS AREA, SOUTH AND EAST ADDITION, LOUISIANA MAP NO. 10A (Approved September 8, 1959)

OCS OFFICIAL PROTRACTION DIAGRAM, VIOSCA KNOLL NH 16-7 (Approved October 10, 1972; Revised February 15, 1973; Revised August 1, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
69-120	(308 Main Pass (813 Viosca Knoll (814 Viosca Knoll	All	5585.30

OCS OFFICIAL PROTRACTION DIAGRAM, PENSACOLA NH 16-5
(Approved October 10, 1972; Revised December 2, 1976)

Tract	Block	Description	Acreage
69-121	926	All	5760
69-122	927	All	5760
69-123	929	All	5760
69-124	970	All	5760
69-125	972	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, VIOSCA KNOLL NH 16-7
(Approved October 10, 1972; Revised February 15, 1973; Revised August 1, 1973;
Revised December 2, 1976)

Tract	Block	Description	Acreage
69-127	815	All	5278.75

OCS OFFICIAL PROTRACTION DIAGRAM, DESTIN DOME NH 16-8
(Approved October 10, 1972; Revised August 1, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
69-128	2	All	5760
69-129	3	All	5760
69-130	4	All	5760
69-131	5	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, NG 16-6
(Approved June 5, 1974; Revised December 2, 1976)

Tract	Block	Description	Acreage
69-159	479	All	5760
69-160	480	All	5122.89
69-161	522	All	5760
69-162	523	All	5760
69-163	524	All	5392.11
69-164	566	All	5760
69-165	657	All	437.27
69-166	696	All	5760
69-167	698	All	5760
69-168	699	All	5760
69-169	700	All	5760
69-170	701	All	704.83
69-171	740	All	5760
69-172	741	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, NG 16-6
(Approved June 5, 1974; Revised December 2, 1976)
(Continued)

Tract	Block	Description	Acreage
69-173	742	All	5760
69-174	743	All	5760
69-175	744	All	5760
69-176	745	All	971.98
69-177	785	All	5760
69-178	786	All	5760
69-179	787	All	5760
69-180	788	All	5760
69-181	789	All	1238.72
69-182	829	All	5760
69-183	830	All	5760
69-184	831	All	5760
69-185	832	All	5760
69-186	833	All	1505.05
69-187	875	All	5760
69-188	876	All	5760
69-189	877	All	1770.97
69-190	921	All	2036.47

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR, NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)

Tract	Block	Description	Acreage
69-191	311	All	5760
69-192	312	All	5760
69-193	313	All	5760
69-194	354	All	5760
69-195	355	All	5760
69-196	356	All	5760
69-197	357	All	5760
69-198	441	All	5760
69-199	442	All	5760
69-200	443	All	5760
69-201	485	All	5760
69-202	486	All	5760
69-203	487	All	5760
69-204	529	All	5760
69-205	530	All	5760
69-206	531	All	5760
69-207	532	All	5760
69-208	573	All	5760
69-209	574	All	5760
69-210	575	All	5760
69-211	576	All	5760
69-212	617	All	5760
69-213	618	All	5760
69-214	619	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR, NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)
(Continued)

Tract	Block	Description	Acreage
69-215	620	All	5760
69-216	661	All	5760
69-217	662	All	5760
69-218	663	All	5760
69-219	664	All	5760
69-220	705	All	5760
69-221	706	All	5760
69-222	707	All	5760
69-223	708	All	5760
69-224	749	All	5760
69-225	750	All	5760
69-226	751	All	5760
69-227	752	All	5760
69-228	793	All	5760
69-229	794	All	5760
69-230	795	All	5760
69-231	796	All	5760
69-232	837	All	5760
69-233	838	All	5760
69-234	839	All	5760
69-235	840	All	5760
69-236	881	All	5760
69-237	882	All	5760
69-238	883	All	5760
69-239	884	All	5760
69-240	925	All	5760
69-241	926	All	5760
69-242	927	All	5760
69-243	928	All	5760
69-244	969	All	5760
69-245	970	All	5760
69-246	971	All	5760
69-247	972	All	5760

OCS LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954)

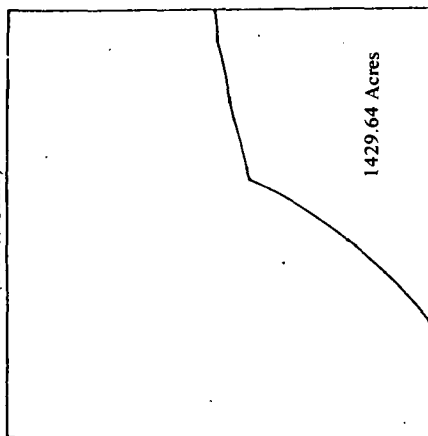
Tract	Block	Description	Acreage
69-262	138	All	4994.55

OCS OFFICIAL PROTRACTION DIAGRAM, MOBILE NH 16-4
(Approved October 10, 1972; Revised December 21, 1977)
(See below on this page for additional tracts in this Diagram)

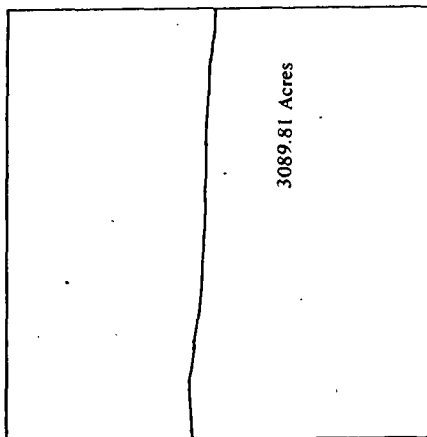
Tract	Block	Description	Acreage
69-263	826	1/	1429.64
69-264	828	1/	3089.81
69-265	905	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, VIOSCA KNOLL NH 16-7
(Approved October 10, 1972; Revised February 15, 1973; Revised August 1, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
69-266	825	All	5760
69-267	826	All	5760
69-268	869	All	5760
69-269	870	All	5760

Representation of Configuration of Tracts Indicated
(Not to Scale)

Mobile Block 826 (Tract 69-263)



Mobile Block 828 (Tract 69-264)

FOOTNOTES

- 1/ That portion of the lease block which is more than three geographical miles seaward from the low water line off the coast of Alabama.

13. Lease Terms and Stipulations.

(a) All leases resulting from this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form MMS-2005 (August 1982), available from the Regional Manager, at the first address stated in paragraph 2.

(b) The following stipulations will be included in each lease resulting from this sale, as indicated. In the following stipulations, the term RM refers to Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service (MMS).

Stipulation 1

The lessee agrees that if any site, structure, or object of possible historical or archeological significance, hereinafter referred to as a "cultural resource," should be discovered during the conduct of any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," he shall report immediately such findings to the RM and make every reasonable effort to protect the cultural resource from damage until the RM has given directions as to its protection.

If the RM has reason to believe that a cultural resource may exist in the leased area and gives the lessee written notice that the lessor is enforcing the provisions of this stipulation, the lessee shall, upon receipt of such notice, comply with the following requirements:

- (1) Prior to any operation, the lessee shall conduct remote sensing surveys and/or prepare a report, as specified by the RM, to determine the potential existence of any cultural resource that may be affected by such operation. All data produced as well as other pertinent natural and cultural environmental data shall be examined by an archeologist and geophysicist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of such surveys and assessments prepared by an archeologist and geophysicist shall be submitted by the lessee to the RM.
- (2) If such cultural resource indicators are present, the lessee shall: (a) locate the site of such operation so as not to adversely affect the identified location; or (b) establish to the satisfaction of the RM, on the basis of further archeological investigation conducted by an archeologist and geophysicist using such survey equipment and techniques as deemed necessary by the RM, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

(3) A report of this investigation prepared by the archeologist and geophysicist shall be submitted to the RM for review. Should the RM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the RM has given directions as to its protection.

Necessary monitoring, control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the Commander of the appropriate onshore military installation conducting operations in the particular warning area: provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic into the individual, designated warning areas, shall enter into an agreement with the Commander of the appropriate military installation on utilizing an individual, designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

The appropriate military installations and affected tracts are:

- (1) Training Wing Six
Naval Air Station
Pensacola, Florida 32508
(Tracts 69-121 through 69-125; 69-128 through 69-131; 69-263; and 69-264.)
- (2) Armament Division
Eglin Air Force Base, Florida 32542
(Tracts 69-159 through 69-247; and 69-265.)

Stipulation 3

(To be included only in leases resulting from this sale for tracts 69-159 through 69-247.)

Pipelines will be required: (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technologically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas.

In selecting the means of transportation, consideration will be given to any recommendation of the Regional Technical Working Group or other similar group with the participation of Federal and State governments, industry, and private interests. Where feasible, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other uses as determined on a case-by-case basis.

Stipulation 2

(To be included only in leases resulting from this sale for tracts listed below.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any person or persons, or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors, subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the appropriate military installation, listed below.

Notwithstanding any limitations of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual, designated defense warning areas in accordance with requirements specified by the Commander of the appropriate military installation to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities conducted within individual, designated warning areas.

Following the development of sufficient pipeline capacity, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the RM. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391a), as amended.

Stipulation 4

(To be included only in leases resulting from this sale for tracts 69-121 through 69-125, 69-128 through 69-131, 69-159 through 69-247, and 69-263 through 69-265. It will apply to leases on blocks in 100 m of water and less for activities conducted under Plans of Exploration; for activities conducted under Plans of Development and Production, this stipulation shall apply to leases on blocks in 200 m of water and less.)

Prior to any drilling activity or the construction or placement of any structure for exploration or development on this lease, including, but not limited to, well drilling and pipeline and platform placement, the lessee will submit to the RM a bathymetry map prepared utilizing remote sensing and/or survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum of 1,820 m radius of a proposed exploration or production activity site.

For the purpose of this stipulation, "live bottom areas" are defined as those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, seagrasses or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or whose lithotype favors the accumulation of turtles, fishes, and other fauna.

If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the RM photo-documentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations. For activities in water depths greater than 70 m this photo-documentation will be required regardless of the remote sensing data interpretation.

If it is determined that the live bottom areas might be adversely impacted by the proposed activities, then the RM will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include, but are not limited to, the following:

- (a) the relocation of operations to avoid live bottom areas;
- (b) the shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas;
- (c) the transportation of drilling fluids and cuttings to approved disposal sites; and
- (d) the monitoring of live bottom areas to assess the adequacy of any mitigation measures taken and the impact of lessee initiated activities.

Stipulation 5

(To be included only in leases resulting from this sale for tracts 69-159 through 69-247.)

When the activities of the Armament Development and Test Center at Eglin Air Force Base, Florida, may endanger personnel or property, the lessee agrees, upon receipt of a directive from the Secretary, to evacuate all personnel from all structures on the lease and to shut-in and secure all wells and other equipment, including pipelines on the lease, within forty-eight (48) hours or within such longer period as may be specified by the directive. Such directive shall not require evacuation of personnel and shutting-in and securing of equipment for a period of time greater than seventy-two (72) hours; however, such period of time may be extended by a subsequent directive from the Secretary. Equipment and structures may remain in place on the lease during such time as the directive remains in effect.

14. Information to Lessees. The Department of the Interior will seek the advice of the States of Louisiana, Mississippi, Alabama, and Florida, and other Federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely affected by the proposed activities, then the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, after appropriate consultation with the Regional Director, U. S. Fish & Wildlife Service; the States; the Environmental Protection Agency (EPA); and other Federal agencies with jurisdiction and expertise to protect the environment, will require the lessee, pursuant to section 5(a) of the OCS Lands Act of 1953, as amended, to undertake any measures to protect live bottom areas.

Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are advised that in accordance with section 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

Bidders are advised that the West Indian manatee is a marine mammal which is officially listed as an endangered species by the Department of the Interior. It is protected by the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361-1407), and various other State and Federal laws and regulations. On October 22, 1979 (44 FR 60963), Interior promulgated regulations (50 CFR 17.100-17.108) providing a means for establishing manatee protection areas. Also, there is the Florida Manatee Sanctuary Act of 1978 declaring the entire State of Florida as "refuge and sanctuary for the manatee." A Cooperative Agreement between Interior and Florida on endangered species became effective on June 23, 1976.


Bidders on tracts 69-123 and 69-128 are advised that these tracts contain artificial fishing reefs permitted by the U. S. Army, Corps of Engineers. Permitted areas comprise less than one percent of each tract. Oil and gas lessees should exercise due diligence while operating near these reef structures.

Revisions of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form, MNS-2005 (August 1982), would be deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

Bidders are advised that the tracts listed below will not be assigned a geological hazards stipulation, but the bidders are alerted to the possibility that these tracts may be subject to mass movement of sediments, unstable slopes, active faulting or gaseous sediments. These tracts are 69-114, 69-120, 69-127 and 69-226 through 69-269.

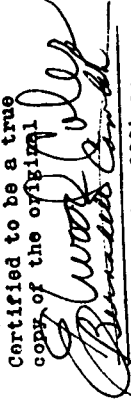
15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.


Director, Minerals Management Service
Harold E. Doley, Jr.

Date: 1/31/83

Approved: 
Secretary of the Interior
James G. Watt

Certified to be a true
copy of the original


Certifying Officer

SUGGESTED BID FORM
Oil and Gas Bid

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No.	Total Amount Bid	Amount per Acre	Amount of Cash Bonus Submitted with Bid
_____	_____	_____	_____

Proportionate Interest of
Company(s) Submitting Bid

Qualification No. _____ Company _____

Percent Interest _____ Address _____

Signature
(Please type signer's name under signature)

[FR Doc. 83-3023 Filed 2-3-83; 8:45 am]
BILLING CODE 4310-MR-C

National Park Service**Cape Cod National Seashore; Dune Revegetation/Stabilization****AGENCY:** National Park Service, Interior.**ACTION:** Notice of Availability of Analysis of Management Alternatives (including Environmental Assessment) for Dune Revegetation/Stabilization

SUMMARY: The National Park Service has prepared an Analysis of Management Alternatives (including Environmental Assessment) for Dune Revegetation/Stabilization, Cape Cod National Seashore, Massachusetts. This analysis includes a description of past practices that destroyed the vegetational cover, several alternatives for revegetation/stabilization of the moving parabolic dune system, and an assessment of the environmental impacts of each alternative.

With this Notice of Availability, the National Park Service is seeking comments on the analysis of Management Alternatives and the selection of a preferred alternative. These comments will assist the National Park Service in the preparation of a dune revegetation/stabilization plan for the Province Land area of Cape Cod National Seashore.

DATES: Written comments will be accepted until April 1, 1983.

ADDRESSES: Comments should be directed to: Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663.

Copies of the Analysis of Management Alternatives may be obtained from the North Atlantic Regional Office, 15 State Street, Boston, Massachusetts 02109 or the Superintendent's office, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663.

SUPPLEMENTARY INFORMATION: The Cape Cod National Seashore Advisory Commission will hold a regular meeting on February 25, 1983, starting at 1:30 p.m. at Seashore Headquarters, South Wellfleet, Massachusetts. The Action of this Notice will be discussed and the meeting is open to public input.

FOR FURTHER INFORMATION CONTACT: James C. Killian, Chief, Environmental Planning Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663 (617-349-3785).

Dated: January 25, 1983.

L. J. Hovig,
Acting Regional Director, North Atlantic Region.

[FR Doc. 83-2832 Filed 2-3-83; 8:45 am]

BILLING CODE 4310-70-M**Cape Cod National Seashore South, Wellfleet, Massachusetts; Cape Cod National Seashore Advisory Commission; Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770 (5 U.S.C. App. 1 § 10)), that a meeting of the Cape Cod National Seashore Advisory Commission will be held at 1:30 pm on Friday, February 25, 1983 at the Headquarters Building, Cape Cod National Seashore.

The Commission was established pursuant to Pub. L. 91-383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

At the meeting at 1:30 pm the Commission will consider the following:

1. Nauset Knoll and Salt Pond Motel Concessions Contracts.
2. Analysis of Alternatives for Dune Revegetation/Stabilization.

The meeting is open to the public. It is expected that 30 persons will be able to attend the session in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, MA 02663, Telephone (617) 349-3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: January 24, 1983.

Herbert Olsen,
Superintendent, Cape Cod National Seashore.

[FR Doc. 83-2996 Filed 2-3-83; 8:45 am]

BILLING CODE 4310-70-M**Statue of Liberty-Ellis Island Centennial Commission; Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), as amended, that a meeting of the Statue of Liberty-Ellis Island Centennial

Commission will be held at 9:30 A.M. on Friday, February 4, 1983, at the Waldorf Astoria Hotel, New York, New York. The meeting is for the purpose of reviewing plans for rehabilitation of the Statue of Liberty and Ellis Island.

Further information concerning this meeting may be obtained from Garnet Chapin, National Park Service, Department of the Interior, 18th and C Sts. NW., Washington, D.C. 20240 (202-343-6781).

Dated: January 31, 1983.

Ross Holland,
Associate Director, Cultural Resources Management, National Park Service.

[FR Doc. 83-2996 Filed 2-3-83; 8:45 am]

BILLING CODE 4310-70-M**Office of the Secretary****Departmental Form Submitted to OMB for Review**

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget interior desk officer at 202-395-7340.

Title: Claim for Payment of Moving Costs and Related Expenses.

Department Form Number: DI-380.

Frequency: Occasionally.

Description of Respondents: Persons and Businesses Forced to Relocate as a Result of Federal Land Purchases.

Annual Responses: 4,000.

Annual Burden Hours: 1,800.

Bureau Clearance Officer: James Rodden, 343-6528.

Vivian A. Keado,
Chief, Division of Directives and Regulatory Management.

January 31, 1983.

[FR Doc. 83-3052 Filed 2-3-83; 8:45 am]

BILLING CODE 4310-10-M**INTERSTATE COMMERCE COMMISSION****Motor Carriers; Finance Applications**

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Please direct status inquiries to Team 1, (202) 275-7992.

Volume No. OP1FC-42

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-81113. By decision of January 26, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to ARNOLD MANNING AND MILLER E. PAGE, doing business as A & M TRANSPORTATION CO., Susquehanna, PA, of Certificate No. MC-117970 and Sub Nos. 1 and 3, issued February 21, 1961, February 13, 1962, and September 8, 1967, respectively, to A. D. STUCKER, Susquehanna, PA, authorizing in No. MC-117970, the transportation of (A)(1) *coal*, from Swoyersville, PA, to Constableville, NY, (2) *limestone and lime*, in bags, from Newton, NJ, and points within 20 miles thereof, to points in Broome and

Chenango Counties, NY, (3) *fertilizer*, in bags, from Carteret, NJ, to points in Broome and Chenango Counties, NY, (4) *lumber*, (a) from New Milford, PA, to New York, NY, and (b) from Malone, Potsdam, Herkimer, Little Falls, and Cherry River, NY, and points within 20 miles of each, to Scranton, PA, (B), (1) *limestone and lime*, in bags, from Limecrest, NJ, to points in Tioga, Chemung, Schuylers, Steuben, Madison, Cortland, and Onondaga Counties, NY, and Susquehanna County, PA, and (2) *flagstone*, from points in Susquehanna County, PA, to New York, NY, and points in MD, MA, and NJ, and (C) *stone*, from points in Susquehanna County, PA, to points in CT and NY. Representative: Raymond Talipski, 121 South Main St., Taylor, PA 18517 (717) 344-8030.

Please direct status inquiries to Team 3, (202) 275-5223.

Volume No. OP3-MCFC-45

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC-FC-81139. By decision issued January 28, 1983 under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 1 approved the transfer to ATLAS TOURS (YUKON) LTD., Vancouver, B.C., Canada, of Certificate No. MC-145245 (Sub-No. 1), issued May 5, 1981, to FRASER VALLEY BUS SERVICE, LTD., Delta, B.C., Canada, authorizing the transportation of *passengers and their baggage*, in special or charter operations, in round-trip tours beginning and ending at ports of entry on the international boundary line between the U.S. and Canada in WA, and extending to points in WA, OR, ID, CA, and NV. No temporary authority has been filed. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton WA 98055, (206) 228-3807.

MC-FC-81149. By decision of January 28, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number— approved the transfer to SUNSHINE TRUCKING COMPANY, INC., Springfield, GA, of Certificate No. MC-136384 Subs 10, 14, 15, 24, and 25, issued May 26, 1981, August 18, 1980, December 9, 1980, June 12, 1981, and March 9, 1981, respectively to PALMER MOTOR EXPRESS, INC., Savannah, GA, authorizing (1) *roofing, building, and insulating materials, and materials, equipment, and supplies* used in the manufacture, installation, and distribution of roofing and building materials, between (a) the plant sites and facilities of Johns-Manville

Corporation and Certaineed Corporation Sheltered Materials Group, Savannah, Chatham County, GA, on the one hand, and, on the other, points in AL, FL, NC, SC, and TN, restricted against the transportation of commodities in bulk, and (b) between the plant site and facility of GAF Corporation, Savannah, Chatham County, GA, on the one hand, and, on the other, points in AL, FL, NC, SC, (except points on and east of U.S. Hwy 1) and TN, restricted against the transportation of commodities in bulk; (2) (a) *building materials, and insulating materials, and (b) materials, equipment, and supplies* used in the manufacture, installation, and distribution of building materials, between the facilities of Johns-Manville Corporation at Savannah, GA, on the one hand, and, on the other, points in TN and VA; (3) paper and paper products (except commodities in bulk), between the facilities of Union Camp Corp., at Savannah and Tifton, GA, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NY, NJ, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, and (4) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in AL, AR, CO, CT, DE, FL, GA, IA, KS, KY, LA, ME, MA, MI, MN, MS, MO, NH, NY, NJ, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC to the facilities named in (3) above, restricted in (3) and (4) to the transportation of traffic originating at or destined to the named facilities; (5) *fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, insulating products and materials, rovings, yarn and strand, glass fiber mats and matting, and flexible air duct*, between point in Clark and Dekalb Counties, GA, Shelby, TN, and points in AR, LA, KY, TN, MS, AL, FL, NC, SC, VA, and GA; and (6)(a) *paper and paper products*, from the facilities of Union-Camp Corp., at or near Savannah and Tifton, GA, to points in IN and IL, and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (6) (a) and (b) above from points in IN and IL, to the facilities of Union-Camp Corp., at or near Savannah and Tifton, GA. Representative: J. Michael Levensgood, 101 Marietta Tower, Atlanta, GA 30335.

Note.—An application for temporary authority has been filed.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-3048 Filed 2-3-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP3-36]

Motor Carriers; Permanent Authority Decisions, Restriction Removals

Decided: January 27, 1983.

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminary, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.
Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 3, at (202) 275-5223.

Volume No. OP3-36

Decided: January 27, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 152494 (Sub-3)X, filed 1-21-83. Applicant: CHESSIE MOTOR EXPRESS, INC., 1060 Kings Highway, North, Cherry Hill, NJ 08002. Representative: John J. Paylor, 3200 Terminal Tower, P.O. Box 6419, Cleveland, OH 44101, (216) 623-2484. Sub 2 certificate: remove the restrictions "(1) which is auxiliary to or

supplemental of a railroad; or (2) which has a prior or subsequent movement by rail; or (3) where the origin or destination is a point served by The Chessie System and its affiliated lines and The Family Lines Rail System and its affiliated lines."

Please direct status inquiries to Team 4, at (202) 275-7669.

Volume No. OP4-053

Decided: January 31, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 117257 (Sub-4)X, filed January 24, 1983. Applicant: D-S TRANSPORT, INC., 201 17th St., N., Moorhead, MN 56560. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108, (701) 237-4223. Sub-No. 3F permit: broaden to (1) "food and related products," from malt beverages; and (2) points in the U.S. (except AK and HI)," under continuing contract(s) with named shippers.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-3047 Filed 2-3-83; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 436]

Railroad Cost of Capital—1982

AGENCY: Interstate Commerce Commission.

ACTION. Extension of time to file rebuttal statements to notice of institution of limited revenue adequacy proceeding.

SUMMARY. Notice of this proceeding was published at 47 FR 33344, August 2, 1982. Time schedules in this proceeding were extended at 47 FR 38733, September 2, 1982 and 45 FR 53804, November 29, 1982.

The Association of American Railroads has requested that the due date for the submission of rebuttal statements by railroads be extended 15 days to February 22, 1983. The petition is granted.

DATES. Rebuttal statements by railroads are due February 22, 1983.

ADDRESSES. Send an original and 10 copies of comments to: Office of Proceedings, Room 5355, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr., (202) 275-7489.

By the Commission, Reese H. Taylor, Jr., Chairman.

Dated: Jan. 27, 1983.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-3044 Filed 2-3-83; 8:45 am]
BILLING CODE 7035-10-M

[No. MC-F-15080]

Air Meridian, Inc. Control Exemption; McBride Express, Inc., and F.M.S. Transportation, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property under 49 U.S.C. 11343*, 387 I.C.C. 113 (1982), Air Meridian, Inc. (Meridian) and, in turn, G. Leonard Rochon who controls Meridian seeks an exemption from the requirements under section 11343 of prior regulatory approval for the common control of McBride Express, Inc., (No. MC-112049) and F.M.S. Transportation, Inc., (No. MC-139206), both of which are motor carriers.

DATE: Comments must be received within 30 days after the date of publication in the *Federal Register*.

ADDRESSES:

Send comments to: (1) Team 1, Room 2379, Interstate Commerce Commission, Washington, D.C. 20423 and

(2) Petitioner's representative, Richard H. Streeter, Esq., 1729 H. Street, Northwest, Washington, D.C. 20006

Comments should refer to No. MC-F-15080.

FOR FURTHER INFORMATION CONTACT: Joyce D. Lannon (202) 275-7992.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: January 31, 1983.

By the Commission, Heber P. Hardy,
Director, Office of Proceedings.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-3046 Filed 2-3-83; 8:45 am]
BILLING CODE 7035-01-M

[No. MC-F-15076]

**Anderson & Webb Trucking Co., Inc.;
Purchase Exemption Cal-Tex, Inc.****AGENCY:** Interstate Commerce
Commission.**ACTION:** Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures For Handling Exemptions Filed by Motor Carriers of Property under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), Anderson & Webb Trucking Co., Inc., (No. MC-144715), and, in turn William L. Anderson and Dennis W. Moody, Jr., who jointly control Anderson & Webb, seek an exemption from the requirement under section 11343 of prior regulatory approval for the purchase of the operation rights of Cal-Tex, Inc. (Nos. MC-141097 and MC-146041), both of which are motor carriers.

DATES: Comments must be received within 30 days after the date of publication in the Federal Register.

ADDRESSES:

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and

(2) Petitioner's representative; Eric Meierhoefer, Sims, Meierhoefer, Walker, & Steinfeld, 915 Pennsylvania Building, 425 13th Street, NW., Washington, D.C. 20004

Comments should refer to No. MC-F-15076.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202), 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: January 31, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-3045 Filed 2-3-83; 8:45 am]

BILLING CODE 7035-01-M

the Chicago and North Western Railroad Company to abandon a 12.2-mile line of railroad between milepost 43.8 near Elgin and milepost 56.0 near Crystal Lake, in Kane and McHenry Counties, IL. A Certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-3043 Filed 2-3-83; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-48]**Rail Carriers; Passenger; Atchison,
Topeka and Santa Fe Railway
Company**

February 2, 1983.

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Oakland, California and Chicago, Illinois. The operation of these trains requires the use of tracks and other facilities of Burlington Northern Railroad (BN). A portion of the BN tracks between Burlington, Iowa and Chicago, Illinois, are temporarily out of service because of a derailment. An alternative route is available via The Atchison, Topeka and Santa Fe Railway Company between Fort Madison, Iowa and Chicago, Illinois.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided

April 29, 1982, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 USC 562(c)), The Atchison, Topeka and Santa Fe Railway Company (ATSF) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Burlington Northern Railroad (BN) at Fort Madison, Iowa, and Chicago, Illinois.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

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

(d) *Effective date.* This order shall become effective at 8:30 a.m., January 14, 1983.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 17, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon The Atchison, Topeka and Santa Fe Railway Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 14, 1983.

Interstate Commerce Commission.

J. Warren McFarland,
Agent.

[FR Doc. 83-3042 Filed 2-3-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 1-83]

**Privacy Act of 1974; 1982 Annual
Publication**

AGENCY: Justice Department.

[Docket No. AB-1; Sub-148]

**Chicago and North Western Railroad
Co.; Abandonment in Kane and
McHenry Counties, IL; Findings**

The Commission has found that the public convenience and necessity permit

ACTION: Annual publication of Privacy Act issuances.

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give annual notice of records they maintain from which information is retrieved by name or other personal identifier. Accordingly, the Department of Justice published on September 30, 1977, in **Federal Register** Volume 42 a notice of all Department systems of records. Subsequently, the Department published the following annual updates:

1. September 28, 1978, **Federal Register** Volume 43, page 44676;
2. January 10, 1980, **Federal Register** Volume 45, page 2194; and
3. November 17, 1980, **Federal Register** Volume 45, page 75898.

Later, for the convenience of the public, the Office of the Federal Register issued a publication which combined the 1977 notice and all subsequent updates into a single document entitled "Privacy Act Issuances—1980 Compilation, Volume II." This document reflected all systems of records issued through December 31, 1980 and may be examined at Regional Depository Libraries and Federal Information Centers throughout the country.

On December 9, 1981 in **Federal Register** Volume 46, page 60289, the Department published its 1981 annual update. (A correction was published December 18, 1981 in **Federal Register** Volume 46, page 61749.)

With the exception of the Criminal Division and the Drug Enforcement Administration whose systems of records will be published at a future date, the Department is now publishing its 1982 annual update. The systems of records reprinted below are those which have been amended during 1982 and/or those we propose to amend at this time.

DATES: This document is published to comply with the annual notice requirements of the Privacy Act for 1982.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202) 633-3452.

Dated: January 19, 1983.

Kevin D. Rooney,
Assistant Attorney General for
Administration.

Systems of records which the Department now proposes to amend or clarify are listed below, along with two systems of records which the Department amended during the year but does not propose to amend at this time. Systems of records being republished here without change are identified with an asterisk. Following the list, the systems are republished in full text. Dates on which the systems were last published in full text are given

in the introduction to an organization's system(s) of records. All changes, additions, and clarifications have been italicized for the convenience of the reader. Further, the more significant changes, additions, clarifications, or deletions, are briefly discussed in these introductions. In addition, the Justice Management Division (JMD) has deleted a system of records entitled "Occupational Health Physical Fitness Files, JUSTICE/JMD-018." This deletion has been noticed in the introduction to JMD systems.

Interested persons are invited to comment on any change to the routine uses of information in a record system to the Administrative Counsel, Justice Management Division, Room 6239, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. All comments must be received within 30 days from the date of publication of this notice.

JUSTICE/ATR-001, Antitrust Division Expert Witness File
JUSTICE/ATR-006, Antitrust Caseload Evaluation System (ACES)—Monthly Report
JUSTICE/BIA-001, Decisions of the Board of Immigration Appeals
JUSTICE/BOP-005, Inmate Central Records System
JUSTICE/BOP-099, Appendix of Field Locations for the Bureau of Prisons Regional Offices
JUSTICE/CRT-004, Registry of Names of Interested Persons Desiring Notification of Submissions under Section 5 of the Voting Rights Act
JUSTICE/CRT-010, Freedom of Information/Privacy Act Records
JUSTICE/DAG-012, Executive Secretariat Correspondence Control System
JUSTICE/FBI-002, The FBI Central Records System
*JUSTICE/FCSC-9, Czechoslovakia, Claims Against (1st and 2nd Programs)—FCSC
JUSTICE/INS-999, INS Appendix: List of principal offices of the Immigration and Naturalization Service
JUSTICE/INTERPOL-001, The INTERPOL—United States National Central Bureau (INTERPOL-USNCB) (Department of Justice) INTERPOL-USNCB (Department of Justice) INTERPOL-USNCB Records System
JUSTICE/JMD-001, Background Investigation Check-off Card
JUSTICE/JMD-003, Department of Justice Payroll System
JUSTICE/JMD-005, Grievance Records
JUSTICE/JMD-008, Security Clearance Information System (SCIS)
JUSTICE/JMD-009, Justice Computer Service Utilization Report
JUSTICE/JMD-011, Justice Computer Service Tape Library System
JUSTICE/JMD-013, Employee Locator File

*See introduction to this listing.

JUSTICE/JMD-019, Freedom of Information Act/Privacy Act (FOIA/PA) Records System
JUSTICE/JMD-020, Freedom of Information Act/Privacy Act (FOIA/PA) Request Letters
JUSTICE/LDN-005, Freedom of Information Act and Privacy Act Records System
JUSTICE/OJARS-008, Civil Rights Investigative System
JUSTICE/OJARS-009, Federal Advisory Committee Membership Files
JUSTICE/OJARS-010, Technical Assistance Resource Files
JUSTICE/OJARS-012, Public Safety Officers Benefits System
JUSTICE/OLA-001, Congressional Committee Chairman Correspondence File
JUSTICE/OLA-002, Congressional Correspondence File
JUSTICE/OLA-003, Citizen Correspondence File
*JUSTICE/FCSC-9, Czechoslovakia, Claims Against (1st and 2nd Programs)—FCSC
JUSTICE/INS-999, INS Appendix: List of principal offices of the Immigration and Naturalization Service
JUSTICE/INTERPOL-001, The INTERPOL—United States National Central Bureau (INTERPOL-USNCB) (Department of Justice) INTERPOL-USNCB Records System
JUSTICE/JMD-001, Background Investigation Check-off Card
JUSTICE/JMD-003, Department of Justice Payroll System
JUSTICE/JMD-005, Grievance Records
JUSTICE/JMD-008, Security Clearance Information System (SCIS)
JUSTICE/JMD-009, Justice Computer Service Utilization Report
JUSTICE/JMD-011, Justice Computer Service Tape Library System
JUSTICE/JMD-013, Employee Locator File
JUSTICE/JMD-019, Freedom of Information Act/Privacy Act (FOIA/PA) Records System
JUSTICE/JMD-020, Freedom of Information Act/Privacy Act (FOIA/PA) Request Letters
JUSTICE/LDN-005, Freedom of Information Act and Privacy Act Records System
JUSTICE/OJARS-008, Civil Rights Investigative System
JUSTICE/OJARS-009, Federal Advisory Committee Membership Files
JUSTICE/OJARS-010, Technical Assistance Resource Files
JUSTICE/OJARS-012, Public Safety Officers Benefits System
JUSTICE/OLA-001, Congressional Committee Chairman Correspondence File
JUSTICE/OLA-002, Congressional Correspondence File
JUSTICE/OLA-003, Citizen Correspondence File
JUSTICE/OLP-001, Freedom of Information and Privacy Appeals Index
JUSTICE/PRC-001, Docket, Scheduling and Control
JUSTICE/PRC-002, Freedom of Information Act Record System
*JUSTICE/PRC-003, Inmate and Supervision Files

JUSTICE/PRC-004, Labor and Pension Case, Legal File and General Correspondence System
 JUSTICE/PRC-005, Office Operation and Personnel System
 JUSTICE/PRC-006, Statistical, Educational and Developmental System
 JUSTICE/PRC-007, Workload Record, Decision Result, and Annual Report System
 JUSTICE/TAX-004, Freedom of Information—Privacy Act Request Files
 JUSTICE/USA-001, Administrative Files
 JUSTICE/USA-005, Civil Case Files
 JUSTICE/USA-007, Criminal Case Files
 JUSTICE/USA-008, Freedom of Information Act/Privacy Act Files
 JUSTICE/USA-012, Security Clearance Forms for Grand Jury Reporters
 JUSTICE/USA-014, Pre-Trial Diversion Program Files
 JUSTICE/USA-999, Appendix of United States Attorney Office Locations
 JUSTICE/USM-007, Warrant—Information System
 JUSTICE/USM-999, Appendix to U.S. Marshals System of Records, Official Addresses of United States Marshals
 JUSTICE/UST-001, Bankruptcy Case Files and Associated Records
 JUSTICE/UST-002, Panel Trustee Application File
 JUSTICE/UST-999, U.S. Trustee Appendix 1—List of Record Retention Addresses

Antitrust Division (ATR)

ATR systems of records identified as JUSTICE/ATR-001 and JUSTICE/ATR-006 are reprinted below. The Antitrust Division is making an editorial change to the "System manager(s) and address" section of JUSTICE/ATR-001 and to the "Storage" section of JUSTICE/ATR-006. In addition, the system manager for JUSTICE/ATR-006 has been reidentified in the section entitled "System manager(s) and address." (These systems were last published on September 30, 1977 in *Federal Register* Volume 42, pages 53392 and 53395.)

JUSTICE/ATR-001

SYSTEM NAME:

Antitrust Division Expert Witness File.

SYSTEM LOCATION:

U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have served in the capacity of an "expert" for the Department of Justice in connection with civil or criminal antitrust litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the names of persons used by the Antitrust Division in an expert capacity and also indicates the area of their specialty, the type of

service rendered, the fees paid, and the dates on or during which such services were performed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for the establishment and maintenance of this system exists under 44 U.S.C. 3101 and 28 U.S.C. 522.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system is routinely used by trial attorneys of the Antitrust Division when considering the selection of experts as consultants or expert witnesses for the development or presentation of specific antitrust cases. The system also serves as a reference resource for Division personnel in compiling statistical information or reports regarding the actual or anticipated costs of litigation.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in this system is contained in documents organized in individual file folders.

RETRIEVABILITY:

Information is retrieved primarily by using the name of the individual

retained as a consultant or called as an expert witness for the Government in antitrust cases brought by the Department.

SAFEGUARDS:

Information contained in the system is unclassified. During working hours access to the system is controlled and monitored by Antitrust Division personnel in the area where the system is maintained; during non-duty hours all doors to that area are locked.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Officer; Antitrust Division; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the Assistant Attorney General; Antitrust Division; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

Requests for access to a record from this system shall be in writing and be clearly identified as a 'Privacy Access Request'. Included in the requests should be the name of the person retained as a consultant or presented as an expert witness for the Government and the name of the case in which such services were rendered. The requester should indicate a return address. Requests will be directed to the System Manager shown above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their requests to the System Manager and state clearly and concisely when information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information maintained in this system are those records reflecting the commitment between the individual and the Department of Justice (including matters of compensation etc.) and staff attorneys or other employees directly involved with the individual in the preparation or conduct of the litigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/ATR-006**SYSTEM NAME:**

Antitrust Caseload Evaluation System (ACES) Monthly Report.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional employees (lawyers and economists) of the Antitrust Division of the U.S. Department of Justice and individual defendants and investigation targets involved in past and present Antitrust investigations and cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the names of Division employees and their case/investigation assignments and the names of individual defendants/investigation targets as they relate to a specific case/investigation. In addition, information reflecting the current status and handling of Antitrust cases/investigations is included within this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The file is established and maintained pursuant to 28 CFR 40(f), 28 U.S.C. 552, and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used by Antitrust Division personnel as a basis for determining Antitrust Division allocation of resources to particular products and industries (e.g., oil, autos, chemicals), to broad categories of resource use such as civil cases, criminal cases, regulatory agency cases, and Freedom of Information Act requests. It is employed by the section chiefs, the Director and Deputy Director of Operations, and other Division personnel to ascertain the progress and current status of cases and investigations within the Division. In addition, the files will be employed in the preparation of reports for the Division's budget requests and to the Attorney General and Congress.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an

unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained electronically in the *Information systems support group's* ACES Computerized information system.

RETRIEVABILITY:

Information is retrieved by a variety of key words.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Access to the file is limited to those persons whose official duties require such access and employees of the Antitrust Division.

RETENTION AND DISPOSAL:

Information contained in the file is retained for 14 months or the life of the specific case/investigation, whichever is longer.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Systems Support Group; Antitrust Division; U.S. Department of Justice; Safeway Building, 521 12th Street, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the Assistant Attorney General, Antitrust Division, U.S. Department of Justice, 10th and Constitution Avenue, Washington, D.C. 20530.

RECORD SOURCE CATEGORIES:

Information for the monthly reports is provided by the Antitrust Division section and field office chiefs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3), (d), (e)(4)(G)-(H), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the Federal Register.

Board of Immigration Appeals (BIA)

The following BIA system of records is reprinted below to correct type errors in the legal citations under the caption "Systems exempted from certain provisions of the act." (This system was last published on November 17, 1980 in Federal Register Volume 45, page 75907.)

JUSTICE/BIA-001**SYSTEM NAME:**

Decisions of the Board of Immigration Appeals.

SYSTEM LOCATION:

5203 Leesburg Pike, Falls Church, Virginia 22041.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Aliens, including those previously admitted for lawful permanent residence, in deportation proceedings; (b) Aliens and alleged aliens in exclusion proceedings; (c) Aliens seeking waivers of inadmissibility; (d) Aliens in bond determination proceedings; (e) Aliens in whose behalf a preference classification is sought.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of the formal orders and decisions of the Board of Immigration Appeals, including the indices and logs pertaining thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained under the authority granted the Attorney General by sections 103 and 292 of the Immigration and Nationality Act, 8 U.S.C. 1103 and 1362. Such authority has been delegated to the Board of Immigration Appeals by 8 CFR Part 3.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Decisions of the Board of Immigration Appeals are disseminated

to the following categories of users for the purposes indicated:

(a) Parties appearing before the Board, (including the Immigration and Naturalization Service), their attorneys or other representatives. Purpose: Parties are entitled to the decision as a matter of due process; and in accordance with the requirements of 8 CFR 3.1(g).

(b) Other lawyers, organizations recognized to appear before the Immigration and Naturalization Service and their representatives. Purpose: To permit these users to be informed of current case law and general maintenance of open system of jurisprudence.

(c) Members of Congress. Purpose: Constituent inquiries.

(d) General public. Purpose: Selected decisions, designated as precedent decisions pursuant to 8 CFR are published in bound volumes of Administrative Decisions Under Immigration and Nationality Laws of the United States. These are published to provide the public with guidance on the administrative interpretation of the immigration laws and to facilitate open and uniform adjudication of cases.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS.

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in the system is kept in typed form and stored in loose leaf binders.

RETRIEVABILITY:

Each decision is indexed by name and a numerical identifier.

SAFEGUARDS:

Information contained in the records is unclassified and intended for wide dissemination. No specific safeguards to prevent unauthorized disclosure are employed since no type of disclosure is presently regarded as "unauthorized". Access to buildings in which records are stored is controlled by guards provided by GSA.

RETENTION AND DISPOSAL:

Records are retained indefinitely and are not disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Assistant, Board of Immigration Appeals, Department of Justice, Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

Decisions of the Board of Immigration Appeals are available to anyone upon request pursuant to 5 U.S.C. 552a(b)(2).

CONTESTING RECORD PROCEDURES:

Decisions of the Board of Immigration Appeals constitute official opinions and are not subject to correction or amendment except in accordance with accepted standards of due process. Decisions have been exempted from the correction provisions of 5 U.S.C. 552a(d).

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are provided primarily by the record of proceedings forwarded by the Immigration and Naturalization Service. Additionally, the person concerned and his representative provide information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (d)(2), (3) and (4) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

Bureau of Prisons (BOP)

BOP system of records identified as JUSTICE/BOP-005 and the appendix of official addresses identified as JUSTICE/BOP-999 are reprinted below. JUSTICE/BOP-005 is revised to add a new routine use allowing release of information in the system to the Veterans Administration. JUSTICE/BOP-005 has been revised to make address changes. Any comments on the proposed routine use may be submitted to the Administrative Counsel, Justice

Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. If no comments are received, within 30 days from the date of publication of this notice, the new routine use will be adopted without further notice in the Federal Register. (This system and the appendix were last published on December 9, 1981, at pages 60291 and 60301 respectively.)

JUSTICE/BOP-005

SYSTEM NAME:

Inmate Central Records System.

SYSTEM LOCATION:

Records may be retained at any of the Bureau's facilities, the Regional Offices and the Central Office. All requests for records may be made to the Central Office: U.S. Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former inmates under the custody of the Attorney General.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Computation of sentence and supportive documentation; (2) Correspondence concerning pending charges, and wanted status, including warrants; (3) Requests from other federal and Non-federal law enforcement agencies for notification prior to release; (4) Records of the allowance, forfeiture, withholding and restoration of good time; (5) Information concerning present offense, prior criminal background, sentence and parole from the U.S. Attorneys, the Federal courts, and federal prosecuting agencies; (6) Identification data, physical description, photograph and fingerprints; (7) Order of designation of institution of original commitment; (8) Records and reports of work and housing assignments; (9) Program selection, assignment and performance adjustment/progress reports; (10) Conduct Records; (11) Social background; (12) Educational data; (13) Physical and mental health data; (14) Parole Board orders actions and related forms; (15) Correspondence regarding release planning, adjustment and violations; (16) Transfer orders; (17) Mail and visit records; (18) Personal property records; (19) Safety reports and rules; (20) Release processing forms and certificates; (21) Interview request forms from inmates; (22) General correspondence; (23) Copies of inmate court petitions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained under authority of 18 U.S.C. 4003, 4042, 4082.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of this system are (a) to provide documented records of the classification, care, subsistence, protection, discipline and programs, etc., of persons committed to the custody of the Attorney General; (b) to provide information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties; (c) to provide information source to state and federal law enforcement officials for investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings; (d) to provide information source for disclosure of information that are matters solely of general public record, such as name, offense, sentence data, release date, and etc.; (e) to provide information source for disclosure to contracting or consulting correctional agencies that provide correctional services for federal inmates; (f) to provide informational source for responding to inquiries from federal inmates involved or Congressional inquiries; (g) Internal Users—Employees of the Department of Justice who have a need to know information in the performance of their duties; (h) External Users—State and Federal law enforcement officials for the purpose of investigation, possible criminal prosecution, civil court actions, and regulatory proceedings; state correctional agencies providing services to federal inmates; (i) to provide information relating to federal offenders to federal and state courts, court personnel, and probation officials.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of

Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of information to the Social Security Administration:

Identifying data of inmates of the Bureau of Prisons (BOP) may be disclosed to the Social Security Administration (SSA), pursuant to Pub. L. 96-473, for the purpose of matching the data against SSA records. This matching process will enable SSA to determine eligibility of BOP inmates to receive disability benefits under the Social Security Act. SSA will destroy the BOP data after the match has been accomplished.

Identifying date of BOP inmates may be disclosed to the Veterans Administration (VA), pursuant to Pub. L. 96-385, for purposes of allowing the VA to determine the eligibility of BOP inmates to receive veterans benefits. The VA will destroy the BOP data after the determinations have been made.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Information maintained in the system is stored on documents, magnetic tape, magnetic disk, tab cards, and microfilm.

RETRIEVABILITY:

(1) Documents, Tab Cards and Microfilm—Information is indexed by name and/or register number. (2) Magnetic Tape and Disk—Information is indexed by Name, Register Number, Social Security Number, and FBI Number.

SAFEGUARDS:

Information is safeguarded in accordance with Bureau of Prisons rule governing access and release.

RETENTION AND DISPOSAL:

Records of a sentenced inmate are retained for a period of thirty (30) years after expiration of sentence, then destroyed by shredding. Records of an unsentenced inmate are retained for a period of ten (10) years after the inmate's release from confinement, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management and Information Systems Group; U.S. Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534.

NOTIFICATION PROCEDURE:

Address inquiries to: Director, Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534. The major part of this system is exempt from this requirement under 5 U.S.C. 552a(j). Inquiries concerning this system should be directed to the System Manager listed above.

RECORD ACCESS PROCEDURES:

The major part of this system is exempt from this requirement under 5 U.S.C. 552a(j). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

(1) Individual inmate; (2) Federal law enforcement agencies and personnel; (3) State and federal probation services; (4) Non-federal law enforcement agencies; (5) Educational institutions; (6) Hospital or medical sources; (7) Relative, friends and other interested individuals or groups in the community; (8) Former or future employers; (9) Evaluations, observations, reports, and findings of institution supervisors, counselors, boards and committees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/BOP—999**SYSTEM NAME:**

Appendix of Field Locations for the Bureau of Prisons Regional Offices.

Northeast Region

Scott Plaza II, Industrial Highway,
Philadelphia, Pennsylvania 19113

Southeast Region

523 McDonough Boulevard, S.E., Atlanta,
Georgia 30315

North Central Region

Airworld Center, 10920 Ambassador Drive,
Kansas City, Missouri 64153

South Central Region

1607 Main St., Ste. 700 Proetarian Bldg.,
Dallas, Texas 75219

Western Region

330 Primrose Road, Fifth Floor, Burlingame,
California 94010

United States Penitentiaries

Atlanta, Georgia 30315
Leavenworth, Kansas 66048
Lewisburg, Pennsylvania 17837
Marion, Illinois 62959
Terre Haute, Indiana 47808

Federal Correctional Institutions

Alderson, West Virginia 24910,
Ashland, Kentucky 41101
Bastrop, Texas 78602
Butner, North Carolina 27509
Danbury, Connecticut 06801
El Reno, Oklahoma 73036
Englewood, Colorado 80110
Ft. Worth, Texas 76119
La Tuna, Texas 88021
Lexington, Kentucky 40507
Lompoc, California 93436
Memphis, Tennessee 38134
Milan, Michigan 48160
Morgantown, West Virginia 26505
Otisville, New York 10963
Oxford, Wisconsin 53952
Petersburg, Virginia 23803
Pleasanton, California 94568
Ray Brook, New York 12977
Sandstone, Minnesota 55072
Seagoville, Texas 75159
Talladega, Alabama 35362
Tallahassee, Florida 32304
Terminal Island, California 90731
Texarkana, Texas 75501

Federal Prison Camps

Allenwood-Montgomery, Pennsylvania 17752
Big Spring, Texas 79720
Boron, California 93516
Eglin Air Force Base, Florida 32542
Maxwell Air Force Base, Montgomery,
Alabama 36112
Safford, Arizona 85546

Medical Center for Federal Prisoners

Springfield, Missouri 65802

Federal Detention Center

Florence, Arizona 85232

Metropolitan Correctional Centers

71 W. Van Buren Street, Chicago, Illinois
60605
15801 S.W. 137th Avenue, Miami, Florida
33177
150 Park Row, New York, New York 10007
808 Union Street, San Diego, California 92101
P.O. Box 22080, Tucson, Arizona 85734

Civil Rights Division (CRT)

CRT systems of records identified as JUSTICE/CRT-004 and JUSTICE/CRT-010 are reprinted below. The proposed amendment to JUSTICE/CRT-004 includes an additional system location

and shows that an automated addresser is used to promote the efficiency of mailings. The addresser does not create the potential for greater access to the mailing list. The Proposed amendment to JUSTICE/CRT-010 includes an additional system location, makes minor clarifications, and includes subsection (g) among those exemptions cited for the system. The Attorney General exempted the system from subsection (g) of the Privacy Act at 42 FR. 10000 on February 18, 1977. An error occurred, however, in the printing of the system notice text. This reprinting corrects that error and reflects the language and substance of 28 CFR 16.90 (e). (JUSTICE/CRT-004 was last published on December 9, 1981 in Federal Register Volume 46, page 60301. JUSTICE/CRT-010 was last published on September 30, 1977 in Federal Register Volume 42, page 5331.)

JUSTICE/CRT-004**SYSTEM NAME:**

Registry of Names of Interested
Persons Desiring Notification of
Submissions under Section 5 of the
Voting Rights Act.

SYSTEM LOCATION:

U.S. Department of Justice, Civil
Rights Division, 320 First Street, NW.,
Washington, D.C. 20530 and U.S.
Department of Justice, 10th &
Constitution, NW., Washington, D.C.
20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have requested that the Attorney General send them notice of submissions under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Registry contains the name, address and the telephone numbers of interested persons and, where appropriate, the area or areas with respect to which notification was requested by such persons.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 FR 877 (1981) to be codified in 28 CFR 51.30, 42 U.S.C. 1973c, 5 U.S.C. 301 and 28 U.S.C. 509.510.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Registry is used to identify persons interested in receiving notice of Section 5 submissions and to comply with their requests. The Registry may be used to notify the persons listed therein of any proposed changes in the "Procedures for the Administration of

Section 5 of the voting rights Act of 1965," 46 FR 870 (1981) to be codified in 28 CFR Part 1, and to solicit their comments with respect to any such proposed changes.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute and unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member of staff request the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Names are stored in a card file system, and an automated addresser.

RETRIEVABILITY:

Records in this system are retrievable by the names of interested persons or organizations.

SAFEGUARDS:

Information in the system is safeguarded in accordance with Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

RETENTION AND DISPOSAL:

An individual or organizational name is retained in the Registry until such time as that person or organization request that the name be deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Voting Section, Civil Rights Division, U.S. Department of Justice, Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to: Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

This system contains no information about any individual other than as described in Category of Record above. Persons whose names appear on the Registry may have access thereto or have their names and other information pertaining to them deleted or modified upon a request of the same nature as indicated in *46 FR 877 (1981) codified in 28 CFR 51.30*.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Sources of information in the Registry are those persons or organizations whose names appear therein by virtue of their having requested inclusion in the Registry pursuant to *46 FR 877 (1981) to be codified in 28 CFR 51.30*.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/CRT-010**SYSTEM NAME:**

Freedom of Information; Privacy Act Records.

SYSTEM LOCATION:

U.S. Department of Justice, Civil Rights Division, 10th & Constitution Avenue, N.W., Washington DC. 20530 and *Federal Record Center Suitland, Maryland 20409*.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who request disclosure of records pursuant to the Freedom of Information Act; persons who request access to or correction of records pertaining to themselves contained in Civil Rights Division systems of records pursuant to the Privacy Act; and, where applicable, persons about whom records have been requested or about whom information is contained in requested records.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains copies of all correspondence and internal memoranda relation to Freedom of Information and Privacy Act requests, and related records necessary to the processing of such requests received on or after January 1, 1975.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101 and is maintained to implement the provisions of 5 U.S.C. 552 and 552a and the provisions of 28 CFR 16.1 et seq. and 28 CFR 16.40 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system may be disseminated as a routine use of such record as follows: (1) A record may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate Federal, State, local, or foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records contained in systems of records maintained by the *Civil Rights Division*.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management in spections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

A record contained in this system is stored manually in alphabetical order in file cabinets *and is also stored manually in chronological, cumulative notebooks*.

RETRIEVABILITY:

A record is retrived by the name of the individual or person making a request for access or correction of records.

SAFEGUARDS:

Access to physical records is limited to personnel of the Freedom of Information Privacy Act Unit of the Civil Rights Division and known Department of Justice personnel who have a need for the record in the performance of their duties. The records are safeguarded and protected in accordance with applicable Departmental rules.

RETENTION AND DISPOSAL:

Currently there are no provisions for disposal of records contained in this system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Civil Rights Division, U.S. Depatrtnent of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Parts of this system are exempted from this requirement under 5 U.S.C. 552a(j)(2) or (k)(2). Address inquiries to the System Manager listed above.

RECORD ACCESS PROCEDURES:

Parts of this system are exempted from this requirement under 5 U.S.C. 552a(j)(2), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other information which is known and may be of assistance in locating the record. The requester shall also provide a return address for transmitting the information. Access requests should be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend non-exempt information

maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are the individuals and persons making requests, the systems of records searched in the process of responding to requests, and other agencies referring requests for access to or correction of records originating in the Civil Rights Division.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records secured from other *Civil Rights Division* systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained. The Attorney General has also exempted certain categories of records in this system pursuant to the provisions of 5 U.S.C. 552a (j)(2) from subsections (c)(3), (d), and (g) of 5 U.S.C. 552a; in addition, this system of records is exempted pursuant to the provisions of 5 U.S.C. 552a (k)(2) from subsections (c)(3), and (d) of 5 U.S.C. 552a. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(c), and (e) and have been published in the Federal Register.

Office of the Deputy Attorney General (DAG)

The Executive Correspondence Control System identified as JUSTICE/DAG-001 is reprinted below and redesignated as JUSTICE/DAG-012 for administrative and practical reasons. (This system was last published under the designation of JUSTICE/DAG-001 on June 28, 1982 in Federal Register Volume 47, Page 27994.)

JUSTICE/DAG-012

SYSTEM NAME:

Executive Secretariat Correspondence Control System.

SYSTEM LOCATION:

Office of the Deputy Attorney General, Department of Justice, Room 4408, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have written to the Attorney General; Deputy Attorney General; Associate Attorney General; Assistant Attorney General, Office of

Legislative Affairs; or Director, Office of Public Affairs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Control information from incoming and outgoing correspondence to include a subject narrative, names of individual correspondents and organizations preparing a response to mail or initiating correspondence, and type of action and due date of such action required from the Department. This information is contained on hard-copy printouts and mini-computer disc units.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C 301

PURPOSE(S):

To provide the capability to control and track correspondence to ensure a timely response thereto and/or any other required action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Primary use of the system is limited to the Executive Secretariat staff and to officials who need access to perform official duties.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to Title 28 of the Code of Federal Regulations, § 50.2 may be made Available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Disclosure may be made to a congressional office or to the Executive Office of the President from a record of an individual in response to an inquiry from either of these offices made at the request of that individual.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service in records management inspections conducted under the authority of 44 U.S.C 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained as follows: hard-copy printouts are stored in standard file cabinets in a locked area; computer records are stored on on-line mini-computer disc units at the mini-computer/word processing site.

RETRIEVABILITY:

Control records are retrieved by name of sender, addressee, date of receipt, due date and organization responsible for preparing the response. Records are used for the tracking/control of correspondence of concern to the Attorney General, Deputy Attorney General, Associate Attorney General and their staffs; the Assistant Attorney General, Office of Legislative Affairs and the Director, Office of Public Affairs and their staffs.

SAFEGUARDS:

During working hours, direct access is limited to the staff of the Executive Secretariat, and to officials with a need to know, to both hard-copy and mini-computer resident records. During nonworking hours, access to hard-copy records is limited to staff/officials with keys to both the file cabinets and rooms where the records are stored. Computer terminal locations are protected at all times with user identification numbers and passwords to the computer system.

RETENTION AND DISPOSAL:

A request for records disposition authority is being prepared for approval by the National Archives and Records Service.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Deputy Attorney General, Department of Justice, Executive Secretariat, Room 4408, 10th and Constitution Avenue, N.W., Washington D.C. 20530.

NOTIFICATION PROCEDURES:

Inquiries should be addressed to the system manager. To locate a specific record, the system manager must be provided with the name of the individual who corresponded with the Attorney General; Deputy Attorney General; Associate Attorney General; Assistant Attorney General, Office of Legislative Affairs; or Director, Office of Public Affairs and with the date and subject matter of the correspondence. The address is the same as above.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (Access procedures are found in Title 28 of the Code of Federal Regulations, Part 16.)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (Access and contesting

procedures are found in Title 28 of the Code of Federal Regulations. Part 16.)

RECORD SOURCE CATEGORIES:

Control records are derived from the incoming and outgoing correspondence of the Attorney General; Deputy Attorney General; Associate Attorney General; Assistant Attorney General, Office of Legislative Affairs; and Director, Office of Public Affairs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Federal Bureau of Investigation (FBI)

The following FBA system of records is reprinted below to describe minor modifications, e.g., changes to record classifications used in its filing system, and editorial changes. (The system was last published on December 9, 1981 in Federal Register Volume 46, page 60311.)

JUSTICE/FBI-002

SYSTEM NAME:

The FBI Central Records System.

SYSTEM LOCATION:

a. Federal Bureau of Investigation, J. Edgar Hoover FBI Building, 10th and Pennsylvania Avenue, NW., Washington, D.C. 20535; b. 59 field divisions (see Appendix); c. 13 Legal Attaches (see Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Individuals who relate in any manner to official FBI investigations including, but not limited to suspects, victims, witnesses, and close relatives and associates that are relevant to an investigation.

b. Applicants for and current and former personnel of the FBI and persons related thereto that are considered relevant to an applicant investigation, personnel inquiry, or persons related to personnel matters.

c. Applicants for and appointees to sensitive positions in the United States Government and persons related thereto that are considered relevant to the investigation.

d. Individuals who are the subject of unsolicited information, who offer unsolicited information, request assistance, and make inquiries concerning record material, including general correspondence, contacts with other agencies, businesses, institutions, clubs, the public and the news media.

e. Individuals, associated with administrative operations or services including pertinent functions, contractors and pertinent persons related thereto.

(All manner of information concerning individuals may be acquired in connection with and relating to the varied investigative responsibilities of the FBI which are further described in "Categories of Records in the System." Depending on the nature and scope of the investigation this information may include, among other things, personal habits and conduct, financial information, travel and organizational affiliation of individuals. The information collected is made a matter of record and placed in FBI files.)

CATEGORIES OF RECORDS IN THE SYSTEM:

The FBI Central Records System—The FBI utilizes a central records system of maintaining its investigative, personnel, applicant, administrative, and general files. This system consists of one numerical sequence of subject matter files, an alphabetical index to the files, and a supporting abstract system to facilitate processing and accountability of all important mail placed in file. *This abstract system is both a textual and an automated capability for locating mail.* Files kept in FBI field offices are also structured in the same manner, except they do not utilize an abstract system.

The FBI has 229 classifications used in its basic filing system which pertain primarily to Federal violations over which the FBI has investigative jurisdiction. However, included in the 229 classifications are personnel, applicant, and administrative matters to facilitate the overall filing scheme. These classifications are as follows (the word "obsolete" following the name of the classification indicates the FBI is no longer initiating investigative cases in these matters, although the material is retained for reference purposes):

1. Training Schools; National Academy Matters; FBI National Academy Applicants. Covers general information concerning the FBI National Academy, including background investigations of individual candidates.

2. Neutrality Matters. Title 18, United States Code, Sections 956 and 958-962; Title 22, United States Code, Sections 1934 and 401.

3. Overthrow or Destruction of the Government, Title 18; United States Code, Section 2385.

4. National Firearms Act; Federal Firearms Act; State Firearms Control Assistance Act; Unlawful Possession or Receipt of Firearms. Title 26, United States Code, Sections 5801-5812; Title 18, United States Code, Sections 921-928; Title 18, United States Code, Sections 1201-1203.

5. Income Tax. Covers violations of Federal income tax laws reported to the FBI. Complaints are forwarded to the

Commissioner of the Internal Revenue Service.

6. Interstate Transportation of Strikebreakers. Title 18, United States Code, Section 1231.

7. Kidnaping. Title 18, United States Code, Sections 1201 and 1202.

8. Migratory Bird Act. Title 18, United States Code, Section 43; Title 16, United States Code, Sections 703 through 718.

9. Extortion. Title 18, United States Code, Sections 876, 877, 875, and 873.

10. Red Cross Act. Title 18, United States Code, Sections 706 and 917.

11. Tax (Other than Income). This classification covers complaints concerning violations of Internal Revenue laws as they apply to other than alcohol, social security and income and profits taxes, which are forwarded to the Internal Revenue Service.

12. Narcotics. This classification covers complaints received by the FBI concerning alleged violations of Federal drug laws. Complaints are forwarded to the Administration (DEA), or the nearest district office of DEA (*obsolete*).

13. Miscellaneous. Section 125, National Defense Act; Prostitution; Selling Whiskey Within Five Miles Of An Army Camp. 1920 only. Subjects were alleged violators of abuse of U.S. flag, fraudulent enlistment, selling liquor and operating houses of prostitution within restricted bounds of military reservations. Violations of Section 13 of the Selective Service Act (Conscription Act) were enforced by the Department of Justice as a war emergency measure with the Bureau exercising jurisdiction in the detection and prosecution of cases within the purview of that Section.

14. Sedition. Title 18, United States Code, Sections 2387, 2388, and 2391.

15. Theft from Interstate Shipment. Title 18, United States Code, Section 659; Title 18, United States Code, Section 660; Title 18, United States Code, Section 2117.

16. Violation Federal injunction (*obsolete*). *Consolidated into Classification 69, "Contempt of Court".*

17. Fraud Against the Government—Veterans Administration; Veterans Administration Matters. Title 18, United States Code, Sections 287, 289, 290, 371, or 1001; and Title 38, United States Code, Sections 787(a), 787(b), 3405, 3501, and 3502.

18. May Act. Title 18, United States Code, Section 1384.

19. Censorship Matter (*obsolete*). Pub. L. 354, 77th Congress.

20. Federal Grain Standards Act. (*obsolete*) 1920 only. Subject were alleged violators of contracts for sale, shipment of interstate commerce, Section 5, U.S. Grain Standards Act.

21. Food and Drugs. This classification covers complaints received concerning alleged violations of the Food, Drug and Cosmetic Act; Tea Act; Import Milk Act Caustic Poison Act; and Filled Milk Act. These complaints are referred to the Commissioner of the Food and Drug Administration or the field component of that Agency.

22. National Motor Vehicle Traffic Act, 1922-27 (*obsolete*). Subjects possible violators of the National Motor Vehicle Theft Act; Automobiles seized by Prohibition Agents.

23. Prohibition. This classification covers complaints received concerning bootlegging activities and other violations of the alcohol tax laws. Such complaints are referred to the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, or field representatives of that Agency.

24. Profiteering, 1920-42. (*obsolete*) Subjects are possible violators of the Lever Act—Profiteering in food and clothing or accused company was subject of file. Bureau conducted investigations to ascertain profits.

25. Selective Service Act; Selective Training and Service Act. Title 50, United States Code, Section 462; Title 50, United States Code, Section 459.

26. Interstate Transportation of Stolen Motor Vehicle; Interstate Transportation of Stolen Aircraft. Title 18, United States Code, Sections 2311 (in part), 2312, and 2313.

27. Patent Matter. Title 35, United States Code.

28. Copyright Matter, Title 17, United States Code, Sections 104 and 105.

29. Bank Fraud and Embezzlement. Title 18, United States Code, Sections 212, 213, 215, 334, 655-657, 1004-1006, 1008, 1009, 1014, and 1306; Title 12, United States Code, Section 1725(g)

30. Interstate Quarantine Law, 1922-25 (*obsolete*). Subjects alleged violators of Act of February 15, 1893, as amended, regarding interstate travel of persons afflicted with infectious diseases. Cases also involved unlawful transportation of animals, Act of February 2, 1903. Referrals were made to Public Health Service and the Department of Agriculture.

31. White Slave Traffic Act. Title 18, United States Code, Sections 2421-2424.

32. Identification (Fingerprint Matters). This classification covers general information concerning Identification (fingerprint) matters.

33. Uniform Crime Reporting. This classification covers general information concerning the Uniform Crime Reports, a periodic compilation of statistics of

criminal violations throughout the United States.

34. Violation of Lacy Act, 1922-43. (*obsolete*) Unlawful transportation and shipment of black bass and fur seal skins.

35. Civil Service. This classification covers complaints received by the FBI concerning Civil Service matters which are referred to the *Office of Personnel Management* in Washington or regional offices of that Agency.

36. Mail Fraud. Title 18, United States Code, Section 1341.

37. False Claims Against the Government, 1921-22. (*obsolete*) Subjects submitted claims for allotment, vocational training, compensation as veterans under the Sweet Bill. Letters were generally referred elsewhere (Veterans Bureau). Violators apprehended for violation of Article No. 1, War Risk Insurance Act.

38. Application for Pardon to Restore Civil Rights, 1921-35. (*obsolete*) Subjects allegedly obtained their naturalization papers by fraudulent means. Cases later referred to Immigration and Naturalization Service.

39. Falsely Claiming Citizenship. (*obsolete*) Title 18, United States Code, Sections 911 and 1015(a)(b).

40. Passport and Visa Matter. Title 18, United States Code, Sections 1541-1546.

41. Explosives (*obsolete*). Title 50, United States Code, Sections 121 through 144.

42. Deserter; Deserter, Harboring. Title 10, United States Code, Sections 808 and 885.

43. Illegal Wearing of Uniforms; False Advertising or Misuse of Names, Words, Emblems or Insignia; Illegal Manufacture, Use, Possession, or Sale of Emblems and Insignia; Illegal Manufacture Possession, or Wearing of Civil Defense Insignia; Miscellaneous, Forging or Using Forged Certificate of Discharge from Military or Naval Service; Miscellaneous, Falsely Making or Forging Naval, Military, or Official Pass; Miscellaneous, Forging or Counterfeiting Seal of Department or Agency of the United States; Misuse of the Great Seal of the United States or of the Seals of the President or the Vice President of the United States; Unauthorized Use of "Johnny Horizon" Symbol; Unauthorized Use of Smokey Bear Symbol. Title 18, United States Code, Sections 702, 703, and 704; Title 18, United States Code, Sections 701, 705, 707, and 710; Title 36, United States Code, Section 182; Title 50, Appendix, United States Code, Section 2284; Title 46, United States Code, Section 249; Title 18, United States Code, Sections 498, 499, 506, 709, 711, 711a, 712, 713, and

714; Title 12, United States Code, Sections 1457 and 1723a; Title 22, United States Code, Section 2518.

44. Civil Rights; Civil Rights, Election Laws, Voting Rights Act, 1965, Title 18, United States Code, Sections 241, 242, and 245; Title 42, United States Code, Section 1973; Title 18, United States Code, Section 243; Title 18, United States Code, Section 244, Civil Rights Act—Federally Protected Activities; Civil Rights Act—Overseas Citizens Voting Rights Act of 1975.

45. Crime on the High Seas (Includes stowaways on boats and aircraft). Title 18, United States Code, Sections 7, 13, 1243, and 2199.

46. Fraud Against the Government; (*Includes Department of Health, Education and Welfare; Department of Labor (CETA), and Miscellaneous Government Agencies*) Anti-Kickback Statute; Dependent Assistance Act of 1950; False Claims, Civil; Federal-Aid Road Act; Lead and Zinc Act; Public Works and Economic Development Act of 1965; Renegotiation Act, Criminal; Renegotiation Act, Civil; Trade Expansion Act of 1962; Unemployment Compensation Statutes; Economic Opportunity Act. Title 50, United States Code, Section 1211 et seq.; Title 31, United States Code, Section 231; Title 41, United States Code, Section 119; Title 40, United States Code, Section 489.

47. Impersonation. Title 18, United States Code, Sections 912, 913, 915, and 916.

48. Postal. Violation (Except Mail Fraud). This classification covers inquiries concerning the Postal Service and complaints pertaining to the theft of mail. Such complaints are either forwarded to the Postmaster General or the nearest Postal Inspector.

49. National Bankruptcy Act. Title 18, United States Code, Sections 151-155.

50. Involuntary Servitude and Slavery. U.S. Constitution, 13th Amendment; Title 18, United States Code, Sections 1581-1588, 241, and 242.

51. Jury Panel Investigations. This classification covers jury panel investigations which are requested by the appropriate Assistant Attorney General as authorized by 28 U.S.C. 533 and AG memorandum #781, dated 11/9/72. These investigations can be conducted only upon such a request and consist of an indices and arrest check, and only in limited important trials where defendant could have influence over a juror.

52. Theft, Robbery, Embezzlement, Illegal Possession or Destruction of Government Property. Title 18, United States Code, Sections 641, 1024, 1660,

2112, and 2114. Interference With Government Communications, Title 18, U.S.C., Section 1632.

53. Excess Profits On Wool. 1918 (obsolete). Subjects possible violator of Government Control of Wool Clip of 1918.

54. Customs Laws and Smuggling. This classification covers complaints received concerning smuggling and other matters involving importation and entry of merchandise into and the exportation of merchandise from the United States. Complaints are referred to the nearest district office of the U.S. Customs Service or the Commissioner of Customs, Washington, D.C.

55. Counterfeiting. This classification covers complaints received concerning alleged violations of counterfeiting of U.S. coins, notes, and other obligations and securities of the Government. These complaints are referred to either the Director, U.S. Secret Service, or the nearest office of that Agency.

56. Election Laws. Title 18, United States Code, Sections 241, 242, 245, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, and 607; Title 42, United States Code, Section 1973; Title 28, United States Code, Sections 9012 and 9042; Title 2, United States Code, Sections 431, 432, 433, 434, 435, 436, 437, 439, and 441.

57. War Labor Dispute Act (obsolete). Pub. L. 89—77th Congress.

58. Bribery; Conflict of Interest. Title 18, United States Code, Sections 201–203, 205–211; Pub. L. 89–4 and 89–136.

59. World War Adjusted Compensation Act 1924–44. (obsolete) Bureau of Investigation was charged with the duty of investigating alleged violations of all sections of the World War Adjusted Compensation Act (Pub. L. 472, 69th Congress (H.R. 10277)) with the exception of Section 704.

60. Anti-Trust. Title 15, United States Code, Sections 1–7, 12–27, and 13.

61. Treason or Misprison of Treason. Title 18, United States Code, Sections 2381, 2382, 2389, 2390, 756, and 757.

62. Administrative Inquiries. Misconduct Investigations of Officers and Employees of the Department of Justice and Federal Judiciary; Census Matters (Title 13, United States Code, Sections 211–214, 221–224, 304, and 305) Domestic Police Cooperation; Eight-Hour-Day Law (Title 40, United States Code, Sections 321, 322, 325a, 326); Fair Credit Reporting Act (Title 15, United States Code, Sections 1681q and 1681r); Federal Cigarette Labeling and Advertising Act (Title 15, United States Code, Section 1333); Federal Judiciary Investigations; Kickback Racket Act (Title 18, United States Code, Section 874); Lands Division Matter; Other

Violations and/or Matters; Civil Suits—Miscellaneous; Soldiers' and Sailors' Civil Relief Act of 1940 (Title 50, Appendix, United States Code, Sections 510–590); Tariff Act of 1930 (Title 19, United States Code, Section 1304); Unreported Interstate Shipment of Cigarettes (Title 15, United States Code, Sections 375 and 376); Fair Labor Standards Act of 1938 (Wage and Hours Law) (Title 29, United States Code, Sections 201–219); Conspiracy (Title 18, United States Code, Section 371 (formerly Section 88, Title 18, United States Code); effective September 1, 1948).

63. Miscellaneous—Nonsubversive. This classification concerns correspondence from the public which does not relate to matters within FBI jurisdiction.

64. Foreign Miscellaneous. This classification is a control file utilized as a repository for intelligence information of value identified by country. More specific categories are placed in classification 108–113.

65. Espionage. Attorney General Guidelines on Foreign Counterintelligence; Internal Security Act of 1950; Executive Order 11905.

66. Administrative Matters. This classification covers such items as supplies, automobiles, salary matters and vouchers.

67. Personnel Matters. This classification concerns background investigations of applicants for employment with the FBI.

68. Alaskan Matters (obsolete). This classification concerns FBI investigations in the Territory of Alaska prior to its becoming a State.

69. Contempt of Court. Title 18, United States Code, Sections 401, 402, 3285, 3691, 3692; Title 10, United States Code, Section 847; and Rule 42, Federal Rules of Criminal Procedure.

70. Crime on Government Reservation. Title 18, United States Code, Sections 7 and 13.

71. Bills of Lading Act. Title 49, United States Code, Section 121.

72. Obstruction of Criminal Investigations; *Obstruction of Justice*, *Obstruction of Court Orders*. Title 18, United States Code, Sections 1503 through 1510.

73. Application for Pardon After Completion of Sentence and Application for Executive Clemency. This classification concerns the FBI's background investigation in connection with pardon applications and requests for executive clemency.

74. Perjury. Title 18, United States Code, Sections 1621, 1622, and 1623.

75. Bondsmen and Sureties. Title 18, United States Code, Section 1506.

76. Escaped Federal Prisoner, Escape and Rescue; Probation Violator; Parole Violator; Mandatory Release Violator. Title 18, United States Code, Sections 751–757, 1072; Title 18, United States Code, Sections 3651–3656; and Title 18, United States Code, Sections 4202–4207, 5037, and 4161–4166.

77. Applicants (Special Inquiry, Departmental and Other Government Agencies, except those having special classifications). This classification covers the background investigations conducted by the FBI in connection with the aforementioned positions.

78. Illegal Use of Government Transportation Requests. Title 18, United States Code, Sections 287, 495, 508, 641, 1001 and 1002.

79. Missing Persons. This classification covers the FBI's Identification Division's assistance in the locating of missing persons.

80. Laboratory Research Matters. At FBI Headquarters this classification is used for Laboratory research matters. In field office files this classification covers the FBI's public affairs matters and involves contact by the FBI with the general public, Federal and State agencies, the Armed Forces, corporations, the news media and other outside organizations.

81. Gold Hoarding. 1933–45. (obsolete) Gold Hoarding investigations conducted in accordance with an Act of March 9, 1933 and Executive Order issued August 28, 1933. Bureau instructed by Department to conduct no further investigations in 1935 under the Gold Reserve Act of 1934. Thereafter, all correspondence referred to Secret Service.

82. War Risk Insurance (National Life Insurance (obsolete)). This classification covers investigations conducted by the FBI in connection with civil suits filed under this statute.

83. Court of Claims. This classification covers requests for investigation of cases pending in the Court of Claims from the Assistant Attorney General in charge of the Civil Division of the Department of Justice.

84. Reconstruction Finance Corporation Act (obsolete). Title 15, United States Code, Chapter 14.

85. Home Owner Loan Corporation (obsolete). This classification concerned complaints received by the FBI about alleged violations of the Home Owners Loan Act, which were referred to the Home Owners Loan Corporation. Title 12, United States Code, Section 1464.

86. *Fraud Against the Government—Small Business Administration*. Title 15, United States Code, Section 645; Title 18, United States Code, Sections 212,

213, 215, 216, 217, 657, 658, 1006, 1011, 1013, 1014, 1907, 1908 and 1909.

87. Interstate Transportation of Stolen Property (*Heavy Equipment—Commercialized Theft*). Title 18, United States Code, Sections 2311, 2314, 2315, and 2318.

88. Unlawful Flight to Avoid Prosecution, Custody, or Confinement; Unlawful Flight to Avoid Giving Testimony. Title 18, United States Code, Sections 1073 and 1074.

89. Assaulting or Killing a Federal Officer, Congressional Assassination Statute. Title 18, United States Code, Sections 1111, 1114, 2232.

90. Irregularities in Federal Penal Institutions. Title 18, United States Code, Sections 1791 and 1792.

91. Bank Burglary; Bank Larceny; Bank Robbery. Title 18, United States Code, Section 2113.

92. *Racketeering Enterprise Investigations*. Title 18, United States Code, Section 3237.

93. Ascertaining Financial Ability. This classification concerns requests by the Department of Justice for the FBI to ascertain a person's ability to pay a claim, fine or judgment obtained against him by the United States Government.

94. Research Matters. This classification concerns all general correspondence of the FBI with private individuals which does not involve any substantive violation of Federal law.

95. Laboratory Cases (Examination of Evidence in Other Than Bureau's Cases). This classification concerns non-FBI cases where a duly constituted State, county or a municipal law enforcement agency in a criminal matter has requested an examination of evidence by the FBI Laboratory.

96. Alien Applicant (obsolete). Title 10, United States Code, Section 310.

97. Foreign Agents Registration Act. Title 18, United States Code, Section 951; Title 22, United States Code, Sections 611–621; Title 50, United States Code, Sections 851–857.

98. Sabotage. Title 18, United States Code, Sections 2151–2156; Title 50, United States Code, Section 797.

99. Plant Survey (obsolete). This classification covers a program where in the FBI inspected industrial plants for the purpose of making suggestions to the operators of those plants to prevent espionage and sabotage.

100. Domestic Security. This classification covers investigations by the FBI in the domestic security field, e.g., Smith Act violations.

101. Hatch Act (obsolete). Pub. L. 252, 76th Congress.

102. Voorhis Act, Title 18, United States Code, Section 1386.

103. Interstate Transportation of Stolen Cattle. Title 18, United States Code, Sections 2311, 2316 and 2317.

104. Servicemen's Dependents Allowance Act of 1942 (obsolete). Pub. L. 625, 77th Congress, Sections 116–119.

105. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

106. Alien Enemy Control; Escaped Prisoners of War and Internees. 1944–55 (*obsolete*). Suspects were generally suspected escaped prisoners of war, members of foreign organizations, failed to register under the Alien Registration Act. Cases ordered closed by Attorney General after alien enemies returned to their respective countries upon termination of hostilities.

107. Denaturalization Proceedings (*obsolete*). This classification covers investigations concerning allegations that an individual fraudulently swore allegiance to the United States or in some other manner illegally obtained citizenship to the U.S., Title 8, United States Code, Section 738.

108. Foreign Travel Control (*obsolete*). This classification concerns security-type investigations wherein the subject is involved in foreign travel.

109. Foreign Political Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign political matters broken down by country.

110. Foreign Economic Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign economic matters broken down by country.

111. Foreign Social Conditions. This classification is a control file utilized as a repository for intelligence information concerning foreign social conditions broken down by country.

112. Foreign Funds. This classification is a control file utilized as a repository for intelligence information concerning foreign funds broken down by country.

113. Foreign Military and Naval Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign military and naval matters broken down by country.

114. Alien Property Custodian Matter (*obsolete*). Title 50, United States Code, Sections 1 through 38. This classification covers investigations concerning ownership and control of property subject to claims and litigation under this statute.

115. Bond Default; Bail Jumper. Title 18, United States Code, Sections 3146–3152.

116. Department of Energy Applicant; Department of Energy, Employee. This

classification concerns background investigations conducted in connection with employment with the Department of Energy.

117. Department of Energy, Criminal. Title 42, United States Code, Sections 2011–2281; Pub. L. 93–438.

118. Applicant, Intelligence Agency (*obsolete*). This classification covers applicant background investigations conducted of persons under consideration for employment by the Central Intelligence Group.

119. Federal Regulations of Lobbying Act, Title 2, United States Code, Sections 261–270.

120. Federal Tort Claims Act. Title 28, United States Code, Sections 2671 to 2680. Investigations are conducted pursuant to specific request from the Department of Justice in connection with cases in which the Department of Justice represents agencies sued under the Act.

121. Loyalty of Government Employees (*obsolete*). Executive Order 9835.

122. Labor Management Relations Act, 1947. Title 29, United States Code, Sections 161, 162, 176–178 and 186.

123. Special Inquiry, State Department, Voice of America (U.S. Information Center) (Pub. L. 402, 80th Congress) (*obsolete*). This classification covers loyalty and security investigations on personnel employed by or under consideration for employment for Voice of America.

124. European Recovery Program (International Cooperation Administration), formerly Foreign Operations Administration, Economic Cooperation Administration or E.R.P., European Recovery Programs; A.I.D., Agency for International Development (*obsolete*). This classification covers security and loyalty investigations of personnel employed by or under consideration for employment with the European Recovery Program, Pub. L. 472, 80th Congress.

125. Railway Labor Act; Railway Labor Act—Employer's Liability Act, Title 45, United States Code, Sections 151–163 and 181–188.

126. National Security Resources Board, Special Inquiry (*obsolete*). This classification covers loyalty investigations on employees and applicants of the National Security Resources Board.

127. Sensitive Positions in the United States Government, Pub. L. 266 (*obsolete*). Pub. L. 266, 81st Congress.

128. International Development Program (Foreign Operations Administration) (*obsolete*). This classification covers background investigations conducted on individuals

who are to be assigned to duties under the International Development Program.

129. Evacuation Claims (obsolete). Pub. L. 886, 80th Congress.

130. Special Inquiry, Armed Forces Security Act (obsolete). This classification covers applicant-type investigations conducted for the Armed Forces security agencies.

131. Admiralty Matter. Title 48, United States Code, Sections 741 to 752 and 781 to 799.

132. Special Inquiry, Office of Defense Mobilization (obsolete). This classification covers applicant-type investigations of individuals associated with the Office of Defense Mobilization.

133. National Science Foundation Act. Applicant (obsolete). Pub. L. 507, 81st Congress.

134. Foreign Counterintelligence Assets. This classification concerns individuals who provide information to the FBI concerning Foreign Counterintelligence matters.

135. PROSAB (Protection of Strategic Air Command Bases of the U.S. Air Force) (obsolete). This classification covered contacts with individuals with the aim to develop information useful to protect bases of the Strategic Air Command.

136. American Legion Contact (obsolete). This classification covered liaison contacts with American Legion officers.

137. Informants, Other Than Foreign Counterintelligence Assets. This classification concerns individuals who furnish information to the FBI concerning criminal violations on a continuing and confidential basis.

138. Loyalty of Employees of the United Nations and Other Public International Organizations. This classification concerns FBI investigations based on referrals from the Civil Service Commission wherein a question or allegation has been received regarding the applicant's loyalty to the U.S. Government as described in Executive Order 10422.

139. Interception of Communications (Formerly, Unauthorized Publication or Use of Communications). Title 47, United States Code, Section 605; Title 47, United States Code, Section 501; Title 18, United States Code, Sections 2510-2513.

140. Security of Government Employees; S.G.E.; Fraud Against the Government, Executive Order 10450.

141. False Entries in Records of Interstate Carriers. Title 47, United States Code, Section 220; Title 49, United States Code, Section 20.

142. Illegal Use of Railroad Pass. Title 49, United States Code, Section 1.

143. Interstate Transportation of Gambling Devices. Title 15, United States Code, Sections 1171 through 1180.

144. Interstate Transportation of Lottery Tickets. Title 18, United States Code, Section 1301.

145. Interstate Transportation of Obscene Matter; Broadcasting Obscene Language. Title 18, United States Code, Sections 1462, 1464 and 1465.

140. Interstate Transportation of Prison-Made Goods. Title 18, United States Code, Sections 1761 and 1762.

147. *Fraud Against the Government*—Department of Housing and Urban Development, Matters. Title 18, United States Code, Sections 1010, 709, 657 and 1006; Title 12, United States Code, Sections 1715 and 1709.

148. Interstate Transportation of Fireworks. Title 18, United States Code, Section 836.

149. Destruction of Aircraft or Motor Vehicles. Title 18, United States Code, Sections 31 through 35.

150. Harboring of Federal Fugitives, Statistics (*obsolete*).

151. (Referral cases received from the Office of Personnel Management under Pub. L. 298). Agency for International Development; Department of Energy; National Aeronautics and Space Administration; National Science Foundation; Peace Corps; Action; U.S. Arms Control and Disarmament Agency; World Health Organization; International Labor Organization; International Communications Agency. This classification covers referrals from the Civil Service Commission where an allegation has been received regarding an applicant's loyalty to the U.S. Government. These referrals refer to applicants from Peace Corps., Department of Energy, National Aeronautics and Space Administration, Nuclear Regulatory Commission, United States Arms Control and Disarmament Agency and the International Communications Agency.

152. Switchblade Knife Act. Title 15, United States Code, Sections 1241 through 1244.

153. Automobile Information Disclosure Act. Title 15, United States Code, Section 1231, 1232 and 1233.

154. Interstate Transportation of Unsafe Refrigerators. Title 15, United States Code, Section 1211 through 1214.

155. National Aeronautics and Space Act of 1958. Title 18, United States Code, Section 799.

156. Employee Retirement Income Security Act. Title 29, United States Code, Sections 1021-1029, 1111, 1131, and 1141; Title 18, United States Code, Sections 644, 1027, and 1954.

157. Civil Unrest. This classification concerns FBI responsibility for reporting

information on civil disturbances or demonstrations. The FBI's investigative responsibility is based on the Attorney General's Guidelines for Reporting on Civil Disorders and Demonstrations Involving a Federal Interest which became effective April 5, 1976.

158. Labor-Management Reporting and Disclosure Act of 1959 (Security Matter (obsolete). Pub. L. 86-257, Section 504.

159. Labor-Management reporting and Disclosure Act of 1959 (Investigative Matter). Title 29, United States Code, Sections 501, 503, 504, 522, and 530.

160. Federal Train Wreck Statute. Title 18, United States Code, Section 1992.

161. Special Inquiries for White House, Congressional Committee and Other Government Agencies. This classification covers investigations requested by the White House, Congressional committees or other Government agencies.

162. Interstate Gambling Activities. This classification covers information acquired concerning the nature and scope of illegal gambling activities in each field office.

163. Foreign Police Cooperation. This classification covers requests by foreign police for the FBI to render investigative assistance to such agencies.

164. Crime Aboard Aircraft. Title 49, United States Code, Sections 1472 and 1473.

165. Interstate Transmission of Wagering Information. Title 18, United States Code, Section 1084.

166. Interstate Transportation in Aid of Racketeering. Title 18, United States Code, Section 1952.

167. Destruction of Interstate Property. Title 15, United States Code, Sections 1281 and 1282.

168. Interstate Transportation of Wagering Paraphernalia. Title 18, United States Code, Section 1953.

169. Hydraulic Brake Fluid Act (obsolete); 76 Stat. 437, Pub. L. 87-637.

170. Extremist Informants (obsolete). This classification concerns individuals who provided information on a continuing basis on various extremist elements.

171. Motor Vehicle Seat Belt Act (obsolete). Pub. L. 88-201, 80th Congress.

172. Sports Bribery. Title 18, U.S. Code, Section 224.

173. Public Accommodations, Civil Rights Act of 1964 Public Facilities, Civil Rights Act of 1964 Public Education, Civil Rights Act of 1964 Employment, Civil Rights Act of 1964. Title 42, United States Code, Section 2000; Title 18, United States Code, Section 245.

174. Explosives and Incendiary Devices; Bomb Threats (Formerly, Bombing Matters; Bombing Matters, Threats). Title 18, United States Code, Section 844.

175. Assaulting, Kidnapping or Killing the President (or Vice President) of the United States. Title 18, United States Code, Section 1751.

176. Anti-riot Laws. Title 18, United States Code, Section 245.

177. Discrimination in Housing. Title 42, United States Code, Sections 3601-3619 and 3631.

178. Interstate Obscene or Harrassing Telephone Calls. Title 47, United States Code, Section 223.

179. Extortionate Credit Transactions. Title 18, United States Code, Sections 891-898.

180. Desecration of the Flag. Title 18, United States Code, Section 700.

181. Consumer Credit Protection Act. Title 15, United States Code, Section 1611.

182. Illegal Gambling Business; Illegal Gambling Business, Obstruction; Illegal Gambling Business, Forfeiture. Title 18, United States Code, Section 1955; Title 18, United States Code, Section 1511.

183. Racketeer, Influence and Corrupt Organizations. Title 18, United States Code, Sections 1961-1968.

184. Police Killings. This classification concerns investigations conducted by the FBI upon written request from local Chief of Police or duly constituted head of the local agency to actively participate in the investigation of the killing of a police officer. These investigations are based on a Presidential Directive dated June 3, 1971.

185. Protection of Foreign Officials and Officials Guests of the United States. Title 18, United States Code, Sections 112, 970, 1116, 1117 and 1201.

186. Real Estate Settlement Procedures Act of 1974. Title 12, United States Code, Section 2602; Title 12, United States Code, Section 2606, and Title 12, United States Code, Section 2607.

187. Privacy Act of 1974, Criminal. Title 5, United States Code, Section 552a.

188. Crime Resistance. This classification covers FBI efforts to develop new or improved approaches, techniques, systems, equipment and devices to improve and strengthen law enforcement as mandated by the Omnibus Crime Control and Safe Streets Act of 1968.

189. Equal Credit Opportunity Act. Title 15, United States Code, Section 1691.

190. Freedom of Information/Privacy Acts. This classification covers the creation of a correspondence file to

preserve and maintain accurate records concerning the handling of requests for records submitted pursuant to the Freedom of Information-Privacy Acts.

191. False Identity Matters. (*obsolete*) This classification covers the FBI's study and examination of criminal elements efforts to create false identities.

192. Hobbs Act—Financial Institutions; *Commercial Institutions*. Title 18, United States Code, Section 1951.

193. Hobbs Act—Commerical Institutions (*obsolete*). Title 18, United States Code, Section 1951; and Title 47, United States Code, Section 506

194. Hobbs Act—Corruption of Public Officials. Title 18, United States Code, Section 1951.

195. Hobbs Act—Labor Related. Title 18, United States Code, Section 1951.

196. Fraud by Wire. Title 18, United States Code, Section 1343.

197. Civil Actions or Claims Against the Government. This classification covers all civil suits involving FBI matters and most administrative claims filed under the Federal Tort Claims Act arising from FBI activities.

198. Crime on Indian Reservations. Title 18, United States Code, Sections 1151, 1152, and 1153.

199. Foreign Counterintelligence—Terrorism. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

200. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

201. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

202. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

203. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

204. Federal Revenue Sharing. This classification covers FBI investigations conducted where the Attorney General has been authorized to bring civil action whenever he has reason to believe that a pattern or practice of discrimination in disbursement of funds under the Federal Revenue Sharing status exists.

205. Foreign Corrupt Practices Act of 1977. Title 15, United States Code, Section 78.

206. Fraud Against the Government—Department of Defense, *Department of Agriculture, Department of Commerce, Community Services Organization, Department of Transportation*. (See classification 46 (*supra*) for statutory

authority for this and the four following classifications).

207. Fraud Against the Government—Environmental Protection Agency, *National Aeronautics and Space Administration, Department of Energy, Department of Transportation*.

208. Fraud Against the Government—General Services Administration.

209. Fraud Against the Government—Department of Health, and *Human Services (Formerly, Department of Health, Education, and Welfare)*.

210. Fraud Against the Government—Department of Labor.

211. *Ethics in Government Act of 1978, Title VI (Title 28, Sections 591-598)*.

212. Foreign Counterintelligence—Intelligence Community Support. This is an administrative classification for the FBI's operational and technical support to other Intelligence Community agencies.

213. *Fraud Against the Government—Department of Education*.

214. Civil Rights of Institutionalized Persons Act (Title 42, United States Code, section 1997).

215. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

216. Foreign Counterintelligence Matters. (Same authority as 215)

217. Foreign Counterintelligence Matters. (Same authority as 215)

218. Foreign Counterintelligence Matters. (Same authority as 215)

219. Foreign Counterintelligence Matters. (Same authority as 215)

220. Foreign Counterintelligence Matters. (Same authority as 215)

221. Foreign Counterintelligence Matters. (Same authority as 215)

222. Foreign Counterintelligence Matters. (Same authority as 215)

223. Foreign Counterintelligence Matters. (Same authority as 215)

224. Foreign Counterintelligence Matters. (Same authority as 215)

225. Foreign Counterintelligence Matters. (Same authority as 215)

226. Foreign Counterintelligence Matters. (Same authority as 215)

227. Foreign Counterintelligence Matters. (Same authority as 215)

228. Foreign Counterintelligence Matters. (Same authority as 215)

229. Foreign Counterintelligence Matters. (Same authority as 215)

Records Maintained in FBI Field Divisions—FBI field divisions maintain for limited periods of time investigative, administrative and correspondence records, including files, index cards and related material, some of which are duplicated copies of reports and similar

documents forwarded to FBI Headquarters. Most investigative activities conducted by FBI field divisions are reported to FBI Headquarters at one or more stages of the investigation. There are, however, investigative activities wherein no reporting was made to FBI Headquarters, e.g., pending cases not as yet reported and cases which were closed in the field division for any of a number of reasons without reporting to FBI Headquarters.

Duplicate records and records which extract information reported in the main files are also kept in the various divisions of the FBI to assist them in their day-to-day operation. These records are lists of individuals which contain certain biographic data, including physical description and photograph. They may also contain information concerning activities of the individual as reported to FBIHQ by the various field offices. The establishment of these lists is necessitated by the needs of the Divisions to have immediate access to pertinent information duplicative of data found in the Central Records without the delay caused by a time-consuming manual search of central indices. The manner of segregating these individuals varies depending on the particular needs of the FBI Division. The information pertaining to individuals who are a part of the list is derivative of information contained in the Central Records System. These duplicative records fall into the following categories:

(1) Listings of individuals used to assist in the location and apprehension of individuals for whom legal process is outstanding (fugitives);

(2) Listings of individuals used in the identification of particular offenders in cases where the FBI has jurisdiction. These listings include various photograph albums and background data concerning persons who have been formerly charged with a particular crime and who may be suspect in similar criminal activities; and photographs of

individuals who are unknown but suspected of involvement in a particular criminal activity, for example, bank surveillance photographs;

(3) Listings of individuals as part of an overall criminal intelligence effort by the FBI. This would include photograph albums, lists of individuals known to be involved in criminal activity, including theft from interstate shipment, interstate transportation of stolen property, and individuals in the upper echelon of organized crime;

(4) Listings of individuals in connection with the FBI's mandate to carry out Presidential directives on January 8, 1943, July 24, 1950, December 15, 1953, and February 18, 1976, which designated the FBI to carry out investigative work in matters relating to espionage, sabotage, and foreign counterintelligence. These listings may include photograph albums and other listings containing biographic data regarding individuals. This would include lists of identified and suspected foreign intelligence agents and informants;

(5) Special indices duplicative of the central indices used to access the Central Records System have been created from time to time in conjunction with the administration and investigation of major cases. This duplication and segregation facilitates access to documents prepared in connection with major cases.

In recent years, as the emphasis on the investigation of white collar crime, organized crime, and hostile foreign intelligence operations has increased, the FBI has been confronted with increasingly complicated cases, which require more intricate information processing capabilities. Since these complicated investigations frequently involve massive volumes of evidence and other investigative information, the FBI uses its computers, when necessary, to collate, analyze, and retrieve investigative information in the most accurate and expeditious manner possible. It should be noted that all

investigative information, which is placed in computerized form, is actually extracted from the main files and that the duplicative computerized information is only maintained as necessary to support the FBI's investigative activities. Information from these internal computerized subsystems of the "Central Records System" is not accessed by any other agency. All disclosures of computerized information are made in printed form in accordance with the routine uses which are set forth below.

Records also are maintained on a temporary basis relevant to the FBI's domestic police cooperation program, where assistance in obtaining information is provided to state and local police agencies.

Also, personnel type information dealing with such matters as attendance and production and accuracy requirements is maintained by some divisions.

(The following chart identifies various listings or indexes maintained by the FBI which have been or are being used by various divisions of the FBI in their day-to-day operations. The chart identifies the list by name, description, and use, and where maintained, i.e., FBI Headquarters and/or Field Office. The number in parenthesis in the field office column indicates, the number of field offices which maintain these. The chart indicates, under "status of index," those indexes which are in current use (designated by the word "active") and those which are no longer being used, although maintained (designated by the word "inactive"). There are 27 separate indices which are classified in accordance with existing regulations and are not included in this chart. The following indices are no longer being used by the FBI and are being maintained at FBIHQ pending receipt of authority to destroy: Black Panther Party Photo Index; Black United Front Index; Security Index; and Wounded Knee Album.

Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Administrative Index (ADEX).....	Consists of cards with descriptive data on individuals who were subject to investigation in a national emergency because they believed to constitute a potential or active threat to the internal security of the United States. When ADEX was started in 1971, it was made up of people who were formerly on the Security Index, Reserve Index, and Agitator Index. The index is maintained in two separate locations in FBI Headquarters. ADEX was discontinued in January 1976.	Inactive.....	Yes.....	Yes (29).
Anonymous Letter File.....	Consists of photographs of anonymous communications and extortionate credit transactions; kidnapping, extortion and threatening letters.	Active.....	Yes.....	No.
Associates of DEA Class I Narcotics Violators Listing.	Consists of a computer listing of individuals whom DEA has identified as associates of Class I Narcotics Violators.	Active.....	Yes.....	Yes (59).

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Title of Index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Background Investigation Index—Department of Justice.	Consists of cards on persons who have been the subject of a full field investigation in connection with their consideration for employment in sensitive positions with Department of Justice, such as U.S. Attorney, Federal judge, or a high level Departmental position.	Active	Yes	No.
Background Investigation Index—White House, Other Executive Agencies, and Congress.	Consists of cards on persons who have been the subject of a full field investigation in connection with their consideration for employment in sensitive positions with the White House, Executive agencies (other than the Department of Justice) and the Congress.	Active	Yes	No.
Bank Fraud and Embezzlement Index.....	Consists of individuals who have been the subject of "Bank Fraud and Embezzlement" investigation. This file is used as an investigative aid.	Active	No	Yes (1).
Bank Robbery Album	Consists of photos of bank robbers, burglars, and larceny subjects. In some field offices it will also contain pictures obtained from local police departments of known armed robbers and thus potential bank robbers. This index is used to develop investigative leads in bank robbery cases and may also be used to show to witnesses of bank robberies. It is usually filed by race, height, and age. This index is also maintained in one resident agency (a suboffice of a field office).	Active	No	Yes (47).
Bank Robbery Nickname Index	Consists of nicknames used by known bank robbers. The index card on each would contain the real name and method of operation and are filed in alphabetical order.	Active	No	Yes (1).
Bank Robbery Note File	Consists of photographs of notes used in bank robberies in which the suspect has been identified. This index is used to help solve robberies in which the suspect has not been identified but a note was left. The note is compared with the index to try to match the sentence structure and handwriting for the purpose of identifying possible suspects.	Active	Yes	No.
Bank Robbery Suspect Index	Consists of a control file or index cards with photos, if available, of bank robbers or burglars. In some field offices these people may be part of the bank robbery album. This index is generally maintained and used in the same manner as the bank robbery album.	Active	No	Yes (33).
Car Ring Case Photo Album	Consists of photos of subjects and suspects involved in a large car theft ring investigation. It is used as an investigative aid.	Active	No	Yes (3).
Car Ring Case Photo Album and Index.	Consists of photos of subjects and suspects involved in a large car theft ring investigation. The card index maintained in addition to the photo album contains the names and addresses appearing on fraudulent title histories for stolen vehicles. Most of these names appearing on these titles are fictitious. Both the photo album and card indexes are used as an investigative aid.	Active	No	Yes (1).
Car Ring Case Toll Call Index	Consists of cards with information on persons who subscribe to telephone numbers to which toll calls have been placed by the major subjects of a large car theft ring investigation. It is maintained numerically by telephone number. It is used to facilitate the development of probable cause for a court-approved wiretap.	Active	No	Yes (2).
Car Ring Theft Working Index	Contains cards on individuals involved in car ring theft cases on which the FBI laboratory is doing examination work.	Active	Yes	No.
Cartage Album	Consists of photos with descriptive data of individuals who have been convicted of theft from interstate shipment or interstate transportation of stolen property where there is a reason to believe they may repeat the offense. It is used in investigating the above violations.	Active	No	Yes (3).
Channelizing Index	Consists of cards with the names and case file numbers of people who are frequently mentioned in informant reports. The index is used to facilitate the distributing or channeling of informant reports to appropriate files.	Active	No	Yes (9).
Check Circular File	Consists of files filed numerically in a control file on fugitives who are notorious fraudulent check passers and who are engaged in a continuing operation of passing checks. The files which include the subject's name, photo, a summary of the subject's method of operation and other identifying data is used to alert other FBI field offices and business establishments which may be the victims of bad checks.	Active	Yes	Yes (43).
Computerized Telephone Number File (CTNF) Intelligence.	Consists of a computer listing of telephone numbers (and subscribers' names and addresses) utilized by subjects and/or certain individuals which come to the FBI's attention during major investigations. During subsequent investigations, telephone numbers, obtained through subpoenas, are matched with the telephone numbers on file to determine connections or associations.	Active	Yes	No.
Con Man Index	Consists of computerized names of individuals, along with company affiliation, who travel nationally and internationally while participating in large-dollar-value financial swindles.	Active	Yes	No.
Confidence Game (Flim Flam) Album	Consists of photos with descriptive information on individuals who have been arrested for confidence games and related activities. It is used as an investigative aid.	Active	No	Yes (4).
Copyright Matters Index	Consists of cards of individuals who are film collectors and film titles. It is used as a reference in the investigation of copyright matters.	Active	No	Yes (1).
Criminal Intelligence Index	Consists of cards with name and file number of individuals who have become the subject of an antiracketeering investigation. The index is used as a quick way to ascertain file numbers and the correct spelling of names. This index is also maintained in one resident agency.	Active	No	Yes (2).
Criminal Informant Index	Consists of cards containing identity and brief background information on all active and inactive informants furnishing information in the criminal area.	Active	Yes	No.
DEA Class I Narcotics Violators Listing.	Consists of a computer listing of narcotic violators—persons known to manufacture, supply, or distribute large quantities of illicit drugs—with background data. It is used by the FBI in their role of assisting DEA in disseminating intelligence data concerning illicit drug trafficking. This index is also maintained in two resident agencies.	Active	Yes	Yes (59).
Deserter Index	Contains cards with the names of individuals who are known military deserters. It is used as an investigative aid.	Active	No	Yes (4).
False Identities Index	Contains cards with the names of deceased individuals whose birth certificates have been obtained by other persons for possible false identification uses and in connection with which the FBI laboratory has been requested to perform examinations.	Inactive	Yes	No.

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Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
False Identities Program List	Consists of a listing of names of deceased individuals whose birth certificates have been obtained after the person's death, and thus whose names are possibly being used for false identification purposes. The listing is maintained as part of the FBI's program to find persons using false identities for illegal purposes.	Inactive	No	Yes (31).
False Identity Photo Album	Consists of names and photos of people who have been positively identified as using a false identification. This is used as an investigative aid in the FBI's investigation of false identities.	Inactive	No	Yes (2).
FBI Wanted Persons Index	Consists of cards on persons being sought on the basis of Federal warrants covering violations which fall under the jurisdiction of the FBI. It is used as a ready reference to identify those fugitives.	Active	Yes	No.
Foreign Counterintelligence (FCI) Asset Index	Consists of cards with identity background data on all active and inactive operational and informational assets in the foreign counterintelligence field. It is used as a reference aid of the FCI Asset program.	Active	Yes	No.
Fraud Against the Government Index	Consists of individuals who have been the subject of a "fraud against the Government" investigation. It is used as investigative aid.	Active	No	Yes (1).
Fugitive Bank Robbers File	Consists of files on bank robbery fugitives filed sequentially in a control file. FBI Headquarters distributes to the field offices files on bank robbers in a fugitive status for 15 or more days to facilitate their location.	Active	Yes	Yes (43).
General Security Index	Contains cards on all persons that have been the subject of a security classification investigation by the FBI field office. These cards are used for general reference purposes.	Active	No	Yes (1).
Hoodlum License Plate Index	Consists of cards with the license plates numbers and descriptive data on known hoodlums and cars observed in the vicinity of hoodlum homes. It is used for quick identification of such persons in the course of investigation. The one index which is not fully retrievable is maintained by a resident agency.	Active	No	Yes (3).
Identification Order Fugitive Filer File	Consists of files filed numerically in a control file. When immediate leads have been exhausted in fugitive investigations and a crime of considerable public interest has been committed, the files are given wide circulation among law enforcement agencies throughout the United States and are posted in post offices. The files contain the fugitive's photograph, fingerprints, and description.	Active	Yes	Yes (49).
Informant Index	Consists of cards with the name, symbol numbers, and brief background information on the following categories of active and inactive informants, top echelon criminal informants, security informants, criminal informants, operational and informational assets, extremist informants (discontinued), plant informant—informants on and about certain military bases (discontinued), and potential criminal informants.	Active	No	Yes (58).
Informants in Other Field Offices. Index of.	Consists of cards with names and/or symbol numbers of informants in other FBI field offices that are in a position to furnish information that may be of value to other field offices. Basic background information would also be included on the index card.	Active	No	Yes (15).
Interstate Transportation of Stolen Aircraft Photo Album.	Consists of photos and descriptive data on individuals who are suspects known to have been involved in interstate transportation of stolen aircraft. It is used as an investigative aid.	Active	No	Yes (1).
IRS Wanted List	Consists of one-page files from IRS on individuals with background information who are wanted by IRS for tax purposes. It is used in the identification of persons wanted by IRS.	Active	No	Yes (11).
Kidnapping Book	Consists of data, filed chronologically, on kidnappings that have occurred since the early fifties. The victims names and the suspects, if known, would be listed with a brief description of the circumstances surrounding the kidnapping. The file is used as a reference aid in matching up prior methods of operation in unsolved kidnapping cases.	Active	Yes	No.
Known Check Passers Album	Consists of photos with descriptive data of persons known to pass stolen, forged, or counterfeit checks. It is used as an investigative aid.	Active	No	Yes (4).
Known Gambler Index	Consists of cards with names, descriptive data, and sometimes photos of individuals who are known bookmakers and gamblers. The index is used in organized crime and gambling investigations. Subsequent to GAO's review, and at the recommendation of the inspection team at one of the two field offices where the index was not fully retrievable, the index was destroyed and thus is not included in the total.	Active	No	Yes (5).
La Cosa Nostra (LCN) Membership Index.	Contains cards on individuals having been identified as members of the LCN index. The cards contains personal data and pictures. The index is used solely by FBI agents for assistance in investigating organized crime matters.	Active	Yes	Yes (55).
Leased Line Letter Request Index	Contains cards on individuals and organizations who are or have been the subject of a national security electronic surveillance where a leased line letter was necessary. It is used as an administrative and statistical aid.	Active	Yes	No.
Mail Cover Index	Consists of cards containing a record of all mail covers conducted on individuals and groups since about January 1973. It is used for reference in preparing mail cover requests.	Active	Yes	No.
Military Deserter Index	Consists of cards containing the names of all military deserters where the various military branches have requested FBI assistance in locating. It is used as an administrative aid.	Active	Yes	No.
National Bank Robbery Album	Consists of files on bank robbery suspects held sequentially in a control file. When an identifiable bank camera photograph is available and the case has been under investigation for 30 days without identifying the subject, FBIHQ sends a flier to the field offices to help identify the subject.	Active	Yes	Yes (42).
National Fraudulent Check File	Contains photographs of the signatures on stolen and counterfeit checks. It is filed alphabetically but there is no way of knowing if the names are real or fictitious. The index is used to help solve stolen check cases by matching checks obtained in such cases against the index to identify a possible suspect.	Active	Yes	No.

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Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
National Security Electronic Surveillance Card File.	Contains cards recording electronic surveillances previously authorized by the Attorney General and previously and currently authorized by the FISC; current and previous assets in the foreign counterintelligence field; and a historical, inactive section which contains cards believed to record non-consented physical entries in national security cases, previous toll billings, mail covers and leased lines. The inactive section also contains cards reflecting previous Attorney General approvals and denials for warrantless electronic surveillance in the national security cases.	Active	Yes	No.
Night Depository Trap Index	Contains cards with the names of persons who have been involved in the theft of deposits made in bank night depository boxes. Since these thefts have involved various methods, the FBI uses the index to solve such cases by matching up similar methods to identify possible suspects.	Active	Yes	No.
Norjack Index	Contains cards with information regarding possible suspects and individuals who furnish information relative to the investigation of the 1972 hijacking of a Northwest Orient Airlines flight by an unknown subject with alias of "D. B. Cooper".	Active	No	Yes (1).
Organized Crime Photo Album	Consists of photos and background information on individuals involved in organized crime activities. The index is used as a ready reference in identifying organized crime figures within the field offices' jurisdiction.	Active	No	Yes (13).
Photospread Identification Elimination File.	Consists of photos of individuals who have been subjects and suspects in FBI investigations. It also includes photos received from other law enforcement agencies. These pictures can be used to show witnesses of certain crimes.	Active	No	Yes (14).
Prostitute Photo Album	Consists of photos with background data on prostitutes who have prior local or Federal arrests for prostitution. It is used to identify prostitutes in connection with investigations under the White Slave Traffic Act.	Active	No	Yes (4).
Royal Canadian Mounted Police (RCMP) Wanted Circular File.	Consists of a control file of individuals with background information of persons wanted by the RCMP. It is used to notify the RCMP if an individual is located.	Active	No	Yes (17).
Security Informant Index	Consists of cards containing identity and brief background information on all active and inactive informants furnishing information in the criminal area.	Active	Yes	No.
Security Subjects Control Index	Consists of cards containing the names and case file numbers of individuals who have been subject to security investigations check. It is used as a reference source.	Active	No	Yes (1).
Security Telephone Number Index	Contains cards with telephone subscriber information subpoenaed from the telephone company in any security investigation. It is maintained numerically by the last three digits in the telephone number. It is used for general reference purposes in security investigations.	Active	No	Yes (1).
Selective Service Violators Index	Contains cards on individuals being sought on the basis of Federal warrants for violation of the Selective Service Act.	Active	Yes	No.
Sources of Information Index	Consists of cards on individuals and organizations such as banks, motels, local governments that are willing to furnish information to the FBI with sufficient frequency to justify listing for the benefit of all agents. It is maintained to facilitate the use of such sources.	Active	No	Yes (10).
Special Services Index	Contains cards of prominent individuals who are in a position to furnish assistance in connection with FBI investigative responsibility.	Active	No	Yes (28).
Stolen Checks and Fraud by Wire Index.	Consists of cards on individuals involved in check and fraud by wire violations. It is used as an investigative aid.	Active	No	Yes (1).
Stop Notices Index	Consists of cards on names of subjects or property where the field office has placed a stop at another law enforcement agency or private business such as pawn shops in the event information comes to the attention of that agency concerning the subject or property. This is filed numerically by investigative classification. It is used to insure that the agency where the stop is placed is notified when the subject is apprehended or the property is located or recovered.	Active	No	Yes (43).
Surveillance Locator Index	Consists of cards with basic data on individuals and businesses which have come under physical surveillance in the city in which the field office is located. It is used for general reference purposes in antiracketeering investigations.	Active	No	Yes (2).
Telephone Number Index—Gamblers	Contains information on persons identified usually as a result of a subpoena for the names of subscribers to particular telephone numbers or toll records for a particular phone number of area gamblers and bookmakers. The index cards are filed by the last three digits of the telephone number. The index is used in gambling investigations.	Active	No	Yes (2).
Telephone Subscriber and Toll Records Check Index.	Contains cards with information on person identified as the result of a formal request or subpoena to the phone company for the identity of subscribers to particular telephone numbers. The index cards are filed by telephone number and would also include identity of the subscriber, billing parties identity, subscribers address, date of request from the telephone company, and file number.	Active	No	Yes (1).
Thieves, Couriers, and Fences Photo Index.	Consists of photos and background information on individuals who are or are suspected of being thieves, couriers, or fences based on their past activity in the area of interstate transportation of stolen property. It is used as an investigative aid.	Active	No	Yes (4).
Toll Record Request Index	Contains cards on individuals and organizations on whom toll records have been obtained in national security related cases and with respect to which FBIHQ had to prepare a request letter. It is used primarily to facilitate the handling of repeat requests on individuals listed.	Active	Yes	No.
Top Burglar Album	Consists of photos and background data of known and suspect top burglars involved in the area of interstate transportation of stolen property. It is used as an investigative aid.	Active	No	Yes (4).
Top Echelon Criminal Informant Program (TECIP) Index.	Consists of cards containing identity and brief background information on individuals who are either furnishing high level information in the organized crime area or are under development to furnish such information. The index is used primarily to evaluate, corroborate, and coordinate informant information and to develop prosecutive data against racket figures under Federal, State, and local statutes.	Active	Yes	No.

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Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Top Ten Program File.....	Consists of filers, filed numerically in a control file, on fugitives considered by the FBI to be 1 of the 10 most wanted including a fugitive on the top 10 usually assures a greater national news coverage as well as nationwide circulation of the filer.	Active	Yes	Yes (44).
Top Thief Program Index.....	Consists of cards of individuals who are professional burglars, robbers, or fences dealing in items likely to be passed in interstate commerce or who travel interstate to commit the crime. Usually photographs and background information would also be obtained on the index card. The index is used as an investigative aid.	Active	No	Yes (27).
Truck Hijack Photo Album.....	Contains photos and descriptive data of individuals who are suspected truck hijackers. It is used as an investigative aid and for displaying photos to witnesses and/or victims to identify unknown subjects in hijacking cases.	Active	No	Yes (4).
Truck Thief Suspect Photo Album.....	Consists of photos and background data on individuals previously arrested or are currently suspects regarding vehicle theft. The index is used as an investigative aid.	Active	No	Yes (1).
Traveling Criminal Photo Album.....	Consists of photos with identifying data of individuals convicted of various criminal offenses and may be suspects in other offenses. It is used as an investigative aid.	Active	No	Yes (1).
Veterans Administration (VA)/Federal Housing Administration Matters (FHA) Index.....	Consists of cards of individuals who have been subject of an investigation relative to VA and FHA matters. It is used as an investigative aid.	Active	No	Yes (1).
Wanted Filers File.....	Consists of filers, filed numerically in a control file, on badly wanted fugitives whose apprehension may be facilitated by a filer. The filer contains the names, photographs, aliases, previous convictions, and a caution notice.	Active	Yes	Yes (46).
Wheeldex.....	Contains the nicknames and the case file numbers of organized crime members. It is used in organized crime investigations.	Active	No	Yes (1).
White House Special Index.....	Contains cards on all potential White House appointees, staff members, guests, and visitors that have been referred to the FBI by the White House security office for a records check to identify any adverse or derogatory information. This index is used to expedite such checks in view of the tight time frame usually required.	Active	Yes	No.
Witness Protection Program Index.....	Contains cards on individuals who have been furnished a new identity by the U.S. Justice Department because of their testimony in organized crime trials. It is used primarily to notify the U.S. Marshals Service when information related to the safety of a protected witness comes to the FBI's attention.	Active	Yes	No.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM.

Federal Records Act of 1950, Title 44, United States Code, Chapter 31, Section 3101; and Title 41, Code of Federal Regulations Subpart 101-11.202, requires Federal agencies to insure that adequate and proper records are made and preserved to document the organization, functions, policies, decisions, procedures and transactions and to protect the legal and financial rights of the Federal Government. Title 28, United States Code, Section 534, delegates authority to the Attorney General to acquire, collect, classify, and preserve identification, criminal identification, crime and other records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

Records, both investigative and administrative, are maintained in this system in order to permit the FBI to function efficiently as an authorized, responsive component of the Department of Justice. Therefore, information in this system is disclosed to officials and employees of the Department of Justice, and/or all components thereof, who have need of the information in the performance of their official duties.

Personal information from this system may be disclosed as a routine use to any

Federal agency where the purpose in making the disclosure is compatible with the law enforcement purpose for which it was collected, e.g., to assist the recipient agency in conducting a lawful criminal or intelligence investigation, to assist the recipient agency in making a determination concerning an individual's suitability for employment and/or trustworthiness for access clearance purposes, or to assist the recipient agency in the performance of any authorized function where access to records in this system is declared by the recipient agency to be relevant to that function.

In addition, personal information may be disclosed from this system to members of the Judicial Branch of the Federal Government in response to a specific request, or at the initiation of the FBI, where disclosure appears relevant to the authorized function of the recipient judicial office or court system. An example would be where an individual is being considered for employment by a Federal judge.

Information in this system may be disclosed as a routine use to any state or local government agency directly engaged in the criminal justice process, e.g., police, prosecution, penal, probation and parole, and the judiciary, where access is directly related to a law enforcement function of the recipient agency, e.g., in connection with a lawful

criminal or intelligence investigation, or making a determination concerning an individual's suitability for employment as a state or local law enforcement officer. Disclosure to a state or local government agency, (a) not directly engaged in the criminal justice process or, (b) for a licensing or regulatory function, is considered on an individual basis only under exceptional circumstances, as determined by the FBI.

Information in this system may be disclosed as a routine use to an organization or individual in both the public or private sector pursuant to an appropriate legal proceeding, or if deemed necessary to elicit information or cooperation from the recipient for use by the FBI in the performance of an authorized activity. An example would be where the activities of an individual are disclosed to a member of the public in order to elicit his/her assistance in our apprehension or detection efforts.

Information in this system may be disclosed as a routine use to an organization or individual in the public or private sector where there is reason to believe the recipient is or could become the target of a particular criminal activity or conspiracy, to the extent the information is relevant to the protection of life or property.

Information in this system may be disclosed to legitimate agency of a foreign government where the FBI determines that the information is relevant to that agency's responsibilities, and dissemination serves the best interests of the U.S. Government, and where the purpose in making the disclosure is compatible with the purpose for which the information was collected.

Relevant information may be disclosed from this system to the news media and general public where there exists a legitimate public interest, e.g., to assist in the location of Federal fugitives, to provide notification of arrests, and where necessary for protection from imminent threat of life or property.

A record relating to an actual or potential civil or criminal violation of the copyright statute, Title 17, United States Code, may be disseminated to a person injured by such violation to assist him/her in the institution or maintenance of a suit brought under such title.

The FBI has received inquiries from private citizens and Congressional offices on behalf of constituents seeking assistance in locating individuals such as missing children and heirs to estates. Where the need is acute, and where it appears FBI files may be the only lead in locating the individual, consideration will be given to furnishing relevant information to the requester. Information will be provided only in those instances where there are reasonable grounds to conclude from available information the individual being sought would want the information to be furnished, e.g., an heir to a large estate. Information with regard to missing children will not be provided where they have reached their majority.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in this system, the release of which is required by the Freedom of Information-Privacy Acts, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information in behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

The active main files are maintained in hard copy form and some inactive records are maintained on microfilm. Investigative information which is maintained in computerized form may be stored in memory, on disk storage, on computer tape, or on a computer printed listing.

RETRIEVABILITY:

The FBI General Index must be searched to determine what information, if any, the FBI may have in its files. The index cards are on all manner of subject matters, but primarily a name index of individuals. It should be noted the FBI does not index all individuals that furnish information or names developed in an investigation. Only that information that is considered pertinent and relevant and essential for future retrieval, is indexed. In certain major cases most persons contacted are indexed in order to facilitate the proper administrative handling of a large volume of material. The FBI is in the process of automating the General Index and, therefore, the retrieval of certain information from the main files will be accomplished through the use of peripheral computer equipment, that is, Cathode Ray Tubes (CRTs) and printers. Automation will not change the "Central Records System"; it will only facilitate more economic and expeditious access to the main files. The automated General Index will not cause the "Central Records System" to be interfaced with any other system of records, nor will it allow any outside agency to access FBI information. Since the General Index of all of the field offices will not be automated for quite some time, certain complicated investigative matters are presently supported with special computerized indices which allow retrieval of information from the main files. These special indices are either maintained on printed listings or on disk storage and then accessed through the use of CRTs.

SAFEGUARDS:

Records are maintained in a restricted area and are accessed only by FBI employees. All FBI employees receive a complete background investigation prior to being hired. All employees are cautioned about divulging confidential information or any information contained in FBI files. Failure to abide by this provision violates Department of Justice regulations and may violate certain statutes providing maximum severe penalties of a ten thousand-dollar

fine or 10 years' imprisonment or both. Employees who resign or retire are also cautioned about divulging information acquired in the job. Registered mail is used to transmit routine hard copy records between field offices. Highly classified records are hand carried by Special Agents or personnel of the Armed Forces Courier Service. Highly classified or sensitive privacy information, which is electronically transmitted between field offices, is transmitted in encrypted form to prevent interception and interpretation. Information transmitted in teletype form is placed in the main files of both the receiving and transmitting field offices. Field offices involved in certain complicated investigative matters may be provided with on-line access to the duplicative computerized information which is maintained for them on disk storage in the FBI Computer Center in Washington, D.C., and this computerized data is also transmitted in encrypted form.

RETENTION AND DISPOSAL:

All FBI records destruction programs relevant to this system were suspended as a result of a court order, issued January 10, 1980, in the U.S. District Court for the District of Columbia, enjoining the FBI from destroying or otherwise disposing of any FBI records until such time as detailed records retention plans and schedules are developed by NARS and the FBI, and are submitted to and approved by the Court. With the exception of certain limited record categories, this court order prohibits records destruction at both FBI Headquarters and FBI field offices.

SYSTEM MANAGER(S) AND ADDRESS:

Director; Federal Bureau of Investigation; Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

A request for access to a record from the system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request". Include in the request your full name, complete address, date of birth, place of birth, notarized signature, and other identifying data you may wish to furnish to assist in making a proper search of our records. Also include the general subject matter of the document or its file number. The requester will also provide a return address for transmitting the information. Access requests can be addressed to the Director, Federal Bureau of Investigation, Washington,

D.C. 20535, and individually to one or more of the FBI field divisions or Legal Attaches listed in the appendix to this system notice.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should also direct their request to the Director, Federal Bureau of Investigation, Washington, D.C. 20535, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The FBI, by the very nature and requirement to investigate violations of law within its investigative jurisdiction and its responsibility for the internal security of the United States, collects information from a wide variety of sources. Basically it is the result of investigative efforts and information furnished by other Government agencies, law enforcement agencies, and the general public, informants, witnesses, and public source material.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3)(d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(8), (f), (g), of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and are being published in the proposed rules section of today's *Federal Register*.

Appendix of Field Divisions for the Federal Bureau of Investigation Field Office—

502 U.S. Post Office and Court House, Albany, N.Y. 12207.
301 Grand Ave., N.E., Albuquerque, N. Mex. 87102.
Room 500, 300 North Lee Street, Alexandria, Va. 22314.
Federal Building, Room E-222, 701 C Street, Anchorage, Alaska 99513.
275 Peachtree Street, N.E., Atlanta, Ga. 30303.
7142 Ambassador Road, Baltimore, Md. 21207.
Room 1400-2121 Building, Birmingham, Ala. 35203.
John F. Kennedy Federal Office Building, Boston, Mass. 02203.
Room 1400-111 West Huron Street, Buffalo, N.Y. 14202.
115 U.S. Court House and Federal Building, Butte, Mont. 59701.
1120 Jefferson Standard Life Building, Charlotte, N.C. 28202.
Room 905, Everett McKinley Dirksen

Building, Chicago, Ill. 60604.
400 U.S. Post Office and Court House Building, Cincinnati, Ohio 45202.
3005 Federal Office Building, Cleveland, Ohio 44199.
1529 Hampton Street, Columbia, S.C. 29201.
1801 North Lamar, Suite 300, Dallas, Tex. 75202.
Room 18218, Federal Office Building, Denver, Colo. 80202.
Patrick V. McNamara Building, 477 Michigan Avenue, Detroit, Mich. 48226.
202 U.S. Court House Building, El Paso, Tex. 79901.
Kalaniana'ole Federal Building, Room 4307, 300 Ala. Moana Boulevard, Honolulu, Hawaii 96850.
6015 Federal Building and U.S. Court House, Houston, Tex. 77002.
575 No. Pennsylvania St., Room 679, Indianapolis, Ind. 46204.
Federal Building, Room 1553, 100 W. Capitol St., Jackson, Miss. 39201.
Oaks V, Fourth Floor, 7820 Arlington Expressway, Jacksonville, Fla. 32211.
Room 300—U.S. Courthouse, Kansas City, Mo. 64108.
Room 800, 1111 Northshore Drive, Knoxville, Tenn. 37919.
Room 219, Federal Office Building, Las Vegas, Nev. 89101.
215 U.S. Post Office Building, Little Rock, Ark. 72201.
11000 Wilshire Boulevard, Los Angeles, Calif. 90024.
Room 502, Federal Building, Louisville, Ky. 40202.
841 Clifford Davis Federal Building, Memphis, Tenn. 38103.
3801 Biscayne Boulevard, Miami, Fla. 33137.
Room 700, Federal Building and U.S. Court House, Milwaukee, Wis. 53202.
392 Federal Building, Minneapolis, Minn. 55401.
520 Federal Building, Mobile, Ala. 36602.
Gateway I, Market Street, Newark, N.J. 07101.
Federal Building, 150 Court Street, New Haven, Conn. 06510.
701 Loyola Avenue, New Orleans, La. 70113.
26 Federal Plaza, New York, N.Y. 10007.
Room 839, 200 Granby Mall, Norfolk, Va. 23510.
50 Penn Place, N.W., 50th at Pennsylvania, Oklahoma City, Okla. 73118.
Room 7401, Federal Building, 215 North 17th Street, Omaha, Nebr. 68102.
8th Floor, Federal Office Building, 600 Arch Street, Philadelphia, Pa. 19106.

2721 North Central Avenue, Phoenix, Ariz. 85004.
1300 Federal Office Building, Pittsburgh, Pa. 15222.
Crown Plaza Building, Portland, Ore. 97201.
200 West Grace Street, Richmond, Va. 23220.
Federal Building, 2800 Cottage Way, Sacramento, Calif. 95825.
2704 Federal Building, St. Louis, Mo. 63103.
3203 Federal Building, Salt Lake City, Utah 84138.
433 Federal Building, Box 1630, San Antonio, Tex. 78298.
Federal Office Building, Room 6S31, 880 Front Street, San Diego, Calif. 92188.
450 Golden Gate Avenue, San Francisco, Calif. 94102.
U.S. Courthouse and Federal Building, Room 528, Hato Rey, P.R. 00918.
5401 Paulson Street, Savannah, Ga. 31405.
915 Second Avenue, Seattle, Wash. 98174.
535 West Jefferson Street, Springfield, Ill. 62702.
Room 610, Federal Office Building, Tampa, Fla. 33602.
Washington Field Office, Washington, D.C. 20535.
Federal Bureau of Investigation Academy, Quantico, Va. 22135.
Legal Attaché (AH c/o the American Embassy for the Cities Indicated):
Bern, Switzerland.
Bogota, Colombia
Bonn, Germany (Box 310, APO, New York 09080).
Canberra, Australia (APO, San Francisco 96404).
Hong Kong, B.C.C. (FPO, San Francisco 96659).
London, England (Box 40, FPO, New York 09510).
Mexico City, Mexico.
Montevideo, Uruguay (APO, Miami 34035).
Ottawa, Canada.
Panama City, Panama
Paris, France (APO, New York 09777).
Rome, Italy (APO, New York 09794).
Tokyo, Japan (APO, San Francisco 96503).

Foreign Claims Settlement Commission (FCSC)

The following changes were made on March 24, 1982 in 47 FR 12682 to an FCSC system of records. The system entitled Czechoslovakia, Claims Against (1st and 2nd Programs), Justice/ FCSC-9 was most recently published in full text on September 22, 1977 in 42 FR 48155.

1. System Name

The system name is hereby amended by inserting ("1st and 2nd Programs)" between * * * AGAINST and—FCSC, so that it reads as follows:

* * * * *

SYSTEM NAME:

CZECHOSLOVAKIA, CLAIMS AGAINST (1st and 2nd Programs)—FCSC

2. System Location

The system location description is hereby amended by adding "and the Foreign Claims Settlement Commission, 1111-20th Street N.W., Washington, DC 20579" after DC 20409 * * *, so that the description reads as follows:

* * * * *

SYSTEM LOCATION:

Washington National Records Center, GSA, 4205 Suitland Road, Washington, DC 20409 and the Foreign Claims Settlement Commission, 1111-20th Street, N.W., Washington, DC 20579.

3. Categories of Individuals Covered by the System

The categories of individuals covered by the system is hereby amended by deleting "after January 1, 1945" following * * * Czechoslovakia and adding in its place "from January 1, 1945 to August 8, 1958 (1st Program) and from August 9, 1958 to February 2, 1982 (2nd Program)", so that it reads as follows:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. nationals who suffered property losses in Czechoslovakia from January 1, 1945 to August 8, 1958 (1st Program) and from August 9, 1958 to February 2, 1982, (2nd Program).

4. Authority for Maintenance of the System

This section is hereby amended by inserting after * * * as amended, "(1st Program) and the Czechoslovakian Claims Settlement Act of 1981 (2nd Program)", so that this section reads as follows:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title IV, International Claims Settlement Act of 1949, as amended, (1st Program) and the Czechoslovakian Claims Settlement Act of 1981 (2nd Program).

5. Safeguards

The section on safeguards is hereby amended by adding after * * *

Washington National Records Center "(1st Program) and the Foreign Claims Settlement Commission, 1111-20th Street, N.W., Washington, DC 20579 (2nd Program)" so that this section reads as follows:

* * * * *

SAFEGUARDS:

Records at Washington National Records Center are under GSA safeguards. Records at the Foreign Claims Settlement Commission are maintained in a locked room accessible only to authorize personnel and the building has a security guard. Immigration and Naturalization Service (INS)

The INS Appendix: List of principal offices of the Immigration and Naturalization Service was last published on December 1, 1981 in Federal Register Volume 46, page 60325.

JUSTICE/INS-999**SYSTEM NAME:**

INS Appendix: List of principal offices of the Immigration and Naturalization Service.

Central Office: Immigration and Naturalization Service: 425 "I" Street NW. Washington, DC. 20536.

Regional Offices: Eastern Regional Office, Federal Building, Burlington VT 05401.

Northern Regional Office, Fort Snelling, Twin Cities, St Paul, MN 55111.

Southern Regional Office, Skyline Center Building, 311 North Stemmons Freeway, Dallas, TX 75207.

Western Regional Office, Terminal Island, San Pedro, CA 90731.

District Offices in the United States: Anchorage District Office, Federal Building, U.S. Courthouse, Room D-229, 701 "C" Street, Anchorage, AK 99512.

Atlanta District Office, Richard B. Russell Federal Building, GA 30303.

Baltimore District Office, E.A. Garmatz Federal Building, 100 South Hanover Street, Baltimore, MD 21201.

Boston District Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, MA 02203.

Buffalo District Office, 68 Court Street, Buffalo, NY 14202.

Chicago District Office, Dirksen Federal Office Building, 219 south Dearborn Street, Chicago, IL 60604.

Cleveland District Office, Anthony J. Celebrezze Federal Building, Room 1917, 1240 East Ninth Street, Cleveland, OH 44199.

Dallas District Office Federal Building, Room 6A21, 1100 Commerce Street, Dallas, TX 75242.

Denver District Office, Federal Building, Room 1787, 1961 Stout Street, Denver, CO 80202.

Detroit District Office, Federal Building, 333 Mt. Elliott Street, Detroit, MI 48207.

El Paso District Office, U.S. Courthouse, Room 343, El Paso, TX 79984.

Harlingen District Office, 719 Grimes Avenue, Harlingen, TX 78550.

Hartford District Office, 900 Asylum, Avenue, Hartford CT 06105.

Helena District Office, Federal Building, Room 512, 301 South Park, Helena, MT 59601.

Honolulu District Office, 595 Ala Moana Boulevard, Honolulu, HI 96809.

Houston District Office, 2627 Caroline Street, Houston, TX 77004.

Kansas City District Office, 324 East Eleventh Street, Suite 1100, Kansas City, MO 64106.

Los Angeles District Office, 300 North Los Angeles Street, Los Angeles, CA 90012

Miami District Office, 155 South Miami Avenue, Miami, FL 33130.

Newark District Office, Federal Building, 970 Broad Street, Newark, NJ 07102.

New Orleans District Office, Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

New York District Office, 28 Federal Plaza, New York, NY 10007.

Omaha District Office, 106 South 15th Street, Omaha, NE 68102.

Philadelphia District Office, U.S. Courthouse, Room 1321, 601 Market Street, Philadelphia, PA 19106.

Phoenix District Office, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

Portland, Maine, District Office, 76 Pearl Street, Portland, ME 04112.

Portland, Oregon, District Office, Federal Office Building, 511 NW Broadway, Portland, OR 97209.

St. Albans District Office, Federal Building, St. Albans, VT. 95478.

St. Paul District Office, Maine Post Office Building, Room 927, 180 East Kellogg Boulevard, St. Paul, MN 55101.

San Antonio District Office, U.S. Federal Building, Suite A301, 727 East Durango, San Antonio, TX 78206.

San Diego District Office, 880 Front Street, San Diego CA 92188.

San Francisco District Office, 630 Sansome Street, San Francisco, CA 94111.

San Juan District Office, GPO Box 5068, San Juan, PR 00936.

Seattle District Office, 815 Airport Way, South, Seattle, WA 98134.

Washington, DC. District Office, 25 "E" Street NW., Washington, DC 20538.

District Offices in Foreign Countries:
 Hong Kong District Office, U.S.
 Immigration and Naturalization Service,
 c/o American Consulate General, Box
 30, FPO San Francisco, CA 96659.

Mexico District Office, U.S.
 Immigration and Naturalization Service,
 c/o American Embassy, Aparato Postal
 88 BIS, Mexico City 5, D.F., Mexico.

Rome District Office, Immigration and
 Naturalization Service, c/o American
 Embassy, APO New York, NY 09794.

Suboffices (Files Control Offices) in
 the United States:

Agana Office, 801 Pacific News
 Building, 238 O'Hara Street, Agana, GU
 98910.

Albany Office, U.S. Postoffice and
 Courthouse, Room 220, Albany, NY
 12207.

Charlotte Office, 1111 Hawthorne
 Lane, Charlotte, NC 28205.

Cincinnati Office, U.S. Postoffice and
 Courthouse, 5th and Walnut Streets,
 Cincinnati, OH 45201.

Hammond Office, Federal Building,
 Room 104, 507 State Street, Hammond,
 IN 46320.

Las Vegas Office, Federal Building,
 U.S. Courthouse, 300 Las Vegas
 Boulevard, South, Las Vegas, NV 89101.

Memphis Office, Federal Building,
 Room 814, 167 North Main Street,
 Memphis, TN 38103.

Milwaukee Office, 186 Federal
 Building, Room 186, 517 East Wisconsin
 Avenue, Milwaukee, WI 53202.

Norfolk Office, Norfolk Federal
 Building, Room 439, 200 Granby Mall,
 Norfolk, VA 23510.

Pittsburg Office, Federal Building,
 Room 2130, 1000 Liberty Avenue,
 Pittsburgh, PA 15222.

Providence Office, Federal Building,
 U.S. Post Office, Exchange Terrace,
 Providence, RI 02903.

Reno Office, 350 South Center Street,
 Suite 150, Reno, NV 89502.

St. Louis Office, U.S. Courthouse and
 Customhouse, Room 423, 1114 Market
 Street, St. Louis, MO 63101.

Salt Lake City Office, 230 W. 400
 South Street, Salt Lake City, UT 84101.

Spokane Office, U.S. Courthouse
 Building, Room 691, Spokane, WA 99201.

Border Patrol Sector Headquarters:
 Blaine Sector Headquarters, 1590 H
 Street, Blaine, WA 98230.

Buffalo Sector Headquarters, 231
 Grand Island Boulevard, Tonawanda,
 NY 14150.

Chula Vista Sector Headquarters, 3752
 Beyer Boulevard, San Ysidro, CA 92073.

Del Rio Sector Headquarters, Hudson
 Drive, Del Rio, TX 78840.

Detroit Sector Headquarters, P.O. Box
 32639, Detroit, MI 48232.

El Centro Sector Headquarters, 1111
 North Imperial Avenue, El Centro, CA
 92243.

El Paso Sector Headquarters, 8901,
 Montana Avenue, El Paso TX 79986.

Grand Forks Sector Headquarters,
 2320 South Washington Street, Grand
 Forks, ND 58201.

Havre Sector Headquarters, Beaver
 Creek Road, Havre, MT 59501.

Houlton Sector Headquarters, Route 1,
 P.O. Box 706, Houlton, ME 04730.

Laredo Sector Headquarters, 207 W.
 Del Mar Boulevard, Laredo, TX 78041.

Livermore Sector Headquarters,
 Building 312 Camp Parks, Pleasanton,
 CA 94566.

Marfa Sector Headquarters, Madrid,
 Street, Marfa, TX 79843.

McAllen Sector Headquarters, 2301
 South Main Street, McAllen, TX 78501.

Miami Sector Headquarters, 161 NE
 183rd Street, Miami FL 33169.

New Orleans Sector Headquarters,
 3819 Patterson Drive, New Orleans, LA
 70174.

Ogdensburg Sector Headquarters, 127
 North Water Street, Ogdensburg, NY
 13669.

Spokane Sector Headquarters, 10710
 North State Highway No. 6, Spokane,
 WA 99208.

Swanton Sector Headquarters, Grand
 Avenue, Swanton, VT 05488.

Tucson Sector Headquarters, 1970
 West Ajo Way, Tucson, AZ 85728.

Yuma Sector Headquarters, 350 First
 Street, Yuma, AZ 85364.

Border Patrol Academy: Officer
 Development and Training Facility, c/o
 Federal Law Enforcement Training
 Center (FLETC), Glynco, GA 31520.

Charlotte Amalie, St. Thomas, Virgin
 Islands, New Federal Building, Room
 117, Charlotte Amalie, St. Thomas, VI
 00801.

Suboffices (Files Control Offices) in
 Foreign Countries:

Athens Office, U.S. Immigration and
 Naturalization Service, c/o American
 Embassy, APO New York 09253.

Bangkok Office, U.S. Immigration and
 Naturalization Service, c/o American
 Embassy, APO San Francisco, CA 96346.

Manila Office, U.S. Immigration and
 Naturalization Service, c/o American
 Embassy, APO San Francisco, CA 96528.

Naples Office, U.S. Immigration and
 Naturalization Service, c/o American
 Consulate General, Box 18, FPO New
 York 09521.

Palermo Office, U.S. Immigration and
 Naturalization Service, c/o American
 Embassy (P), APO New York 09794.

Seoul, Korea, Office, U.S. Immigration
 and Naturalization Service, c/o
 American Embassy, APO San Francisco,
 CA 96301.

Vienna Office, U.S. Immigration and
 Naturalization Service, c/o American
 Embassy, 1010 Vienna, Austria.

El Paso Intelligence Center (EPIC),
 2211 East Missouri Street, El Paso, TX
 79903.

INTERPOL—United States National Central Bureau (INTERPOL—USNCB)

The INTERPOL—USNCB Records
 System identified as JUSTICE/
 INTERPOL-001 is reprinted below to
 make the following changes: (1) Because
 the system contains noncriminal case
 files in addition to criminal case files, a
 more appropriate name has been given
 to the system; (2) The "Categories of
 records in the system" section has been
 clarified to include the kinds of records
 kept which contain the information
 already described in the December 9,
 1982 Federal Register notice; (3) The
 "Storage" section has been modified to
 reflect that beginning April 5, 1982,
 cases will be stored on microfilm; (4)
 The "Retention and disposal" section
 has been revised to reflect the changed
 disposal schedule of cases which have
 been microfilmed; and (5) Other minor
 changes of a clarifying and/or editorial
 nature have been made throughout the
 notice. (This system was last published
 on December 9, 1981 in the Federal
 Register Volume 46, page 60326.)

JUSTICE/INTERPOL-001

SYSTEM NAME:

*The INTERPOL-United States
 National Central Bureau (INTERPOL-
 USNCB) (Department of Justice)
 INTERPOL-USNCB Records System.*

SYSTEM LOCATION:

*INTERPOL-U.S. National Central
 Bureau, Department of Justice, Room
 6649, 9th and Pennsylvania Avenue,
 N.W. Washington, D.C. 20530.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been convicted
 or are subjects of a criminal
 investigation with international aspects;
 specific wanted/missing persons;
 specific deceased persons in connection
 with death notices; individuals who may
 be associated with certain weapons,
 motor vehicles, artifacts, etc., stolen
 and/or involved in a crime; victims of
 criminal violations in the United States
 or abroad; and INTERPOL-USNCB
 personnel involved in litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

*The program records of the
 INTERPOL-USNCB consists of criminal
 and non-criminal case files. The files
 contain fingerprint records,*

photographs, criminal investigative reports, radio messages (international), teletype messages (internal U.S.), log sheets, computer printouts, letters, memoranda, and statements of witnesses and parties to litigation.

These records relate to fugitives, wanted persons, lookouts (temporary and permanent), specific missing persons, deceased persons in connection with death notices. Information about individuals includes names, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, and details and circumstances surrounding the actual or suspected violation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 263a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event a record(s) in this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use to the appropriate law enforcement and criminal justice agencies 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, regulations or order issued pursuant thereto. A record may be disclosed to federal, state or local agencies 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; to federal agencies in response to their 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. A record may be disclosed to appropriate parties engaged in litigation or in preparation of possible litigation, e.g., to potential witnesses for the purpose of securing their testimony when necessary before courts,

magistrates or administrative tribunals; to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes; to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings; to foreign governments in accordance with formal or informal international agreements; to local, state, federal and foreign agents; to the Treasury Enforcement Communications System (TECS) (Treasury/CS 00.244); to the International Criminal Police Organization (INTERPOL) General Secretariat and National Central Bureaus in member countries; to employees and officials of financial and commercial business firms and private individuals where such release is considered reasonably necessary to obtain information to further investigative efforts or to apprehend criminal offenders; to other third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; and to translators of foreign languages as necessary. In addition, information from this system is accessed by INTERPOL-USNCB employees who have a need for the records in the performance of their duties.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service [NARS] in records management

inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in file folders in the INTERPOL—United States National Central Bureau, and in file folders, in microfilm records and on magnetic disks in the INTERPOL Case Tracking System (ICTS) at the INTERPOL—United States National Central Bureau, and certain limited data, e.g., that which concerns fugitives and wanted persons, is stored in the Treasury Enforcement Communications System (TECS) TREASURY/CS 00.244, a system published by the U.S. Department of the Treasury.

RETRIEVABILITY:

Information is retrieved primarily by name, file name, system identification number, personal identification number, and by weapon or motor vehicle number or by other identifying data. *Prior to 1975, case files were arranged by name of subject. Since 1975, files have been arranged by year, month and sequential number.*

SAFEGUARDS:

Information maintained on magnetic disks is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Only those individuals specifically authorized and assigned an identification code by the system manager will have access to the computer. Identification codes will be assigned only to those INTERPOL-USNCB employees who require access to the information to perform their official duties. In addition, access to the information must be accomplished through a terminal which is located in the INTERPOL-USNCB office that is occupied during the day and locked at night. Information in file folders and in microfilm records is stored in file cabinets in the same secured area.

RETENTION AND DISPOSAL:

Case files opened after April 5, 1982 have been stored on microfilm (41 CFR Sec. 101-11.506). In addition, records that were closed prior to April 5, 1982 but are recalled from the Federal Archives and Records Center (FARC) are also microfilmed.

Case files that were closed prior to April 5, 1982 are transferred to the FARC five years from the date the case is closed and are destroyed ten years

thereafter, if there has been no recall from the FARC and no case activity.

Case files closed as of April 5, 1982 and thereafter are disposed of as follows: The hard copy (paper record) of the case file may be destroyed when the microfilm records have been verified for clearness, completeness and accuracy. The microfilm record of the case file is destroyed ten years after closing of the case, if there has been no case activity.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, INTERPOL-United States National Central Bureau, Department of Justice, Room 6649, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Inquiries regarding whether the system contains a record pertaining to an individual may be addressed to the Chief, INTERPOL-United States National Central Bureau, Department of Justice, Room 6649, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. To enable INTERPOL-USNCB personnel to determine whether the system contains a record relating to him or her, the requester must submit a written request identifying the record system, identifying the category and type of records, sought, and providing the individual's full name and at least two items of secondary information (data of birth, social security number, employee identification number, or similar identifying information).

RECORD ACCESS PROCEDURES:

Although the Attorney General has exempted the system from the access, contest and amendment provisions of the Privacy Act, some records may be available under the Freedom of Information Act. Inquiries should be addressed to the official designated under "Notification procedure" above. The letter and envelope should be clearly marked "Freedom of Information Request" and a return address provided for transmitting any information to the requester.

CONTESTING RECORD PROCEDURES:

See "Access procedures" above.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include investigative reports of federal, state, local, and foreign law enforcement agencies (including investigative reports from a system of records published by Department of the Treasury entitled Treasury Enforcement Communications System (TECS) TREASURY/CS 00.244); other non-Department of Justice investigative

agencies; client agencies of the Department of Justice; statements of witnesses and parties; and the work product of the staff of the United States National Central Bureau working on particular cases. Although the organization uses the name INTERPOL-USNCB for purposes of public recognition, the INTERPOL-USNCB is not synonymous with the International Criminal Police Organization (ICPO-INTERPOL), which is a private, intergovernmental organization headquartered in St. Cloud, France. The Department of Justice INTERPOL-USNCB serves as the United States liaison with the INTERPOL General Secretariat and works in cooperation with the National Central Bureaus of other member countries, but is not an agent, legal representative, nor organizational subunit of the International Criminal Police Organization. The records maintained by the INTERPOL-USNCB are separate and distinct from records maintained by the International Criminal Police Organization, and INTERPOL-USNCB does not have custody of, access to, nor control over the records of the International Criminal Police Organization.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2) and (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

Justice Management Division (JMD)

JMD systems of records identified as JUSTICE/JMD-001, 003, 005, 008, 009, 011, 013, 019, and 020 are reprinted below. Changes consist primarily of nomenclature, editorial, or clarifying changes, except that a new routine use is added to JUSTICE/JMD-020, and the limited use of exemptions pursuant to 5 U.S.C. 552a(k)(2) is clarified in JUSTICE/JMD-019. Any comments on proposed routine uses may be submitted to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. If no comments are received within 30 days of the date of publication of this notice, the new routine uses will be adopted without further notice in the Federal Register. (JUSTICE/JMD-001, 003, 008, 009, 011, and 013 were last published on January 10, 1980 in Federal

Register Volume 45, beginning on page 2224; JUSTICE/JMD-005 was last published on December 9, 1981 in Federal Register Volume 46, page 60299; JUSTICE/JMD-019 was last published on May 21, 1982 in Federal Register Volume 47, page 22239; and JUSTICE/JMD-020 was last published on February 1, 1982 in Federal Register Volume 47, page 4621.)

JMD has also deleted a system of records entitled "Occupational Health Physical Fitness Files, JUSTICE/JMD-018." Where practical, records were returned to affected individuals. Where personnel declined the offer, could not be contacted, or were no longer employed, the records were destroyed as authorized by the National Archives and Records Service. (This system of records was most recently published on January 10, 1980 in Federal Register Volume 45, page 2231.)

JUSTICE/JMD-001

SYSTEM NAME:

Background Investigation Check-off Card.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Offices, Boards, and Divisions except attorneys and employees in the Offices of the Attorney General and Deputy Attorney General.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains an index card for each employee of the Offices, Boards, and Divisions, except those excluded in Categories of Individuals above, on whom a name and fingerprint or background investigation has been initiated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in order to fulfill the requirements of Executive Order 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The index cards are used to annotate and monitor the progress of the name and fingerprint checks and the full field character investigations of the employees. The completed cards are used to develop a variety of workload and timeframe data concerning the initiation and completion of these investigations to ensure that the requirements of Executive Order 10450 and Department

of Justice Order 17321 are being effectively and efficiently met.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 502 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress of staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is subject to the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the system is manually stored in the boxes.

RETRIEVABILITY:

Information is retrieved manually by reference to the name of the employee on whom the investigation is being conducted.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Personnel Section policies and procedures.

RETENTION AND DISPOSAL:

The index cards are retained by the Personnel Section Teams for a period of one year after completion of the background investigation. The cards are then forwarded to the Personnel Programs Unit where they are retained for one additional year and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Staff, Justice Management Division, U.S. Department

of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the System Manager.

RECORD ACCESS PROCEDURES:

Same as the System Manager.

CONTESTING RECORD PROCEDURES:

Same as the System Manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in this system are those Personnel Section employees authorized to annotate these cards. Information reported in extracted from personnel documents initiating the various investigations and the resulting reports of completion.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD-003

SYSTEM NAME:

Department of Justice Payroll System.

SYSTEM LOCATION:

Categories of records within the Payroll System of Records are kept at the following locations: (1) Justice Employee Data Service; 633 Indiana Ave. N.W., Washington, DC 20004; (2) Justice Computer Service; 425 I Street, N.W.; Washington, D.C. 20530; (3) at various time and attendance recording and processing stations around the world; (4) at computerized record off-site backup facilities; and (5) at various Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current DOJ employees with the exception of those employed within the FBI and; (2) Many past DOJ employees with the exception of those that served within the FBI.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Payroll Master Employee Records: These are machine-readable and microfiche records containing information on current pay and leave status for individuals serviced by the automated payroll accounting system.

B. Bond, Allotment and Check Mailing Records: These are machine-readable and microfiche records containing information on Savings Bond deductions, savings account allotments, and net check mailing requested by the employee.

C. History of Earning Records: These are machine-readable and microfiche records containing information on

earnings, leave and other pay related activities.

D. Automated Retirement Records: These are machine-readable records containing information relevant to the Civil Service Retirement System. These records will be used to automatically generate Individual Retirement Records (SF-2806) upon an employee's separation.

E. Revised Social Security Numbers Records: These are machine-readable records containing the new and old social security number for employees whose current social security number is different from that previously entered into the automated system.

F. Employee Pay Records: These are manila folders containing source documents, correspondence and other papers in support of an active employee's pay, leave and allowances.

G. Active Retirement Records: These are manual records maintained on active employees to facilitate timely compliance with the requirements of the Civil Service Retirement System. Upon separation, the original SF-2806 is forwarded to the Civil Service Commission and a copy is filed in the Employee Pay Record (F above). This category of records will eventually be replaced by the automated retirement records (D above).

H. Former Employee Pay Records: These records are the Employee Pay Records (F above) for employees that have been separated, transferred or retired. In addition to information contained in the Employee Pay Records, these records include information related to the retirement, separation or transfer. *These records are destroyed two years after separation of employee.*

I. Employee Death Records: These records are the Employee Pay Records (F above) for employees that died while on active duty with Department of Justice. In addition to information contained in the Employee Pay Records, these records include information related to the employee's death and the settlement of pending pay and allowances.

J. Returned Check Records: These records are a manual log for recording and controlling checks issued to employees that were returned to the Justice Employee Data Service because they were undelivered, erroneous or cancelled prior to conversion to cash.

K. Time and Attendance Report: These microfilm records of standard form number DOJ-296 contain information on an employee's attendance and use of leave in a particular pay period. They are also

used to indicate leave adjustments and balances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The head of each executive agency is responsible for establishing and maintaining an adequate payroll system, covering pay, leave, and allowances, as a part of the system of accounting and internal control of the Budget and Accounting Procedures Act of 1950, as amended, 31 U.S.C. 66, 66a and 200(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose(s): The purpose of each use of categories of records within the DOJ Payroll System of Records is to enable the administration of the payroll function and related financial matters in accordance with applicable laws and regulations and to comply with the requirements of the Comptroller General.

SYSTEM USES:

A. Authorize, prepare and document payment to all Department employees covered by the DOJ Payroll System entitled to be paid, with consideration given to all authorized deductions from gross pay.

B. Specify and document proper disposition of all authorized deductions from gross pay.

C. Prepare adequate and reliable payroll reports needed for (1) management, (2) budget, (3) support of payments, (4) the conduct and accounting of payroll related employee services, (5) control and documentation of payroll system operation, and (6) to meet external reporting requirements.

D. Support effective communications and payroll matters between the Department of Justice and its present and former employees.

E. Support proper coordination of pay, leave and allowance operations with personal functions and other related activities.

F. Support adequate control over all phases and segments of the payroll system including leave accounting.

G. Support appropriate integration of the payroll system with the Departmental accounting systems.

H. Records maintained in this system shall include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement of the State, City, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, City, or other local jurisdiction and the Department of the Treasury

pursuant to 5 U.S.C. 5516, 5517, and 5520 or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the System Manager listed below. The request must include a copy of the applicable statute authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both. However, the social security numbers will only be provided to state or local taxing authorities which meet the criteria of the Privacy Act.

I. Provide permanent record of actions taken pertinent to the administration of pay leave and allowances.

J. Support legal investigations of suspected fraud.

CATEGORIES OF USERS:

Records are accessed by users on a need or right to know basis. A category of users may have potential access under more than one use above.

A. Present or former employees serviced by the DOJ Payroll System.

B. Justice Employees data Service Staff.

C. Department of the Treasury disbursing offices.

D. Department of Justice budget and accounting offices.

E. Department of Justice personnel offices.

F. Employee supervisors.

G. Employee administrative offices.

H. Federal, state and local taxing authorities.

I. Federal Employees Health Benefits carriers.

J. Employee organization offices participating in dues allotment program.

K. Financial organizations participating in savings account allotment program.

L. Financial organizations participating in net pay to checking account program.

M. State human resource offices administering unemployment compensation programs.

N. General Accounting Office and internal audit staffs.

O. Federal, state or local law enforcement agencies (in support of legal investigations of suspected fraud).

P. Other Federal agencies requiring information as specified in applicable laws or regulations, e.g., Civil Service Commission).

Q. Heirs, executors and legal representatives of beneficiaries.

R. State and local courts of competent jurisdiction for the enforcement of child support and/or alimony pursuant to 42 U.S.C. 659.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Various categories of records are stored on different mediums. Categories A, B, and E are on magnetic discs. *Category C* is on magnetic tape and *microfiche*. *Category D* is on magnetic tape. All other records are maintained in paper form.

RETRIEVABILITY:

Categories of records on magnetic media are retrievable by employee social security number which is maintained to comply with Internal Revenue requirements. Records in paper form and *microfiche* are retrievable by employee name and social security number.

SAFEGUARDS:

The principal current safeguard for payroll records is guard force screening of individuals entering buildings within which records are kept. More stringent security practices and procedures are under development.

RETENTION AND DISPOSAL:

Payroll records retention and disposal are in accordance with General

Schedule 2 promulgated by the General Services Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director; *Finance Staff, Justice Management Division*; U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

A request for notification of the existence of records upon an individual shall be made in writing by the individual or legal designate, with the envelope and the letter clearly marked 'Privacy Notification Request'. Include in the request the name of the system of records, the individual's full name and social security number while employed with the Department of Justice, the organization within which employed (if available), and whether the individual is a current or former employee. The requestor shall include a return address for the notification response. If the request is submitted by other than the subject individual, indicate the authority under which the information is sought. The request must be signed by the subject individual and, if applicable, by the legal designee. Address inquiries to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access to records from this system shall be made in writing by the subject individual or legal designee, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the system of records, the legal name and social security number of the data subject, the organization within which the individual is a current or former employee. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system of records should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment to the information sought. If the request is submitted by other than the subject individual, indicate the authority under which the information is sought. The request must be signed by the subject individual and, if applicable, by the legal designee.

RECORD SOURCE CATEGORIES:

Information contained within the DOJ Payroll System of Records is obtained from the following sources:

A. Subject Individual: Information collected from the subject individual generally consists of that necessary to administer allotments, deductions or other services requested by the individual.

B. Personnel Office: Information collected from the personnel office generally consists of employment status information which provides the legal basis upon which valid payments are computed.

C. Time and Attendance Clerk: Information collected from this clerk generally consists of an accounting of the individual's presence or absence from the duty station and the usage of leave.

D. Supervisor or Administrative Officer: Information collected from these officers generally consists of leave authorizations and information concerning the individual's duty station.

E. Financial Institutions or Employee Organizations: Information collected from institutions or organizations generally consists of that necessary to insure the timely and accurate forwarding to the institution or organization of monies allotted to an account at the institution or organization by the subject individual.

F. Previous Federal Employer: Information collected from the previous employer within the Federal government generally consists of leave status information at the time of separation.

G. Other Federal Agencies: Information collected from other Federal agencies generally consists of program information necessary to properly administer pay, leave, and allowances.

H. Other Officials: Information collected from other officials consists of that necessary to administer the payroll function. This may include authorization for special payments, death certificate or other documents as necessary.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD-005

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

Records relating to grievances originating in an office, board or division (defined in 28 CFR 0.1) are located in the office of the *Assistant Director for Personnel Services, Personnel Staff (PS)*. Records relating to grievances originating in a particular bureau (defined in 28 CFR 0.1) are located in the central personnel office of the bureau where the grievance originated, except for the Federal

Bureau of Investigation (FBI) which is excluded from coverage of the Agency Administrative Grievance System by 5 CFR 771.206(a). (See caption "System managers and addresses.")

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Department of Justice employees, except for employees of the FBI, who have submitted grievances in accordance with 5 CFR Part 771 (Office of Personnel Management (OPM) regulations) and the Department's grievance procedures, or in accordance with a negotiated grievance procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by agency employees under 5 CFR Part 771 and the Department's grievance procedures, or under a negotiated grievance procedure. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, and a copy of any original and final decision and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that PS and the bureaus may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a(f); 5 CFR Part 771; 5 U.S.C. 1032, 3301, 3302; E.O. 10577; 3 CFR 1954-1958 Comp., p. 218.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

a. To disclose pertinent information to another appropriate Federal, State, or local agency, responsible for investigating, prosecuting, enforcing, or implementing a statute rule, regulation, or order, where the Department becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to another Federal agency (in response to its request) for its use in the hiring or

retention of an employee, the issuance of a security clearance, the conducting of a security and/or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit to the extent that the information is relevant and necessary to its decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2908.

g. By the Department or OPM in the production of summary descriptive statistics, if available, and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of data elements included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; the Equal Employment Opportunity Commission; or, the OPM when requested to perform their authorized duties.

i. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to labor organization officials recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of three years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

a. *Offices, Boards and Divisions.* Assistant Director for Personnel Services, Personnel Staff, U.S. Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530.

b. *Bureau of Prisons.* Personnel Officer, Bureau of Prisons, HOLC Building, 320 First Street, NW., Washington, D.C. 20534.

c. *Drug Enforcement Administration.* Personnel Officer, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537.

d. *Immigration and Naturalization Service.* Assistant Commissioner for Personnel, Immigration and Naturalization Service, CAB Building, 425 I Street, NW., Washington, D.C. 20530.

e. *Office of Justice Assistance, Research and Statistics.* Personnel Officer, Office of Justice Assistance, Research and Statistics, 633 Indiana Avenue, NW., Washington, D.C. 20531.

f. *United States Marshals Service.* Personnel Officer, U.S. Marshals Service, 1 Tysons Corner Center, McLean, Virginia 22102.

g. *Executive Office for U.S. Attorneys.* Personnel Officer, Executive Office for U.S. Attorneys, U.S. Department of Justice, 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the appropriate personnel office (named under the caption "System managers and addresses" above) where the action was processed regarding the existence of such records on them. They must furnish the following information for the records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.
- d. Organizational component involved.

RECORD ACCESS PROCEDURES:

It is required that the individuals submitting grievances be provided a copy of the record under the grievance

process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the appropriate personnel office (named under the caption "System managers and addresses" above) where the action was processed. Individuals must provide the information listed under the caption "Notification procedures" for their records to be located and identified. Individuals requesting access must also follow the Department's Privacy Act regulations (28 CFR 16.41) regarding access to records and verification of identity.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to the records to correct factual errors should contact the personnel office (named under the caption "System managers and addresses" above) where the grievance was processed. Individuals must furnish the information listed under the caption "Notification procedures" for their records to be located and identified.

Individuals requesting amendment must also follow the office's Privacy Act regulations (28 CFR 16.41) regarding amendment to records and verifications of identity.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

- a. By the individual on whom the record is maintained.
- b. By testimony of witnesses.
- c. By Department officials.
- d. From related correspondence from organizations or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD-008

SYSTEM NAME:

Security Clearance Information System (SCIS).

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Current employees of the Department of Justice (excluding FBI) who have been investigated and cleared for employment, and for access to data classified for National Security reasons;
 B. Former employees of the Department of Justice (excluding FBI) who had been investigated and cleared for employment and for access to data classified for National Security reasons (maintained for a maximum of one year from date of termination).

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains two subsystems: (a) a Clearance Index Reference Record which is an automated system for identifying the individuals in Categories of Individuals above listing the status and types of investigations, the dates of clearances, level of clearances and level of Special Intelligence access approvals, and (b) a Character File (excluding FBI; DEA and Department attorneys) containing (1) Standard form 86 (Office of Personnel Management), Security Investigation Data for Sensitive Position; (2) Copies of investigative reports from the Office of Personnel Management and/or Federal Bureau of Investigation; (3) Correspondence related to the request for the investigation, results of the investigation, and clearance approvals for access to classified national security information and waivers; and (4) other information relating to the trustworthiness of the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with Presidential Executive Orders 10450 (clearance for Federal employment) and 12356 (access to data classified for National Security reasons).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) The investigative material compiled in this system is used for the purpose of determining the suitability, eligibility and/or qualifications of applicants for employment in the Department of Justice (except the FBI) and for sensitive positions involving access to classified information. In the event of employee transfers to other Government Agencies, this information could be reviewed by investigators of the gaining agency to expedite the employee transfer if necessary.

(b) The clearance status of the employees is certified to security officials and investigators of other U.S. Government Agencies or Departments

for liaison purposes involving access to classified material during meetings, conferences or training courses.

(c) The personal data in the system may be reviewed by Central Intelligence Agency for the purposes of granting Special Intelligence access approvals to Department employees. These access approvals are within the purview of the Director, Central Intelligence Agency.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute and unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552 may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system or records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Information contained on the Clearance Index Reference Record has been added to the automated Department of Justice personnel data base which has been reported by the *Office of Personnel Management* under the designation of CSC/GOVT-3 at 42 FR 48738 on September 23, 1977. In conjunction with the manual Character File, the automated data is used to certify clearances on DOJ employees.

RETRIEVABILITY:

All data is retrieved by searching under the employee's name/social security account number/organization/type of clearance.

SAFEGUARDS:

Information contained in the system includes some classified National Security Information. It is safeguarded and protected in accordance with Departmental rules and procedures governing the protection of this material.

RETENTION AND DISPOSAL:

Clearance Index Reference Record is maintained for the tenure of employment and for a maximum of one pay period after termination. An employee's Character File is maintained for the tenure of employment and for a maximum of one year after termination at which time the investigation reports are returned to the investigating agency or destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Security Staff, Justice Management Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURES:

Same as the System Manager.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing to the System Manager with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name, title and organization of the employee and the general subject matter of the inquiry. The requestor will also provide a return address for transmitting a reply. Requests for copies of investigative reports must be directed to the Office of Personnel Management of the Federal Bureau of Investigation, as appropriate.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are (a) applicants for employment and employees in the Department of Justice (except FBI) and (b) those individuals (informants) contacted by the Investigators for the Office of Personnel Management and Special Agents of the Federal Bureau of Investigation who furnished information in the background investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from sections (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 533 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/JMD-009**SYSTEM NAME:**

Justice Computer Service Utilization Report.

SYSTEM LOCATION:

Justice Computer Service, 425 I Street NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel submitting computer jobs to run at the Justice Computer Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

The data describes the recourse utilization of the individual jobs submitted. Certain information is also recorded which pertains to the entire computer system rather than individual jobs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are kept for administrative convenience pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to recover costs associated with running computer jobs, to analyze the utilization of the Justice Computer Service computer systems, detect inefficiencies and areas having high potential benefit from optimization.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member or staff requesting the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Utilization reports are provided to a designated manager for each organization which uses the Justice Computer Service.

RETRIEVABILITY:

Information may be retrieved by name of the individual submitting computer runs.

SAFEGUARDS:

The machine readable (magnetic tape) data is kept in the Justice Computer Service tape library. Utilization reports are controlled by the designated individual of each using agency.

RETENTION AND DISPOSAL:

The machine readable data is kept indefinitely. Utilization reports are controlled by the designated individual of each using agency.

SYSTEM MANAGER(S) AND ADDRESS:

Director: *Computer Technology and Telecommunications Staff, Office of Information Technology*, Justice Management Division U.S. Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system may be made in person or in writing, specifying the name of the individual submitting a computer run and the date and name of the computer run.

CONTESTING RECORD PROCEDURES:

Requests for correction should be addressed to the System Manager.

RECORD SOURCE CATEGORIES:

Information is collected by the IBM 370 Operating System and program modules developed by personnel of the Department of Justice.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD-011**SYSTEM NAME:**

Justice Computer Service Tape Library System.

SYSTEM LOCATION:

Justice Computer Service 425 I Street, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel submitting computer jobs which create magnetic tape data sets.

CATEGORIES OF RECORDS IN THE SYSTEM:

The data describes the contents of the magnetic tape volumes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are kept for administrative convenience pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to control and protect the data recorded on magnetic tapes.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Reports can be obtained by any Justice *Computer Service* user by submitting a computer job requesting the report.

RETRIEVABILITY:

Information can be obtained by name of the individual who submitted the job which created the tape resident data sets.

SAFEGUARDS:

The machine readable data is kept within the Justice *Computer Service*. Reports are controlled by the tape librarian and by the individuals receiving the reports.

RETENTION AND DISPOSAL:

Reports are controlled by the tape librarian and by the individuals receiving the reports.

SYSTEM MANAGER(S) AND ADDRESS:

Director; *Computer Technology and Telecommunications Staff, Office of Information Technology* Justice Management Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the System Manager.

RECORD ACCESS PROCEDURE:

A request for access/correction to a record from this system may be made in person or in writing specifying the serial number of the tape in question. Request should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Information is collected by the IBM 370 Operating System and other program modules.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD-013

SYSTEM NAME:

Employee Locator File.

SYSTEM LOCATION:

U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the U.S. Department of Justice, with the exception of

individuals employed by the Federal Bureau of Investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information relating to each employee's home and business address, home and business telephone number, information as to next of kin, and personal physician preferred in case of medical emergency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is maintained pursuant to 5 U.S.C. 301, 5 U.S.C. 7901, 26 U.S.C. 6011, 26 U.S.C. 6109, 5 U.S.C. 5516, 5 U.S.C. 5517 and 5 U.S.C. 5520.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The locator system is used to provide address data to federal, state and local tax authorities in accordance with the reporting requirements of their income tax withholding programs. The locator system is also used to contact employees of the Department at their official place of business or their residence regarding matters of an official nature relating to their employment with the Department of Justice. It is also used in medical emergencies to contact an employee's personal physician if he or she has an indicated preference, and to notify next of kin. Use of the file for these purposes is limited to supervisors of the employees concerned or individuals having the permission of a supervisor of the employee concerned.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape and magnetic disc.

RETRIEVABILITY:

Records are retrieved by name or any other date item by means of cathode-ray tubes.

SAFEGUARDS:

Access to terminals is limited to persons with terminal identification numbers. These numbers are issued only to employees who have a need to know in order to perform job functions relating to income tax reporting or personnel matters.

RETENTION AND DISPOSAL:

Records are retained for the duration of an individual's employment with the Department. They are destroyed upon his or her separation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Staff; Justice Management Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURE:

Same as Notification.

CONTESTING RECORD PROCEDURES:

Same as Notification.

RECORD SOURCE CATEGORIES:

Information is supplied by the individual to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD-019

SYSTEM NAME:

Freedom of Information Act/Privacy Act (FOIA/PA) Records System

SYSTEM LOCATION:

U.S. Department of Justice, Justice Management Division, 10th and Constitution Avenue, N.W. Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have made a request to access any Justice Management Division (JMD) record relating to JMD functional responsibilities and activities; individuals who have made a request to access or correct records pertaining to themselves which they believed to be in JMD systems of records; and persons who, on behalf of another individual, have made a request to access or correct that individual's records which they believed to be in JMD systems of records. Such requests were made pursuant to the Freedom of Information Act, the Privacy Act, or both.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual records contain Freedom of Information Act and Privacy Act requests for JMD records, responses thereto, and where applicable, a copy of the records requested and any other correspondence or internal memoranda related to the processing of these requests. Automated records (stored on disks) contain summary data such as the date of request, name of requester, addressee, subject of request, date request was received, JMD staff to which request was assigned, date request was assigned, date response was due, control number, and date of response.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101 and is maintained to implement the provisions of 5 U.S.C. 552 and 552a and the provisions of 28 CFR 16.1 et. seq. and 28 CFR 16.40 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system may be disseminated as a routine use of such record as follows: (1) A record may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate federal, state, local, or foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records contained in a system of records maintained by the Justice Management Division.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, nor otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Manual requests records are stored in locked safes. Automated requests records are stored on disks.

RETRIEVABILITY:

Requests records are filed and retrieved under the names of those persons and individuals identified under the caption "Categories of individuals covered by the system. These records are retrieved by Department personnel to perform their duties, e.g., when subsequent requests are made by the public for copies of their previous requests and responses thereto, or when the requester submits a supplemental request to information clarifying a previous request.

SAFEGUARDS:

Access to requests records is limited to Department of Justice personnel who have need for the records to perform their duties. Request files (manual records) are stored in locked safes. All records are stored in an office which is occupied during the day and locked at night.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with items 16 through 18 and 25 through 28 of General Records Schedule 14.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General for Administration, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the System Manager.

RECORD ACCESS PROCEDURES:

A request to access a record in this system shall be made in writing to the system manager named above with the envelope and letter clearly marked "Freedom of Information Act request" or "Privacy Act request." The requester shall include the full name of the person who made a request, date of that request, name of official to whom the request was addressed, and subject of the request. Where applicable (Title 28 of the Code of Federal Regulations, § 16.41(b) (2) and (3), the requester shall also include the current address, date and place of birth, and notarized signature of the individual requesting a copy of his/her previous request and response thereto. Where applicable [Title 5 of the United States Code, section 552a(b)], the requester shall also include a written statement authorizing the Department to release these records to a third party. In addition, the requester shall provide his return address.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The sources of information contained in this system are the individuals and persons making requests, the systems of records searched in the process of responding to requests, and other agencies referring requests for access to or correction of records originating in the Justice Management Division.

Systems exempted from certain provisions of the act: Records secured from other systems of records have been exempted from the Privacy Act provisions to the same extent as the systems of records from which they were obtained. The Attorney General has also exempted certain categories of records in this system from subsections

(c) (3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). That is, the exemptions apply only to the extent that other correspondence or internal memoranda retained with the request file contain investigatory material for law enforcement purposes. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

Justice/JMD-020

SYSTEM NAME:

Freedom of Information Act/Privacy Act (FOIA/PA) Request letters.

SYSTEM LOCATION:

FOIA/PA referral unit, Office of administrative Counsel, Justice Management Division, Department of Justice (DOJ), Washington, D.C. 20530

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons making FOIA/PA requests to the Department. (The names of persons making requests directly to the Board of Immigration Appeals (BIA), individual United States Attorneys' Offices, or a Department bureau, i.e. the Bureau of Prisons, the Drug Enforcement Administration, the Federal Bureau of Investigation, the Office of Justice Assistance, Research and Statistics, and the Immigration and Naturalization Service, will not usually be in this system, except in those rare instances where these organizations may forward a request to the Department for appropriate referral.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Paper documents consist of written FOIA/PA requests for Department records not addressed to a specific DOJ component and therefore forwarded to the unit for assignment and referral; forms indicating the DOJ components to which requests have been referred; acknowledgement/referral advisory letters to requesters; and other related correspondence, e.g., letters to requesters seeking additional information and the responses thereto (This system contains no replies which grant or deny access to records, nor any other records relating to the individual other than as stated here.) Computer records consist of an automated index to these requests, as well as to requests specifically addressed to and received directly by an Office, Board or Division of the Department. The Offices, Boards and Divisions will advise the unit of the direct receipt of requests by sending the unit a completed form which provides certain information, i.e., the name of the first and/or third party requester, date

of request, and the component receiving it. This information will be stored on discs as part of the index. The automated index will not usually include requests specifically addressed to and received directly by the BIA, the United States Attorneys' Offices, or a Department bureau. (See caption entitled "Category of individuals covered by the System.")

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C 3101; 5 U.S.C. 552 and 552a; 28 CFR 16.1-10; and 28 CFR 16.40-57.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are not disseminated outside the Department *except as indicated below*. They are accessed only by Department personnel with a need to know, i.e., requests are referred by the FOIA/PA referral unit to the appropriate Department component(s) to respond or the Civil Division and/or United States Attorney to prepare the Department's defense in FOIA/PA litigation.

Release of information to the news media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of Information to the National Archives and Records Service:

A record may be disclosed as a routine use to the National Archive and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The following information will be stored on discs as a hard copy index to requests stored in file folders in locked cabinets: name of the requester, date of the request, Department component to

whom the request was referred by the FOIA/PA referral unit, or to whom it was specifically addressed (in which case no copy of the request is maintained in file folders), and any other nonpersonal information which at a future date may be considered useful in locating requests.

RETRIEVABILITY:

A record is retrieved by name of the individual making the request, as well as by date of the request.

SAFEGUARDS:

Paper documents are stored in file cabinets. The hard copy index is stored on word processor discs. Both the word processor and file cabinets are in an office which is occupied during the day and locked at night.

RETENTION AND DISPOSAL:

Paper records are retained in the FOIA/PA referral unit for approximately one year. Paper records are then transferred to the Federal Records Center for storage in accordance with the General Services Administration's General Records Schedule 14, item 18 (a), which provides for a disposal date of five years from the date of the most recent request being stored. The hard copy index to requests will be retained by the FOIA/PA referral unit for up to five years. All records over five years old will be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W. Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Inquiries as to whether the system contains a record of a request from an individual should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. To enable the Administrative Counsel to identify whether the system contains a request from the individual, the individual must provide the name of the person who made the request, the date of the request, and, if appropriate, the date of the Administrative Counsel's letter to the requester acknowledging receipt and referral of the request.

RECORD ACCESS PROCEDURES:

Persons desiring to access a record shall submit a request in writing to the Administrative Counsel at the address

indicated under "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Request from individuals for DOJ records under the Freedom of Information and Privacy Acts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Land and Natural Resources Division (LDN)

The following system of records maintained by the Land and Natural Resources Division is reprinted below to make a clarification change to the section entitled "Systems exempted from certain provisions of the act." (This system was last published on September 30, 1977 Federal Register Volume 42, page 53353.)

JUSTICE/LDN-005

SYSTEM NAME:

Freedom of Information Act and Privacy Act Records System.

SYSTEM LOCATION:

U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who request, under the Freedom of Information and Privacy Acts, access to or copies of records maintained by the Land and Natural Resources Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains, in alphabetical order, requests, under the Freedom of Information and Privacy Acts, for access to Division records, responses thereto and related materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is used: (a) To maintain records concerning the processing and determination of requests for information made pursuant to the Freedom of Information Act and the Privacy Act; (b) to provide documentation of receipt and processing of requests for information made pursuant to the Freedom of Information Act and the Privacy Act if needed for processing contested denials of release

of data; (c) to furnish information to employees of the Department of Justice who have a need for information from the system in performance of their duties; (d) to maintain a count of requests and method of compliance as required by the Freedom of Information Act and the Privacy Act.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is maintained in form received.

RETRIEVABILITY:

Information is retrieved by alphabetized name of the subject.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded in accordance with Departmental rule, and procedures governing Justice records.

RETENTION AND DISPOSAL:

Records are retained during their useful life and are subject to destruction 15 years after the pertinent subject has ceased to be in an active status.

SYSTEM MANAGER(S) AND ADDRESS:

Division Control Officer; Land and Natural Resources Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the: Assistant Attorney General; Land and Natural Resources Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request" and the system and record sufficiently described in the letter for identification.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Source of information contained in this system is the applicant for information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records secured from other *Land and Natural Resources Division* systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained. The Attorney General has also exempted certain categories of records in this system from subsection (c) (3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

Office of Justice, Research, and Statistics (OJARS)

OJARS systems of records identified as JUSTICE/OJARS-008, 009, 010, and 012 are reprinted below to incorporate nomenclature changes required as a result of a reorganization which accomplished the transfer of the functions of the former Law Enforcement Assistance Administration to OJARS. Notification of this reorganization was published in the Federal Register Volume 47 on pages 16694 and 16695. (Systems identified as JUSTICE-OJARS-008 and JUSTICE/

OJARS-012 were last published on November 17, 1980 in *Federal Register* Volume 45 on pages 75936 and 75939 respectively. Systems identified as JUSTICE/OJARS-009 and JUSTICE/OJARS-010 were last published on December 9, 1981 in *Federal Register* Volume 46, page 60331.)

SYSTEM NAME:

Civil Rights Investigative System.

SYSTEM LOCATION:

*Office of Justice Assistance,
Research, and Statistics,*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Complaints of discrimination by individuals affected by the agency program for which the agency has compliance responsibility, grantees, subgrantees, contractors, subcontractors, employees, and applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Civil Rights Complaint Control Files;
Civil Rights Litigation Reference Files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 3789d (c) E.O. 11246 (3 CFR Part 173) as amended by E.O. 11375.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Investigation of complaints and to obtain compliance with Civil Rights laws. Users of the data are State Planning Agencies, State Governors and Attorneys General, Criminal Justice Agencies, Office of Federal Contract Compliance, Equal Employment Opportunity Commission, Office of Federal Revenue Sharing, and a United States Commission on Civil Rights; Department of Health, Education, and Welfare; States Civil Rights Offices; and *Office of Justice, Assistance, Research, and Statistics* researchers for purposes of evaluation technical assistance and training.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

STORAGE:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in the system is stored in file folders and on index cards.

RETRIEVABILITY:

Information is retrieved by name of respondent and complainants.

SAFEGUARDS:

Information is kept in locked file cabinets and combination safe. Access is limited to investigative personnel.

RETENTION AND DISPOSAL:

Complaint control logs *are no longer maintained*. Complaint case files thereafter are not retrievable by name, number, or other information identifiable to the individual. Other investigative information is destroyed four years after the investigation is completed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Civil Rights Compliance;
Office of Justice Assistance, Research, and Statistics; 633 Indiana Avenue NW; Washington, D.C. 20531.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

A request for access to a record containing civil rights investigatory material shall be made in writing with the envelope and letter clearly marked "Privacy Access Request" to the Civil Rights System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating

clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The information contained in this system was received from individual complainants, witnesses, grant files, respondents, official State and Federal records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a (K) (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the *Federal Register*.

JUSTICE/OJARS-009

SYSTEM NAME:

Federal Advisory Committee Membership Files.

SYSTEM LOCATION:

Office of Justice Assistance, Research, and Statistics; 633 Indiana Avenue, N.W., Washington, D.C. 20531.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been or are presently members of or are being considered for membership on advisory committees within the jurisdiction of the OJARS, NIJ, BJS, and OJJDP.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence with the documents relating to committee members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Advisory Committee Act, 5 U.S.C. App. I et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Annual Report to the President; administrative reports to OMB and other federal agencies.

Release of information to the news media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to members of Congress:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information in system is stored in file folders.

RETRIEVABILITY:

Information is retrieved by name of individual.

SAFEGUARDS:

Data is maintained in file cabinets. The entrance to the building requires building pass or security sign-in.

RETENTION AND DISPOSAL:

The data is placed in an inactive file upon discontinuance of membership, held for two years and then retired to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Advisory Committee Officer; Office of General Counsel; Office of Justice Assistance, Research, and Statistics; 633 Indiana Avenue, N.W., Washington, D.C. 20531.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information are supplied directly by individuals about whom the record pertains, references, recommendations, program personnel, and biographical reference books.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/OJARS-010

SYSTEM NAME:

Technical Assistance Resource Files.

SYSTEM LOCATION:

Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consultants with expertise in criminal justice systems.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of resumes and other documents related to technical assistance requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is maintained under authority of 42 U.S.C. 3755(b) and 42 U.S.C. 5614(b)(6).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is used to determine the qualifications and availability of individuals for technical assistance assignments. Users are State Criminal Justice Councils, and the Office of Juvenile Justice and Delinquency Prevention.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information contained in the system is on hard copy and stored in file cabinets.

RETRIEVABILITY:

Information is manually retrieved by the name of the individual.

SAFEGUARDS:

Records are stored in file cabinets. Admittance to the building in which they are stored requires a building pass or an individual signature at the main entrance to the building.

RETENTION AND DISPOSAL:

Records are placed in an inactive file at the end of the fiscal year in which final use was made. They are held two years in the inactive file; then transferred to the Federal Records Center. Records are destroyed after six years.

SYSTEM MANAGER(S) AND ADDRESS:

Technical Assistance Coordinator; Division Director of Program area in which records are sought in the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Assistance, Research and Statistics, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager(s) at the above address.

RECORD ACCESS PROCEDURES:

A request for access to a record contained in this system shall be made in writing with the envelope and letter clearly marked "PRIVACY ACCESS REQUEST." Include in the request the name and grant/contract number for the record desired. Access requests will be directed to the system manager(s) listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their requests to the system manager(s) listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are those individuals to whom the information pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/OJARS-012**SYSTEM NAME:**

Public Safety Officers Benefits System.

SYSTEM LOCATION:

Office of Justice Assistance, Research, and Statistics, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Public Safety Officers who died while in the line of duty and their surviving beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains an index by claimant and deceased Public Safety Officers; case files of eligibility documentation; and benefit payment records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintaining this system exists under 42 U.S.C. 3701, et seq., Pub. L. No. 94-430 (Sept. 29, 1976) and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) State and local agencies to verify and certify eligibility for benefits; (2) *researchers for the purpose of researching the cause and prevention of public safety officer line of duty deaths*; (3) appropriate Federal agencies to coordinate benefits paid under similar programs; and (4) Members of Congress or staff acting upon the member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is a party in interest.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Information in this system is maintained on a master index, in folders and on computer magnetic tape.

RETRIEVABILITY:

Information is retrievable by name of claimant, name of deceased Public Safety Officer, and case file number.

SAFEGUARDS:

Computerized information is safeguarded and protected by computer password key and limited access. Noncomputerized data is safeguarded in locked cabinets. All files are maintained in a guarded building.

RETENTION AND DISPOSAL:

Files are retained, retired to Federal records centers and disposed of in accordance with General Services Administration disposal schedules.

SYSTEM MANAGER(S) AND ADDRESS:

PSOB Program Officer, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Request for access to a record from this system should be made in writing with the envelope and the letter clearly marked 'Privacy Access Request'. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above and state clearly and concisely what information is being contested, the reason for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Public agencies including employing agency, beneficiaries, educational institutions, physicians, hospitals, official state and Federal documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of Legislative Affairs (OLA)

OLA systems of records identified as JUSTICE/OLA-001, 002, and 003 are reprinted below to reflect minor editorial changes. (These systems were last published on September 30, 1977 in Federal Register Volume 42 on pages 53362 and 53363.)

JUSTICE/OLA-001**SYSTEM NAME:**

Congressional Committee Chairman Correspondence file.

SYSTEM LOCATION:

U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and past Chairmen of Congressional Committees who correspond with the Department on legislative and other related matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains letters and attachments transmitted by Congressional Committee Chairmen together with copies of the Departmental responses to these letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Use of the information is entirely within the Department on a need to know basis.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:**

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Information maintained in the system is stored in file cabinets.

RETRIEVABILITY:

Information is retrieved by using the name of the particular Congressional Committee Chairman who initiated the correspondence in a particular matter.

SAFEGUARDS:

Information contained in the system is unclassified. Routine protection is provided.

RETENTION AND DISPOSAL:

Information maintained in this system contains correspondence generated during the 96th and 97th Congresses. This system was not maintained prior to the 93rd Congress.

SYSTEM MANAGER(S) AND ADDRESS:

Legislative Assistant; Office of Legislative Affairs; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the: Assistant Attorney General; Office of Legislative Affairs; U.S. Department of Justice; 10th and Constitution Avenue, N.W. Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the nature of the letter or document as well as the general subject matter of the document. The requestor will also provide a certification of identity and a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The source of the information contained in this system comes directly from the individual initiating the correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/OLA-002**SYSTEM NAME:**

Congressional Correspondence File.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and past members of Congress who correspond with the Department on legislative and other related matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains letters and attachments transmitted by the individual members of Congress together with copies of the Departmental responses to these letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Use of the information is entirely within the Department on a need to know basis.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service

(NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Information maintained in the system is stored in file cabinets.

RETRIEVABILITY:

Information is retrieved by using the name of the individual member of Congress who initiated the correspondence in a particular matter.

SAFEGUARDS:

Information contained in the system is unclassified. Routine protection is provided.

RETENTION AND DISPOSAL:

Information maintained in this system contains correspondence generated during the 97th Congress.

SYSTEM MANAGER(S) AND ADDRESS:

Legislative Assistant; Office of Legislative Affairs; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the: Assistant Attorney General; Office of Legislative Affairs; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and letter clearly marked 'Privacy Access Request'. Include in the request the nature of the letter or document as well as the general subject matter of the document. The requestor will also provide a certification of identity and a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The source of the information contained in this system comes directly from the individual initiating the correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/OLA-003**SYSTEM NAME:**

Citizen Correspondence File.

SYSTEM LOCATION:

U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons corresponding with the Department on legislative and other related matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains letters and attachments transmitted by individuals together with copies of the Departmental responses to these letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintenance in accordance with 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Use of the information is entirely within the Department on a need to know basis:

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Information maintained in the system is stored in file cabinets.

RETRIEVABILITY:

Information is retrieved by using the name of the individual who initiated the correspondence in a particular matter.

SAFEGUARDS:

Information contained in the system is unclassified. Routine protection is provided.

RETENTION AND DISPOSAL:

Information maintained in this system contains correspondence from individuals during 1974 to the present. This system was not maintained prior to 1974.

SYSTEM MANAGER(S) AND ADDRESS:

Legislative Assistant; Office of Legislative Affairs; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquires to the: Assistant Attorney General; Office of Legislative Affairs; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the nature of the letter or document as well as the general subject matter of the document. The requestor will also provide a *certification of identity and a return address* for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The source of the information contained in this system comes directly from the individual initiating the correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Office of Legal Policy (OLP)

The following system of records is reprinted below to reflect exemption of the system from certain provisions of the Privacy Act. The records contained in this system originated in or are

derived directly from records of other divisions of the Department of Justice entrusted with investigative duties. The exemption is needed to protect ongoing investigations, the privacy of third parties, and the identities of confidential sources involved in such investigations. The exemption rule will be published in the "Proposed Rules" section of the Federal Register.

JUSTICE/OLP-001**SYSTEM NAME:**

Freedom of Information and Privacy Appeals Index.

SYSTEM LOCATION:

Office of Legal Policy; United States Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all individuals who submit administrative appeals under the Freedom of Information or Privacy Acts and initial requests for access to records located in the Office of the Attorney General, Deputy Attorney General or Associate Attorney General.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains copies of administrative requests, appeals and other related correspondence filed under the Freedom of Information and Privacy Acts and copies are filed sequentially by date of receipt based on a numerical identifier assigned to each appeal. Also included are index cards which list the name of the appellant and the numerical identifier assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system was established and is maintained to enable the Officer of Legal Policy to comply with the reporting requirements set forth in 5 U.S.C. 552 and 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are maintained for the purpose of processing administrative requests and appeals under the Freedom of Information and Privacy Acts and to comply with the reporting requirements of those Acts.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records

maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in file folders in cabinets.

RETRIEVABILITY:

These folders are filed by the number assigned to each.

SAFEGUARDS:

These records are stored in cabinets in a lockable room.

RETENTION AND DISPOSAL:

These folders are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Privacy and Information Appeals, Office of Legal Policy; United States Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the System Manager.

RECORD ACCESS PROCEDURES:

Same as the System Manager.

CONTESTING RECORD PROCEDURES:

Same as the System Manager.

RECORD SOURCE CATEGORIES:

Those individuals who submit certain requests and all appeals under the Freedom of Information and Privacy Acts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1), (2), (3), and (4); (e)(1), (2), and (5); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2), (k)(2) and (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

United States Parole Commission (PRC)

PRC systems of records identified as Justice/PRC-001, 002, 004, 005, 006, and 007 are reprinted below to reflect address changes and to correct type errors particularly in legal citations. (These systems were last published on December 9, 1981 in Federal Register Volume 46, beginning on page 60335.) JUSTICE/PRC-003 is reprinted below without change. (This system was last published on April 22, 1982 in Federal Register Volume 47, page 17348.)

JUSTICE/PRC-001

SYSTEM NAME:

Docket, Scheduling and Control.

SYSTEM LOCATION:

Records are maintained at each of the Regional Offices for inmates incarcerated in and persons under supervision in each region, except for the National Appeals Board docket maintained in Washington. Duplicates of regional materials are maintained in Washington. All requests for records should be made to the appropriate regional office or Headquarters at the following addresses: United States Parole Commission, Scott Plaza II, Industrial Highway, 6th Floor, Philadelphia, Pa. 19113; United States Parole Commission, 715 McDonough Blvd., S.E., Atlanta, Ga. 30315; United States Parole Commission, 5550 Friendship Blvd., Chevy Chase Md. 20815, ATTN: National Appeals Board, United States Parole Commission, Air World Center Suite 220, 10920 Ambassador Dr., Kansas City, Mo. 64153. United States Parole Commission, 555 Griffin Square, Suite 820 Dallas, Tex. 75202. United States Parole Commission, 330 Primrose Drive, 5th Floor Burlingame, Calif. 94010.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former inmates under the custody of the Attorney General who are to be scheduled for hearings under Commission procedures. Former inmates includes those presently under supervision as parolees or mandatory releasees and those against whom a revocation warrant has been issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Docket sheets—Each region and the National Appeals Board in Washington maintains a cumulative series of docket sheets in time sequence showing Commission action. Principal data elements are name and register number of inmate, offense, sentence, and previous and present Action. The appeal docket includes the date and type of appeal in addition to much of the above data. These provide a continual running record of the basic data elements per inmate and former inmate. Docket sheets are used to input this information into a computer program which produces printouts of identical information and certain statistical reports. (b) Hearing schedules—*Shortly after inmates are incarcerated*, their names appear on an eligibility list prepared by the Bureau of Prisons, for initial parole hearings. Inmates denied immediate parole are "continued" by the Commission to future dates for review hearings or records reviews. Other types of hearings and reviews are provided for in the Code of Federal Regulations as part of parole, rescission or revocation procedures. All of the different types of hearings and reviews are placed on schedules for examiners to process when they visit the various institutions or hold "local" hearings. The data elements are similar to those on the docket but indicate the number and type of hearing or review to be held instead of the result.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 4201-4218, 5005-5041, 28 CFR Part O, Subpart V, and 28 CFR Part 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) The dockets provide the basis of answering basic inquiries, mostly from within the Parole Commission, as to when a hearing came up for an individual and what action was taken. The schedules indicate to examiners and prison staff the specific hearings and reviews to be prepared for and held.

(b) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule,

regulation or order issued pursuant thereto.

(c) A record from this system of records may be disclosed to a Federal, State or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision concerning parole matters.

(d) A record from this system 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.

(e) Internal users—Employees of the Department of Justice who have a need to know the information in the performance of their duties.

(f) External users—As noted above, on occasion employees of Federal, State and local enforcement, correctional, prosecutive, or other agencies, and courts may have access to this information.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute and unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS.

Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information stored in the system is on sheets of paper, one item per line, stored in folders or binders. An experimental program to store such data on tape disk, or microfiche using ADP technology, and to prepare certain computer printouts is in effect in all regions. Data also may be stored on paper printouts through file retention.

RETRIEVABILITY:

Name, register number, date, institution Commission action, and statistical data as to such actions.

SAFEGUARDS:

Copies of dockets, printouts and schedules are not disseminated outside of Commission offices and Bureau of Prisons installations. They are available only to Commission and bureau employees on a "need to know" basis. Information therefrom may be given outside the Department as indicated in the "Routine Uses." If so, a letter will be written covering the item disclosed, date and identity of the recipient. If information must be given over the phone due to urgency, the caller will be identified beforehand and details of the call recorded.

RETENTION AND DISPOSAL:

Records in this system are kept for five (5) years after the effective date of the schedule or date of the last item recorded on the docket. They are then shredded and electronically stored records are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Herman Levy, Attorney-Management Analyst, United States Parole Commission, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

NOTIFICATION PROCEDURE:

Address inquiries to Regional Commissioner at appropriate location. For general inquiries, address system manager. The Attorney General has exempted this system from compliance with the provisions of subsection (d), under the provisions of subsection (j).

RECORD SOURCE CATEGORIES:

(1) Bureau of Prisons files; (2) Parole Commission and Bureau of Prison's employees; (3) Court Records; (4) Parole Commission inmate files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H),

(e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/PRC-002

SYSTEM NAME:

Freedom of Information Act Record System.

SYSTEM LOCATION:

Records may be retained at any of the Regional Offices as indicated in the Inmate and Supervision Files System and the Headquarter's Office. All requests for records may be made to the Central Office, United States Parole Commission, 5550 Friendship Blvd., Chevy Chase, Md. 20815, ATTN: Program Management Officer, or to the appropriate Regional Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former inmates under the custody of the Attorney General, including former inmates on supervision.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Administrative requests and responses to requests for information and records under 5 U.S.C. 552, and 552a and appeals from denials of data; (2) Final orders of Commission following all parole, rescission, and revocation hearings, record reviews, and appeals are maintained in the Freedom of Information Act reading room at Commission headquarters with names removed to protect individual privacy of inmates and persons on supervision. Final decisions in labor and pension cases are maintained in said reading room.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552 and 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is used: (a) to maintain records concerning the processing and determination or requests for information made pursuant to the Freedom of Information Act, 5 U.S.C. 552 and Privacy Act, 5 U.S.C. 552a; and make final orders available in a reading room pursuant to 5 U.S.C. 552; (b) to provide documentation of receipt and processing requests for information made pursuant to the Freedom of Information and Privacy Acts if needed for processing contested denials of release of data; (c) to furnish information to employees of the

Department of Justice who have a need for information from the system in performance of their duties; (d) to maintain a count of requests and method of compliance as required by Freedom of Information and Privacy Acts.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS.

Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552 and 552a may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information maintained in the system is stored on documents.

RETRIEVABILITY:

Documents are indexed by name and/or register number. Final orders in the reading room are indexed by register number, type and source.

SAFEGUARDS:

Information is stored in file cabinets in rooms supervised by day and locked at night and are made available to Commission personnel and other Department of Justice employees on a "need to know" basis. Each requestor may see his own file. The public may use the reading room.

RETENTION AND DISPOSAL:

Records in this system are retained for a period of ten (10) years after

expiration of sentence, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, United States Parole Commission, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

(1) Inmates and persons on supervision; (2) Department of Justice employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/PRC-003

SYSTEM NAME:

Inmate and Supervision Files.

SYSTEM LOCATION:

Records are maintained at each of the Commission's Regional Offices for inmates incarcerated in and persons under supervision in each region. Records are housed temporarily at the Commission's Headquarters Office located at 5550 Friendship Blvd., Chevy Chase, Md. 20815 when used by the National Appeals Board or other Headquarters personnel. A duplicate record of certain data elements from files is maintained on microfiche for Headquarters use. Prior to the first parole hearing, the inmate's file is maintained at the institution at which he is incarcerated. Certain records on parolees and mandatory releasees are maintained at probation offices. All requests for records should be made to the appropriate regional office at the following addresses: U.S. Parole Commission, Scott Plaza II, Industrial Highway, Sixth Floor, Philadelphia, Pa. 19113. U.S. Parole Commission, 715 McDonough Blvd. S.E., Atlanta, GA. 30315. U.S. Parole Commission, Air World Center, Suite 220, 10920 Ambassador Drive, Kansas City, Mo. 64153. U.S. Parole Commission, 555 Griffin Square, Suite 820, Dallas, Tex. 75202. U.S. Parole Commission, 330 Primrose Drive, Fifth Floor, Burlingame, Calif. 94010.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former inmates under the custody of the Attorney General. Former inmates include those presently under

supervision as parolees or mandatory releasees.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Computation of sentence and supportive documentation.
2. Correspondence concerning pending charges, and wanted status, including warrants.
3. Requests from other Federal and non-Federal law enforcement agencies for notification prior to release.
4. Records of the allowance, forfeiture, withholding and restoration of good time.
5. Information concerning present offense, prior criminal background sentence, and parole from the U.S. Attorneys, the Federal Courts, and Federal prosecuting agencies.
6. Identification Data.
7. Order of designation of institution or original commitment.
8. Records and reports of work and housing assignments.
9. Program selection, assignments and performance adjustments/progress reports.
10. Conduct records.
11. Social background.
12. Educational data.
13. Physical and mental health data.
14. Parole Commission applications, appeal documentation, orders, actions, examiner's summaries, transcripts or tapes of hearings, guideline evaluation documents, parole or mandatory release certificates, statements or third parties for or against parole, special reports on youthful offenders and adults required by statute and related documents.
15. Correspondence regarding release planning, adjustment and violations.
16. Transfer orders.
17. Mail and visit records.
18. Personal property records.
19. Safety reports and rules.
20. Release processing forms and certificates.
21. Interviews request forms from inmates.
22. General correspondence.
23. Copies of inmate court petitions and other court documents.
24. Reports of probation officers, Commission correspondence with former inmates and others, and Commission order and memoranda dealing with supervision and conditions of parole or mandatory release.
25. If an alleged parole violation exists, correspondence requesting a revocation warrant, warrant application, warrant, instructions as to service, detainers and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 4291-4218, 5005-5041, 28 CFR Part O, Subpart V, and 28 CFR Part 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

(a) The file is the "working tool" used by Parole Commission examiners to frame the questions at the inmates initial hearing. After that hearing, it is placed in the appropriate regional office where it provides the principal information source for decisions necessary during the pre-release stage (before parole), the review hearing or record review, and the post release stage (when supervision takes place). It is sent temporarily to Commission Headquarters when appeals come before the National Appeals Board or when needed by counsel and others on the Headquarters Staff. It is used by employees at all levels including Commission members to provide the information for decision making in every area of Commission responsibility. Files of release inmates are used to make statistical studies of subjects related to parole and revocation.

(b) The system is used to provide an information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties.

(c) The system is used as a source for disclosure of information which is solely of general public record, such as offense, sentence data, release date, etc. Names are not disclosed when information is so provided.

(d) The system is used to provide informational source for responding to inquiries from Federal inmates, their families or representatives, or Congressional inquiries.

(e) Internal Users—Employees of the Department of Justice who have a need to know information in the performance of their duties.

(f) External Users—U.S. Probation Officers, who supervise parolees and mandatory releases and U.S. District Court judges when Commission action is attacked in litigation. Very rarely, to enforcement authorities outside of the Department of Justice.

(g) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred 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.

(h) A record from this system may be disclosed to a Federal, State or local agency maintaining civil, criminal or other relevant information relevant to an agency decision relating to current or former inmates under supervision.

(i) A record from this system 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.

(j) A record from this system may be disclosed to a person or to persons who may be exposed to harm through contact with a particular parolee or mandatory release if it is deemed to be reasonably necessary to give notice that such danger exists.

(k) Lists of names of parolees and mandatory releasees entering a jurisdiction and related information items may be disclosed to law enforcement agencies upon request as required for the protection of the public or the enforcement of parole conditions.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the

National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**STORAGE:**

Information maintained in the system is stored on papers fastened into file jackets and a minimal amount is on cards stored in card file drawers. A duplicate record of certain data elements is stored on microfiche at Headquarters. Active files and card indices are located in each region; inactive files are at the Washington Federal Records Center and the card index to inactive files is at the Bureau of Prisons in Washington. An experimental program to store such data on tape, disk or microfiche using ADP technology has been partially implemented.

RETRIEVABILITY:

All data is indexed by name and/or register number. When ADP technology is used in the future, such data may be available by FBI identification number, or other indices.

SAFEGUARDS:

Within the Department of Justice, routine use is made available to employees only on a "need to know" basis. Files are stored in rooms which are supervised by day and locked at night. Data from files for recipients outside of the Parole Commission and Bureau of Prisons is conveyed by a letter so that a record exists. When files are sent they are covered by a letter with a follow-up on return of the file. Such disclosure is infrequent, and is within the Federal enforcement-prosecution-judicial area only.

RETENTION AND DISPOSAL:

Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by electronic means of shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Herman Levy, Attorney-Management Analyst, United States Parole Commission, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

NOTIFICATION PROCEDURE:

Address inquiries to Regional Commissioner at appropriate location. For general inquiries, address System Manager. The Attorney General has exempted this system from compliance with the provisions of Subsection (d) under the provisions of Subsection (j).

RECORD SOURCE CATEGORIES:

1. Individual inmate; 2. Federal law enforcement agencies and personnel; 3. State and Federal probation services; 4. Non-Federal law enforcement agencies; 5. Educational institutions; 6. Hospital or medical sources; 7. Relatives, friends and other interested individuals or groups in the community; 8. Former or future employers; 9. Evaluations, observations, reports and findings of institution supervisors, counselors, boards and committees, Parole Commission examiners, Parole Commission Members; 10. Federal Court records; 11. U.S. Bureau of Prisons personnel and records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c) (3) and (4), (d)(e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 55a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/PRC-004**SYSTEM NAME:**

Labor and Pension Case, Legal File and General Correspondence System.

SYSTEM LOCATION:

All Labor and Pension cases, *most Legal files* and some general correspondence material is located at: Commission Headquarters, 5550 Friendship Blvd., Chevy Chase, Md. 20815. The balance of the general correspondence material is located at the Commission's Regional Offices, the addresses of which are specified in the Inmate and Supervisions System. Some legal files are maintained at the Northeast Regional Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for exemptions under 29 U.S.C. 504 and 29 U.S.C. 1111, all persons litigating with the U.S. Parole Commission, all persons corresponding with the Commission on subjects not amenable to being filed in an inmate or supervision file identified by an individual, and all Congressmen inquiring about constituents.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Commission processes applications of persons convicted of certain crimes for exemptions to allow their employment in the Labor field under 29 U.S.C. 504 of by Employee Benefit Plan under 29 U.S.C. 1111. The files contain memoranda,

correspondence, and legal documents with information of a personal nature, i.e., family history, employment history, income and wealth, etc., and of a criminal history nature, i.e., record of arrests and convictions, and details as to the crime which barred employment. The final decision of the Commission in each case is a public document under the Freedom of Information Act. The Counsel's Office of the Parole Commission maintains work files for each inmate or person on supervision who is litigating with the Commission. These files contain personnel and criminal history type data regarding inmates, and internal communications among attorneys, Commissioners and others developing the Commission's legal position in these cases. Files of the Commission's correspondence with Congressmen who inquire about groups of constituents who have paroles or revocations pending or other subjects are maintained in the Chairman's Office and in the regions. Files of correspondence, notes, and memoranda concerning parole revocation rescission and related problems are also maintained in those locations. Some of this material duplicates material in the inmate files and contains personnel-criminal history type information about individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These files are maintained pursuant to 18 U.S.C. 4201-4218, 5005-5041, 28 CFR Part O, Subpart V, 28 CFR Parts 2 and 4, 29 U.S.C. 504, 1111, and all statutory sections and procedural rules allowing inmates, persons under supervision, or others to litigate with the Parole Commission.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Within the Parole Commission material in this system is used respectively by Counsel's Office staff and Commission Members in processing exemption applications. The legal file material is used by Counsel's Office staff in asserting the litigative position of the Commission. The general correspondence is used by the Commission personnel in responding to Congressmen, and by Commission Members and others in transacting the day-to-day business of the Commission. Final pension and labor case decisions are used by the Commission, the Justice, and Labor Departments, and the public to establish precedents in this field of litigation.

In the event that material in this system indicates a violation or potential

violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. A record from this system of records may be disclosed to a Federal, State or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision relating to pension or labor matters. A record from this system 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.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

All data is on documents or other papers in bound files. Labor and pension case material is in Counsel's Office or the Chairman's Office at Headquarters, except for final decisions which are in the Freedom of Information Act reading room. Legal files are in Counsel's Office at Headquarters, or in the Northeast Regional Attorney's office, general correspondence is in the Chairman's Office, the office of his staff at Headquarters, and the offices of each regional Commissioner. Files are in file cabinets.

RETRIEVABILITY:

Labor, pension, and legal file material is indexed or filed by name of applicant or litigant, respectively. General correspondence is indexed or filed by subject, time sequence or individuals to whom the items refer.

SAFEGUARDS:

Material is available only to Commission employees on a "need to know" basis. Storage locations are supervised by day and locked at night. Only disclosure made therefrom is to other agencies of the Department of Justice, the U.S. Probation Office, Federal enforcement agencies or the Congress. Disclosure to Congressmen in response to inquiries concerning constituents is subject to the exemptions of the Freedom of Information Act. The Commission Decisions in labor and pension cases are public information under the Freedom of Information Act.

RETENTION AND DISPOSAL:

Records are maintained for 10 years and are shredded or destroyed electronically thereafter.

SYSTEM MANAGER(S) AND ADDRESS:

Herman Levy; Attorney/Management Analyst, United States Parole Commission, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

RECORD SOURCE CATEGORIES:

a. Applicants for exemptions under 29 U.S.C. 504 and 29 U.S.C. 1111; b. U.S. Department of Labor; c. Administrative Law Judges and others connected with labor or pension cases; d. Litigants proceeding against Parole Commission; e. The Commission's legal staff and other Commission personnel; f. Congressmen and others making inquiries of Commission; g. Commission Members and employees responding to inquiries, corresponding with others, preparing speeches, policy statements

and other means of contact with other branches of the Federal Government, State, and local governments, and the public.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/PRC-005

SYSTEM NAME:

Office Operation and Personnel System.

SYSTEM LOCATION:

At each regional office as indicated in the "Inmate and Supervision File System Report" and at the U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former Commission Members and employees of the U.S. Parole Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records, leave records, property schedules, budgets and actual expense figures, obligation schedules, expense and travel vouchers, and the balance of the usual paperwork to run a Government office efficiently.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

All statutory sections, CFR sections, and OPM, MSPB, GSA, and OMB directives establishing procedures for government personnel, financial, and operational functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Day-to-day activity involving personnel, financial, procurement, maintenance, recordkeeping, mail delivery, and management functions.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an

unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are in paper files or on computer printouts. They are stored in operations areas of offices.

RETRIEVABILITY:

Data of a personal nature is in employee personnel files, used by Commission personnel on a "need to know" basis. Each employee has a right to see his own file on request. Other files are used by Commission personnel on a "need to know" basis.

SAFEGUARDS:

Files are supervised by appropriate personnel during the working day and are in locked rooms at night.

RETENTION AND DISPOSAL:

Subject to applicable OPM, MSPB, OMB, DOJ, and GSA regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Parole Commission employees, Office of Management and Finance. All other contributing Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/PRC-006**SYSTEM NAME:**

Statistical, Educational and Developmental System.

SYSTEM LOCATION:

Parole Commission Headquarters,
5550 Friendship Blvd., Chevy Chase, Md.
20815.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any inmate or former inmate under custody of the Attorney General including former inmates supervised as parolees or mandatory releasees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All records as described in the Workload Record, Decision Result, and Annual Report System Plus data on additional input forms and certain follow-up forms and the Salient Factor Worksheet Form. These forms include criminal history-type data elements regarding specific individuals selected from the above category of individuals. This data is either organized and processed by hand or is input into a computer and has been used to provide the following one-time reports in pamphlet-text form: (a) Administrative Review of Parole Selection and Revocation decisions; (b) Parole Decisionmaking, a Salient Factor Score; (c) Effect of Representation at Parole Hearings; (d) Parole Decisionmaking—Structuring Discretion (e) Time Served and Release Performance—A Federal Sample and certain additional reports, all available in the public reading room. The data base collected as described in this and in JUSTICE/PRC 007 system will be used to prepare studies on similar or related subjects in the future. It has been used to develop revocation guidelines similar to parole guidelines, rescission guidelines and other operational improvements. Items collected for this data base may change depending on the subject matter of new studies to be undertaken by the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 4201-4218, 5005-5041, 28 CFR Part O, Subpart V, 28 CFR Part 2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Internal—Develop methodology for a more scientific determination of parolability and revocability, methodology to comply with changing

concepts of due process, and methodology to select persons to be released from prison who will be less likely to recidivate.

b. External—Add to the general body of knowledge in the parole area of criminology, and provide educational material for other parole boards, and members of the criminal justice and academic communities interested in this subject. Published pamphlets in text form are prepared on subjects of interest in this area of criminology and are circulated freely. They contain no references to individuals, either by name, address, register number or other means of identification. They do not contain recognizable fact situations, descriptions, or other writings through which identification of any individual within the present or former jurisdiction of the Parole Commission can be made.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Data is in input forms, IBM card decks and on printouts or other computer produced storage media. It is stored as described in the JUSTICE/PRC-007 system description. Pamphlet text reports are public documents stored in

offices, libraries, and in bookshelves, and in the public reading room.

RETRIEVABILITY:

Information by name, register number or FBI identification number may be retrieved from the input forms, card decks, or storage media. This material is used only by authorized Parole Commission personnel on a "need to know" basis and is data processed only by authorized Bureau of Prisons or Justice Department personnel. Material is not retrieved in identifiable form except that computer produced "hard copy" may be used to prepare a report or internal work papers. The final pamphlet text reports and material resulting from studies are used by Commission personnel for internal purposes and the public externally. None of this material contains any references to an individual. Documents which contains information concerning one individual are made available to that individual if requested under the Privacy Act.

SAFEGUARDS:

See "Safeguards" section of JUSTICE/PRC-007 regarding input forms, IBM cards or printouts, discs, or tape. Reports in pamphlet form are not safeguarded.

RETENTION AND DISPOSAL:

See "Retention and Disposal" of preceding system. The studies in pamphlet form are not disposed of on schedule. Some will be maintained perpetually in archives.

SYSTEM MANAGER(S) AND ADDRESS:

Research Director, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

RECORD SOURCE CATEGORIES:

a. Commission inmate files; b. Docket Sheets; c. Commission Notices of Action, orders and documentation following hearings; d. Commission warrant applications and warrants; e. General Commission records and data; f. Enforcement agency records regarding former inmates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the Federal Register.

JUSTICE/PRC-007**SYSTEM NAME:**

Workload Record, Decision Result, and Annual Report System.

SYSTEM LOCATION:

U.S. Parole Commission
Headquarters, 5550 Friendship Blvd.,
Chevy Chase, Md. 20815.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any inmate and parolee or mandatory releasee who has been the subject of a decision for the period covered in the report for which the data is used (prior month, prior quarter, prior year or other period).

CATEGORIES OF RECORDS IN THE SYSTEM:

Certain original input forms indicate the inmate or person under supervision by name and register number and give the date and specific statistical detail as to the decision made. They include criminal history type of information regarding the persons in question. The principal types of decisions covered are after initial or review hearings, after record review, after Regional Appeal, after National Appeal, and after a decision reopening and modifying. The data is input into a computer and is used to provide the following: (a) A monthly report of workload containing number and type of hearings per region further broken out by institutions within regions and type of sentence; (b) Bimonthly report on decision results indicating, among other statistics, number and type of decisions within above, and below guidelines broken out by examiners making the decisions; (c) Other or substitute reports as needed; and (d) Together with land posted data on other items of statistical value, this data is being used to create the Annual Report of the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 4201-4218, 5005-5041, 28 CFR Part O, Subpart V, 28 CFR Part 2

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) These records are used internally to analyze work product, the performance of evaluators, and various types of procedures and hearings and to evaluate the guidelines and other Commission procedures.

(b) These records are used to prepare an annual report to the Attorney General, and Congress and the public indicating in quantitative and qualitative terms Commission activity and accomplishment.

(c) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local, or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

(d) A record from this system of records may be disclosed to a Federal, State, or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to Parole Commission matters.

(e) A record from this system 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 information is relevant and necessary to the requesting agency's decision on the matter.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM**STORAGE:**

Paper input forms are stored in folders only until information from them is entered into machine readable media. Monthly and other reports in the form of computer printouts are filed in folders. Annual report is in book form and stored in library shelves.

RETRIEVABILITY:

Data in this system can be retrieved by inmate's name and register number from the original input forms, IBM card decks, and computer-produced storage media. It is usually only retrieved by region, by examiner, by type of decision made or hearing held, by relation to the guidelines and other similar means except for individual case retrievability when infrequently required.

SAFEGUARDS:

Data on forms, IBM cards and/or tape or other computer produced storage media retrievable by individual is stored in the Commission's Office in cabinets. Commission employees supervise this data by day and use it on a "need to know" basis. The rooms where it is stored are locked outside of office hours and the entire Headquarters building is locked at certain times with card key access. Monthly and other reports are for use of the Chairman, his Executive Assistant and Commission Members and professional personnel. No information thereon is retrievable as pertaining to any individual except certain breakouts by Parole Commission employee examiners and by inmate in the guideline section of reports. These printouts are stored in the Commission Headquarters offices, all of which are supervised by day, and locked at night. The Annual Report contains no information identifiable by individual and is a public document.

RETENTION AND DISPOSAL:

Completed input forms—1. Until data is keypunched—usually 1 month after forms are completed. They are then destroyed; 2. IBM cards decks or other tape substitute—10 years after preparation, cards will be destroyed—tape or discs degaussed; 3. Printouts of annual and other reports—10 years; 4. Annual Reports—Some copies retained perpetually in Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Program Management Officer, 5550 Friendship Blvd., Chevy Chase, Md. 20815.

RECORD SOURCE CATEGORIES:

(a) Commission inmates files; (b) Docket sheets; (c) Commission notices of action, orders, and documentation following hearings; (d) Commission warrant applications and warrants; (e) General Commission records and data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

Tax Division (TAX)

The following Tax Division system notice was first published on October 30, 1975 in the "Notices" section of the Federal Register (40 FR 50656) as JUSTICE/TAX-003. The system notice was republished on March 18, 1977 (42 FR 15149) and redesignated as JUSTICE/TAX-004. On August 12, 1977 (42 FR 40907), a final rule was published in the "Rules and Regulations" section exempting the system from certain provisions of the Privacy Act. When the system notice was republished on September 30, 1977 (42 FR 53391), the Department inadvertently failed to correct the notice to show that the system had been exempted. Therefore, the system notice has been reprinted below to incorporate this correction. In addition, minor changes have been made to the text to accomplish consistency with the formal title of the system.

JUSTICE/TAX-004**SYSTEM NAME:**

Freedom of Information—Privacy Act Request Files.

SYSTEM LOCATION:

U.S. Department of Justice; Tax Division; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have requested information under the Freedom of Information Act and Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Correspondence relating to requests for information; (b) documents relevant to appeals and lawsuits under the Freedom of Information Act and Privacy Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is maintained to enable the Tax Division to process requests under the Freedom of Information Act (5 U.S.C. 552) and Privacy Act (5 U.S.C. 552a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF SYSTEMS AND THE PURPOSES OF SUCH USES:

The system is maintained to insure the efficient processing of requests made pursuant to the Freedom of Information Act (5 U.S.C. 552) and Privacy Act (5 U.S.C. 552a).

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF SYSTEMS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Information contained in this system is stored manually in standard file folders, alphabetically by name of the person making the request.

RETRIEVABILITY:

Information is retrieved manually by name of the persons making the request.

SAFEGUARDS:

The system of records is stored in a file cabinet in a locked closet. Access is

restricted to the Information and Privacy Unit staff on a need-to-know basis.

RETENTION AND DISPOSAL:

Destruction schedules will be developed as the needs of the system requirements become known. Presently, records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Tax Division; U.S. Department of Justice, 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Inquiry concerning this system should be directed to the System Manager listed above. Inquiries should contain the inquirer's name, date and place of birth.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

(a) Persons requesting information; (b) Department of Justice employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of 5 U.S.C. 552a; in addition, this system, is exempted pursuant to the provisions of 5 U.S.C. 552a(k)(2) from subsections (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of 5 U.S.C. 552a. These exemptions apply only to the extent that the records in this system have been obtained from other systems of records maintained by the Tax Division for which exemptions from one or more of the foregoing provisions of the Privacy Act have been promulgated and only to the same extent as the records contained in such other systems have been exempted. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the Federal Register.

United States Marshals Service (USMS)

The USMS system of records identified as JUSTICE-USM-007, along with the appendix of official addresses identified as JUSTICE/USM-999, are reprinted below. JUSTICE/USM-007 has been amended to provide additional specificity as to the authority for

maintenance of the system. Address corrections have been made to the appendix. (This system and the appendix were last published on December 9, 1981 in Federal Register Volume 46, beginning on page 60343.)

JUSTICE/USM-007

SYSTEM NAME:

Warrant-Information System.

SYSTEM LOCATION:

Each district office of the U.S. Marshals Service maintains their own files. See Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals for whom Federal warrants have been issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

All pertinent information, correspondence, etc., vis-a-vis the warrant, as well as NCIC copy.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for this system is established by 28 CFR Subpart T. 0.111(a) and 28 U.S.C. 569(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

U.S. Attorneys, Federal Courts, and other Federal law enforcement agencies have access to this information.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on Roladex Cards.

RETRIEVABILITY:

Records are retrieved by individual name.

SAFEGUARDS:

Access is restricted to personnel in each district's U.S. Marshals office.

RETENTION AND DISPOSAL:

Records are kept in operating file until warrant is executed and then transferred to closed files, where they are indefinitely kept.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Enforcement Operations Division; U.S. Marshals Service; U.S. Department of Justice; One Tysons Corner Center, McLean, Virginia 22102.

RECORD SOURCE CATEGORIES:

Information is obtained from the Bureau of Prisons, Department of Justice and arresting agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j). (2) Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/USM-999

SYSTEM NAME:

Appendix to U.S. Marshals Systems of Records, Official Addresses of United States Marshals.

Northern Alabama
128 Federal Courthouse
Birmingham, Alabama 35203
Middle Alabama
P.O. Drawer 4249
Montgomery, Alabama 36101
Southern Alabama
P.O. Box 343
Mobile, Alabama 36601

District of Alaska
P.O. Box 28
Anchorage, Alaska 99513
District of Arizona
6016 U.S. Courthouse
Phoenix, Arizona 85025
Eastern Arkansas
P.O. Box 8
Little Rock, Arkansas 72203
Western Arkansas
P.O. Box 1572
Fort Smith, Arkansas 72202
Northern California
450 Golden Gate Avenue, Room 20-005
San Francisco, California 94102
Eastern California
1020 U.S. Courthouse
Sacramento, California 95814
Central California
G-23 U.S. Courthouse
Los Angeles, California 90012
Southern California
LLB-71 U.S. Courthouse
San Diego, California 92189
District of Colorado
Drawer 3599
Denver, Colorado 80294
District of Connecticut
P.O. Box 904
New Haven, Connecticut 06504
District of Delaware
4311 Federal Bldg. & U.S. Courthouse
Wilmington, Delaware 19801
District of Columbia
U.S. Courthouse
3rd & Constitution Avenue, N.W.
Washington, D.C. 20001
Northern Florida
P.O. Box 1150
Pensacola, Florida 32595
Middle Florida
P.O. Box 4189
Jacksonville, Florida 32201
Southern Florida
P.O. Box 010391
Miami, Florida 33101
Northern Georgia
1669 Federal Bldg.
Atlanta, Georgia 30303
Middle Georgia
P.O. Box 7
Macon, Georgia 31202
Southern Georgia
P.O. Box 9785
Savannah, Georgia 31412
District of Guam
506 Pacific Daily News Bldg.
Agana, Guam 96910
District of Hawaii
P.O. Box 50184
Honolulu, Hawaii 96850
District of Idaho
692 Federal Bldg. & Cthse.
Boise, Idaho 83724

Northern Illinois
219 S. Dearborn Street
Chicago, Illinois 60604
Southern Illinois
P.O. Drawer 309
East St. Louis, Illinois 62201
Central Illinois
P.O. Box 156
Springfield, Illinois 62705
Northern Indiana
P.O. Box 477
South Bend, Indiana 46624
Southern Indiana
P.O. Box 44803
Indianapolis, Indiana 46244
Northern Iowa
P.O. Box 4740
Cedar Rapids, Iowa 52407
Southern Iowa
208 U.S. Courthouse
Des Moines, Iowa 50309
District of Kansas
444 Southeast Quincy
Topeka, Kansas 66683
Eastern Kentucky
P.O. Box 30
Lexington, Kentucky 40501
Western Kentucky
204 P.O. & Courthouse Bldg.
Louisville, Kentucky 40202
Eastern Louisiana
500 Camp Street, Room 600
New Orleans, Louisiana 70130
Middle Louisiana
P.O. Box 3653
Baton Rouge, Louisiana 70821
Western Louisiana
P.O. Box 53
Shreveport, Louisiana 71161
District of Maine
P.O. Box 349
Portland, Maine 04112
District of the Northern Mariana Islands
3rd Floor Nauru Building (Open Only
During Court Sessions)
Susupe, Saipan 96950
District of Maryland
605 U.S. Courthouse
Baltimore, Maryland 21201
District of Massachusetts
P.O. Box 352
Boston, Massachusetts 02101
Eastern Michigan
120 Federal Bldg.
Detroit, Michigan 48226
Western Michigan
514 Federal Bldg.
Grand Rapids, Michigan 49503
District of Minnesota
523 U.S. Courthouse
Minneapolis, Minnesota 55401
Northern Mississippi
P.O. Box 887
Oxford, Mississippi 38655
Southern Mississippi
P.O. Box 959
Jackson, Mississippi 39205
Eastern Missouri
108 U.S. Courthouse
St. Louis, Missouri 63101
Western Missouri
509 U.S. Cthse.
Kansas City, Missouri 64106
District of Montana
5110 Federal Bldg.
Billings, Montana 59101
District of Nebraska
P.O. Box 1477
Omaha, Nebraska 68101
District of Nevada
P.O. Box 18039
Las Vegas, Nevada 89101
District of New Hampshire
P.O. Box 1435
Concord, New Hampshire 03301
District of New Jersey
P.O. Box 186
Newark, New Jersey 07101
District of New Mexico
P.O. Box 444
Albuquerque, New Mexico 87103
Northern New York
313 Federal Building
Utica, New York 13501
Eastern New York
172 U.S. Courthouse
Brooklyn, New York 11201
Southern New York
114 U.S. Courthouse Annex
New York, New York 10007
Western New York
129 U.S. Courthouse
Buffalo, New York 14202
Eastern North Carolina
P.O. Box 25640
Raleigh, North Carolina 27611
Middle North Carolina
P.O. Box 1528
Greensboro, North Carolina 27402
Western North Carolina
P.O. Box 59
Asheville, North Carolina 28802
North Dakota
P.O. Box 2425
Fargo, North Dakota 58108
Northern Ohio
B-1 U.S. Courthouse
Cleveland, Ohio 44114
Southern Ohio
P.O. Box 688
Cincinnati, Ohio 45201
Northern Oklahoma
P.O. Box 1097
Tulsa, Oklahoma 74101
Eastern Oklahoma
P.O. Box 738
Muskogee, Oklahoma 74401
Western Oklahoma
P.O. Box 886
Oklahoma City, Oklahoma 73101
District of Oregon
420 U.S. Courthouse
Portland, Oregon 97205
Eastern Pennsylvania
2110 U.S. Courthouse
Philadelphia, Pennsylvania 19106
Middle Pennsylvania
P.O. Box 310
Scranton, Pennsylvania 18501
Western Pennsylvania
810 U.S. Post Office & Cthse.
Pittsburgh, Pennsylvania 15219
District of Puerto Rico
P.O. Box 3748
San Juan, Puerto Rico 00904
Rhode Island
P.O. Box 1524
Providence, Rhode Island 02901
District of South Carolina
P.O. Box 1774
Columbia, South Carolina 29202
District of South Dakota
P.O. Box 1193
Sioux Falls, South Dakota 57101
Eastern Tennessee
P.O. Box 551
Knoxville, Tennessee 37901
Middle Tennessee
866 U.S. Courthouse
Nashville, Tennessee 37203
Western Tennessee
1007 Federal Bldg.
Memphis, Tennessee 38103
Northern Texas
1100 Commerce Street, Room 16F47
Dallas, Texas 75242
Eastern Texas
P.O. Box 111
Beaumont, Texas 77704
Southern Texas
P.O. Box 61608
Houston, Texas 77208
Western Texas
655 East Durango St., Room 235
San Antonio, Texas 78206
District of Utah
P.O. Box 1234
Salt Lake City, Utah 84110
District of Vermont
621 Federal Bldg.
Burlington, Vermont 05401
Eastern Virginia
P.O. Box 1181
Norfolk, Virginia 23501
Western Virginia
P.O. Box 2280
Roanoke, Virginia 24009
District of the Virgin Islands
P.O. Box 720
St. Thomas, Virgin Islands 00801
Eastern Washington
P.O. Box 1463
Spokane, Washington 99210

Western Washington
300 U.S. Courthouse
Seattle, Washington 98104
Northern West Virginia
P.O. Box 832
Fairmont, West Virginia 26554
Southern West Virginia
P.O. Box 2667
Charleston, West Virginia 25330
Eastern Wisconsin
310 Federal Bldg.
Milwaukee, Wisconsin 53202
Western Wisconsin
P.O. Box 1706
Madison, Wisconsin 53701
District of Wyoming
P.O. Box 768
Cheyenne, Wyoming 82001

Executive Office for United States Attorneys (USA)

The following USA systems of records are republished below to reflect address changes, changes to system locations (and corresponding changes to the "Retrievability" and/or "Safeguards"

Executive Office for United States Attorneys (USA)

USA systems of records identified as JUSTICE/USA-001, 005, 007, 008, 012, and 014, along with the appendix of official addresses identified as JUSTICE/USA-999, are reprinted below. The systems have been reprinted to reflect that there are now ninety-four United States Attorney offices rather than ninety-five. The appendix has been revised to reflect correct addresses. (JUSTICE/USA-001, 005, 008, and 012 were last published on December 9, 1981 in Federal Register Volume 46, beginning on page 60350. JUSTICE/USA-014 was last published on December 9, 1981 in Federal Register Volume 46, page 60358, but was then identified as JUSTICE/USA-015. The system has been renumbered for practical, administrative reasons. JUSTICE/USA-007 was last published on May 13, 1982 in Federal Register Volume 47, page 20687. The appendix was last published on December 9, 1981 in Federal Register Volume 46, page 60359.)

JUSTICE/USA-001

SYSTEM NAME:

Administrative Files.

SYSTEM LOCATION:

Ninety-four United States Attorneys' Offices (See attached Appendix); Executive Office for United States Attorneys, U.S. Department of Justice, 10th & Constitution Avenue NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Office Personnel (present and past); (b) Expert professionals whose services are used by the office; (c) Applicants for office positions; (d) Witnesses in Court proceedings; (e) Prisoners-In-Custody; (f) Defendants; (g) Debtors; (h) Vendors; (i) Citizens making inquiries; (j) Members of local and State Bar Associations.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Personnel Files (official/unofficial); (b) Applicant Files; (c) Employee Record cards (SF-7B); (d) Office Rosters; (e) Tickler File System for Promotions; (f) Personnel Address and Telephone Number Lists; (g) Sign In/Out Sheets; (h) Time and Attendance Records (OMF-44); (i) Wage Earnings Statement (DOJ-296); (j) Travel Authorizations and Vouchers (OBD-1 and SF-1012); (k) Advice of Obligations incurred (DJ-60); (l) Telephone Records and Logs; (m) Fiscal Vouchers; (n) Witness Records (LAA-3); (o) Lists of Records at Federal Records Centers; (p) In-House Statistical Reports; (q) Internal Meetings Records; (r) Equal Employment Opportunity (EEO) Records; (s) Employees: Organizations and Unions Records; (t) Federal Woman's Program Records; (u) Address and Telephone Indexes; (v) Lists of State and Local Bar Members; (w) Lists of Expert Professionals; (x) Requests for Expert Witnesses; (y) Teletype Files; (z) Correspondence Files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) In any case in which there is an indication of a violation or potential violation of law or legal obligation, criminal, civil, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law or civil remedy;

(b) In the course of investigating the potential or actual violation of any law, criminal, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or

foreign agency, or to an individual or organization, if there is reason to believe that such agency, or to an individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) A record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive or procedural law or practice;

(d) A record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated 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 a person;

(h) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(i) A record may be disseminated to a federal, state, local, foreign, or international 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 disseminated 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 relates to the requesting agency's decision on the matter.

(k) A record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(l) A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) A record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policymaking provisions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBER OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management

inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorney's offices and the Executive Office for United States Attorneys by means of catho-ray tube terminals (CRT's).

SAFEGUARDS:

Information in the system is stored in file cabinets in the United States Attorney's offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorneys' offices and the Executive Office for United States Attorneys requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of Justice retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

System manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district (See attached Appendix).

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the judicial district in which the case or matter is pending (See attached Appendix).

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request."

Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager (See attached Appendix).

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (See attached Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are limited to, investigative reports of federal, state and local law enforcement agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; data, memoranda and reports from the Courts and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and administrative staff of the divisions, offices and bureaus, work product of secretarial and administrative staff within the U.S. Attorneys office and the Executive Office for U.S. Attorneys, from general public referral sources or as provided by members of the public who participate, assist or observe in pending cases or matters, or commercial establishments which provide goods or services, publications and reports from the Department's other offices, divisions and bureaus and internal U.S. Attorney work product.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USA-005

SYSTEM NAME:

Civil Case Files.

SYSTEM LOCATION:

Ninety-four United States Attorneys' Offices (See attached Appendix), Executive Office for United States Attorneys, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals *being* investigated in anticipation of Civil suits; (b) Individuals involved in Civil suits; (c) Defense Counsel(s); (d) Information sources; (e) Individuals relevant to the development of Civil suits.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) All Civil Case Files (USA-34); (b) Docket Cards (USA-116); (c) Civil Debtor Cards—(USA-117b); (d) Civil Case Activity Card (USA-164); (e) Civil Debtor Activity Card (USA-166); (f) 3 x 5 Index Cards; (g) Caseload Printouts; (h) General Correspondence re: Civil Cases; (i) Reading Files re: Civil Cases; (j) Information Source File; (k) Attorney Assignment sheets; (l) Telephone records; (m) Miscellaneous Investigative files; (n) Lands condemnation files (Appraisal and Negotiator Reports); (o) Tax Case Resource File; (p) Material in Civil File related to Criminal cases arising out of Civil Proceedings; (q) Search Warrants; (r) Files *unique* to District; (s) Civil Miscellaneous Correspondence File.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) In any case in which there is an indication of a violation or potential violation of law, civil, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, State, local or foreign agency charged with the responsibility of investigating, defending or pursuing such violation, civil claim or remedy, or charged with enforcing, defending or implementing such law;

(b) In the course of investigating the potential or actual violation or civil liability of any government action or law, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such civil action, a record may be disseminated to a Federal, State, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation or civil action trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain

the cooperation of a witness or an agency;

(c) A record relating to a case or matter may be disseminated in an appropriate Federal, State, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) A record relating to a case or matter may be disseminated to a Federal, State, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, or informal discovery proceedings;

(f) A record relating to a case or matter that has been referred by an agency for investigation, civil action, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) A record relating to a case or matter may be disseminating to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(h) A record may be disseminated to a Federal, State, local, foreign, or international 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 or to assist in general civil matters or cases;

(i) A record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of security clearance as is required, 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 relates to the requesting agency's decision on the matter;

(j) A record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of types or courses of action or distinctive or unique modus operandi, provided that the record does not contain any information identifiable

to a specific individual other than such modus operandi;

(k) A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in general crime prevention, the pursuit of general civil, regulatory or administrative civil actions or to provide investigative leads to such country, or assist in the location and/or returning of witnesses and other evidence;

(l) A record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60.

(m) A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of this record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorneys' offices, and the Executive Office for United States Attorneys by means of cathode-ray tube terminals (CRT's).

SAFEGUARDS:

Information in the system is both confidential and nonconfidential and located in file cabinets in the United States Attorney offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during nonworking hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorney's offices and the Executive Office for United States Attorneys requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of Justice retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district. (See attached appendix.)

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the judicial district in which the case or matter is pending. (See attached appendix.)

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A

determination as to examination shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager. (See attached appendix.)

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552(a) (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (see attached appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are not limited to investigative reports of Federal, State, and local law enforcement, civil litigation, regulatory and administrative agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of deposition and court proceedings; data, memoranda and reports from the court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e)(1), (2) and (3), (e)(4) (G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k) (1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the Federal Register.

JUSTICE/USA-007**SYSTEM NAME:**

Criminal Case Files.

SYSTEM LOCATION:

Ninety-four United States Attorneys' Offices (See attached Appendix); Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals charged with violations; (b) Individuals being investigated for violations; (c) Defense Counsel(s); (d) Information Sources; (e) Individuals relevant to development of Criminal Cases; (f) Individuals investigated, but prosecution declined; (g) Individuals referred to in potential or actual cases and matters of concern to a U.S. Attorney's Office; (h) Individuals placed into the Department's Pretrial Diversion program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) All case files (USA-33); (b) Docket Cards (USA-115); (c) Criminal Debtor Cards (USA-117a); (d) Criminal Case Activity Card (USA-163); (e) Criminal Debtor Activity Card (USA-164); (f) 3' x 5' Index Cards; (g) Caseload Printouts; (h) Attorney Assignment Sheets; (i) General Correspondence re: Criminal Cases; (j) Reading Files re: Criminal Cases; (k) Grand Jury Proceedings; (l) Miscellaneous Investigative Reports; (m) Information Source Files; (n) Parole Recommendations; (o) Immunity Requests; (p) Witness Protection Files; (q) Wiretap Authorizations; (r) Search Warrants; (s) Telephone records; (t) Criminal Complaints; (u) Sealed Indictment Records; (v) Files unique to a District; (w) Criminal Miscellaneous Correspondence File; (x) Prosecution Declined Reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) in any case in which there is an indication of a violation or potential violation of law, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged

with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

(b) in the course of investigating the potential or actual violation of any law, criminal, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) a record relating to a case or matter may be disseminated in an appropriate Federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) A record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated 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 a person;

(h) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and

ratified by the United States or to an executive agreement;

(i) A record may be disseminated to a Federal, state, local, foreign, or international 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 disseminated 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 relates to the requesting agency's decision on the matter;

(k) A record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(l) A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) A record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 C.F.R. 17.60.

(n) A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorneys' offices and the Executive Office for United States Attorneys by means of catho-ray tube terminals (CRT's).

SAFEGUARDS:

Information in the system is both confidential and non-confidential and located in file cabinets in the United States Attorney offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorneys' offices and the Executive Office for United States Attorneys requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of Justice retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

System manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district (See attached Appendix).

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the judicial district in which the case or matter is pending (See attached Appendix).

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager (See attached Appendix).

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (See attached Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are not limited to investigative reports of federal, state and local law enforcement agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports;

statements of witnesses and parties; verbatim transcripts of Grand Jury and court proceedings; data, memoranda and reports from the Court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k) (1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/USA-008**SYSTEM NAME:**

Freedom of Information Act/Privacy Act Files.

SYSTEM LOCATION:

Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, NW., Washington, D.C. 20530; Ninety-four United States Attorney's Offices (See attached Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

- (a) Individuals who write to the Executive Office for United States Attorneys, its Director or a member of his staff, or a U.S. Attorney's office.
- (b) Individuals who write to the Attorney General or the Department of Justice or the FOI/PA Unit and whose letter is referred to the Executive Office for United States Attorneys.
- (c) Individuals whose letter has been referred to the Executive Office for United States Attorneys for a response by the FOI/PA Unit or Appeals Unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes the original correspondence received as well as any response, referral letters or notes concerning the subject of the request and copies of any enclosures. The system is arranged alphabetically by the last name of the original requestor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are kept for administrative convenience pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101 and the provisions of the Freedom of Information Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from the responses may be provided to the referrer or the original request or the requestor. All other uses are internal within the Department.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The material is stored within manila file folders, within metal file cabinets.

RETRIEVABILITY:

The system is indexed by name, arranged alphabetically.

SAFEGUARDS:

The correspondence is maintained in a room which is occupied by office personnel during the day and locked at night.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Executive Office for United States Attorneys; U.S. Department of

Justice; 10th & Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager listed above.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Freedom of Information" or "Privacy Access Request." Include in the request the name and address as included in the original letter, together with the current address if different, the date of the letter and to whom it was addressed. Requests should be directed to the system manager listed above.

CONTESTING RECORD PROCEDURES:

Any requests for correction should also be directed to the System Manager and should indicate the exact correction required.

RECORD SOURCE CATEGORIES:

Sources of information in this system are the actual letter received, the response and any transmitted information and enclosures.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records secured from other systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained. The Attorney General has also exempted certain categories of records in this system from subsection (c)(3), (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the Federal Register.

JUSTICE/USA-012

SYSTEM NAME:

Security Clearance Forms for Grand Jury Reporters.

SYSTEM LOCATION:

Ninety-four United States Attorneys' Offices (See attached Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Proposed Grand Jury Reporters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for security clearance of grand jury reporter(s) employed by the reporting firm under contract with the Justice Department; carbon copy of "PERSONNEL INFORMATION SHEET—Grand Jury Reporting" on which is listed name of proposed grand jury reporter, home address, date and

place of birth, and present business affiliation; and clearance or denial of clearance for the proposed reporter from the Department of Justice.

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:

All uses of this information are internal within the Department of Justice.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Security clearance forms are kept alphabetically in file cabinets in the Administrative Office.

RETRIEVABILITY:

Security clearance forms on grand jury reports are retrievable from an alphabetical filing system.

SAFEGUARDS:

Security clearance forms are maintained in the Administrative

Division in the District Court Building which is manned at all times during working hours and at other times is locked.

RETENTION AND DISPOSAL:

Security clearance forms are maintained for five years, at which time they must be renewed. Upon receipt of renewed security clearance, old forms are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Ninety-four United States Attorneys' Offices (See attached Appendix).

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the general subject matter of the document. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The source of the information contained in these files are the reporter's request for security clearance, personnel information sheet and the clearance or denial of clearance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USA-014

SYSTEM NAME:

Pre-Trial Diversion Program Files.

SYSTEM LOCATION:

Ninety-four United States Attorneys' Offices (See attached Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals referred to in potential or actual pre-trial diversion cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) USA Form 184—Referral letter to Probation Service; (b) USA Form 185—Letter to defendant; (c) USA Form 186—

Agreement for Pre-Trial Diversion; (d) USA Form 187—Pre-Trial Diversion Report Form; (e) USA Form 188—Certification of Completion of Program; (f) USA Form 189—Defendant Application Form; (g) Telephone Records; (h) Miscellaneous Correspondence; and (i) Files Unique to a District.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) In any case in which there is an indication of a violation or potential violation of law, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

(b) In the course of investigating the potential or actual violation of any law, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) A record relating to a case or matter may be disseminated in an appropriate Federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) A record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) A record relating to a case or matter that has been referred by an agency for investigation prosecution or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated 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 a person;

(h) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(i) A record may be disseminated to a Federal, state, local, foreign, or international 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 disseminated 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 relates to the requesting agency's decision on the matter;

(k) A record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual;

(l) A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) A record that contains classified national security information and material may be disseminated to

persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila filed folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved by the name of the person, case number or complaint number.

SAFEGUARDS:

Information in the system is both confidential and nonconfidential and located in file cabinets in the United States Attorney offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during nonworking hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of Justice retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district. (See attached Appendix.)

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the judicial district in which the diversion application or

approval was made. (See attached appendix.)

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a(j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager. (See attached Appendix.)

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (see attached Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are not limited to investigative reports of Federal, state and local law enforcement agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of Grand Jury and court proceedings; data; memoranda and reports from the Court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4) (G) and

(H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/USA-999

SYSTEM NAME:

Appendix of United States Attorney Office locations:

Alabama, N
200 Federal Building
1800 Fifth Avenue North
Birmingham, Alabama 35203
Alabama, M
P.O. Box 197
Montgomery, Alabama 36101
Alabama, S
P.O. Drawer E
Mobile, Alabama 36601
Alaska
Fed. Bldg. & U.S. Courthouse
Rm. C-252, Mail Box 9
701 C Street
Anchorage, Alaska 99513
Arizona
4000 U.S. Courthouse
230 North First Avenue
Phoenix, Arizona 85025
Arkansas, E
P.O. Box 1229
Little Rock, Arkansas 72203
Arkansas, W
P.O. Box 1524
Fort Smith, Arkansas 72901
California, N
450 Golden Gate Avenue
San Francisco, Calif. 94102
California, E
3305 Federal Bldg.
650 Capitol Mall
Sacramento, Calif. 95814
California, C
312 N. Spring St.
Los Angeles, Calif. 90012
California, S
940 Front Street
Rm. 5-N-19
U.S. Courthouse
San Diego, Calif. 92189
Colorado
Suite 1200—Drawer 3615
Federal Office Bldg.
Denver, Colorado 80294
Connecticut
P.O. Box 1824
New Haven, Conn. 06508
Delaware
J. Caleb Boggs Fed. Bldg.
844 King Street
Wilmington, Del. 19801
D.C.
Room 2800, U.S. Court House
3rd & Constitution Ave., NW.
Washington, D.C. 20001
Florida, N
P.O. Box 12313
Pensacola, Florida 32501
Florida, M
501 Fed. Bldg.
80 N. Hughey Avenue
Orlando, Fla. 32801

Florida, S
155 South Miami Ave.
Miami, Florida 33130
Georgia, N
Ste. 1800, Richard Russell Building
75 Spring St., S.W.
Atlanta, GA 30335
Georgia, M
P.O. Box U
Macon, Georgia 31202
Georgia, S
P.O. Box 8999
Augusta, GA 30903
Guam
Suite 502-A, PDN Bldg.
238 O'Hara Street
Agana, Guam 96910
Hawaii
Rm. C-242 PJKK Fed. Bldg.
Box 50183
300 Ala Moana Blvd.
Honolulu, Hawaii 96850
Idaho
Rm. 693 Federal Bldg.
Box 037, 550 W. Fort St.
Boise, Idaho 83702
Illinois, N
Everett McKinley Dirksen Bldg.
219 S. Dearborn St.
Room 1500 South
Chicago, Illinois 60604
Illinois, S
Rm. 330
750 Missouri Avenue
East St. Louis, Ill. 62202
Illinois, C
Post Office Box 375
Springfield, Ill. 62705
Indiana, N
Rm. 332, U.S.P.O. & Cthse.
204 S. Main Street
South Bend, Ind. 46601
Indiana, S
274 U.S. Cthse.
46 E. Ohio St.
Indianapolis, Ind. 46204
Iowa, N
P.O. Box 4710
Cedar Rapids, Iowa 52407
Iowa, S
122 U.S. Cthse.
E. 1st & Walnut Streets
Des Moines, Iowa 50309
Kansas
P.O. Box 2098
444 Quincy Street
Topeka, Kansas 66683
Kentucky, E
P.O. Box 1490
Lexington, Kentucky 40501
Kentucky, W
Rm. 211, U.S.P.O. & Cthse.
601 West Broadway
Louisville, Kentucky 40202
Louisiana, E
Hale Boggs Fed. Bldg.
500 Camp Street
New Orleans, LA 70130
Louisiana, M
352 Florida Street
Baton Rouge, LA. 70801
Louisiana, W
Rm. 3B12, Fed. Bldg.
Shreveport, LA. 71161

- Maine
P.O. Box 1588
Portland, Maine 04104
- Maryland
8th Floor, U.S. Cthse.
101 W. Lombard Street
Baltimore, MD 21201
- Massachusetts
1107 John W. McCormack
P.O. & Court House
Boston, Mass. 02109
- Michigan, E
817 Federal Building
231 Lafayette
Detroit, Michigan 48226
- Michigan, W
399 Federal Bldg. & U.S. Court House
110 Michigan Ave., N.W.
Grand Rapids, Michigan 49502
- Minnesota
596 U.S. Court House
110 S. 4th Street
Minneapolis, Minn. 55401
- Mississippi, N
P.O. Drawer 888
Oxford, Miss. 38655
- Mississippi, S
P.O. Box 2091
Jackson, Miss. 39205
- Missouri, E
Rm. 414, U.S. Court & Custom House
1114 Market Street
St. Louis, Mo. 63101
- Missouri, W
549 U.S. Court House
811 Grand Avenue
Kansas City, Missouri 64106
- Montana
173 Fed. Bldg.
400 N. Main
Butte, Montana 59701
- Nebraska
P.O. Box 1228
Omaha, Nebraska 68101
- Nevada
Box 16030
Las Vegas, Nevada 89101
- New Hampshire
Federal Building
Concord, New Hampshire 03301
- New Jersey
Federal Building
970 Broad Street, Rm. 502
Newark, NJ 07102
- New Mexico
P.O. Box 607
Albuquerque, N. Mex. 87105
- New York, N
P.O. Box 1258
Federal Bldg.
Syracuse, N.Y. 13201
- New York, S
One St. Andrew's Plaza
New York, N.Y. 10007
- New York, E
U.S. Court House
225 Cadman Plaza East
Brooklyn, N.Y. 11201
- New York, W
502 U.S. Court House
Buffalo, N.Y. 14202
- N. Carolina, E
P.O. Box 26897
Raleigh, N.C. 27611
- N. Carolina, M
P.O. Box 1858
Greensboro, N.C. 27402
- N. Carolina, W
P.O. Box 132
Asheville, N.C. 28802
- N. Dakota
P.O. Box 2505
Fargo, N.D. 58102
- Ohio, N
Suite 500
1404 East Ninth Street
Cleveland, Ohio 44114
- Ohio, S
220 U.S.P.O. & Cthse.
Cincinnati, Ohio 45202
- Oklahoma, N
Rm. 460, U.S. Court House
333 West Fourth Street
Tulsa, Okla 74103
- Oklahoma, E
P.O. Box 1009
Muskogee, Okla. 74401
- Oklahoma, W
Room 4434
U.S. Court House & Federal Office Bldg.
Oklahoma City, Okla. 73102
- Oregon
312 U.S. Courthouse
620 SW Main Street
Portland, Oregon 97205
- Penn., E
3310 U.S. Cthse.
Independence Mall West
601 Market St.
Philadelphia, PA 19106
- Penn., M
P.O. Box 309
Scranton, PA 18501
- Penn., W
633 U.S.P.O. & Court House
7th Ave. & Grant St.
Pittsburgh, Penn. 15219
- Puerto Rico
Rm. 101, Fed. Office Bldg.
Carlos E. Chardon St.
Hato Rey, PR 00918
- Rhode Island
P.O. Box 1401
Providence, R.I. 02901
- S. Carolina
P.O. Box 2266
Columbia, SC 29202
- S. Dakota
P.O. Box 1073, Federal Bldg. & U.S. Court
House
400 S. Phillips Avenue
Sioux Falls, S.D. 57102
- Tennessee, E
P.O. Box 372
Knoxville, TN 37901
- Tennessee, M
879 U.S. Cthse.
Nashville, TN 37203
- Tennessee, W
1026 Fed. Office Bldg.
167 North Main St.
Memphis, TN 38103
- Texas, N
310 U.S. Court House
10th at Lamar
Ft. Worth, Texas 76102
- Texas, S
P.O. Box 61129
Houston, Texas 77208
- Texas, E
P.O. Box 1510
Beaumont, Texas 77704
- Texas, W
John H. Wood, Jr.
Fed. Bldg.
655 E. Durango Blvd.
San Antonio, Texas 78206
- Utah
200 P.O. and Court House
350 South Main Street
Salt Lake City, Utah 84101
- Vermont
P.O. Box 570
Federal Bldg.
Burlington, VT 05402
Rutland, Vermont 05701
- Virgin Islands
P.O. Box 1441
St. Thomas, V.I. 00801
- Virginia, E
701 Prince Street
Alexandria, VA 22313
- Virginia, W
P.O. Box 1709
Roanoke, Va. 24008
- Washington, E
Box 1494
Spokane, Wash. 99210
- Washington, W
3600 Seafirst 5th Ave. Plaza
800 Fifth Ave.
Seattle, Wash. 98104
- W. Virginia, N
P.O. Box 591
Wheeling, W. Va. 26003
- W. Virginia, S
P.O. Box 3234
Charleston, WV 25332
- Wisconsin, E
330 Federal Building
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
- Wisconsin, W
P.O. Box 112
Madison, Wisc. 53701
- Wyoming
P.O. Box 668
Cheyenne, Wyoming 82001
- North Mariana Islands
c/o U.S. Attorney's Office
Suite 502-A, PDN Bldg.
238 O'Hara Street
Agana, Guam 96910

Executive Office for United States Trustees (UST)

UST systems of records identified as JUSTICE/UST-001 and JUSTICE/UST-002, along with the appendix of official addresses identified as JUSTICE/UST-999, are reprinted below. Changes to JUSTICE/UST-001 and JUSTICE/UST-002 consist primarily of editorial changes. However, JUSTICE/UST-001 has been modified to show a revised retention and disposal schedule. JUSTICE/UST-999 has been revised to show address changes. (JUSTICE/UST-001 was last published on May 11, 1982 in *Federal Register* Volume 47, page 20221; JUSTICE/UST-002 was last published on November 17, 1980 in *Federal Register* Volume 45, page 75953; and JUSTICE/UST-999 was last published on December 18, 1981 in *Federal Register* Volume 46, page 61749.)

JUSTICE/UST-001**SYSTEM NAME:**

Bankruptcy Case Files and Associated Records.

SYSTEM LOCATION:

Ten offices of the United States Trustees, and three *suboffices*. In addition, the Executive Office for United States Trustees maintains duplicate copies of certain pleadings and materials relating to specific cases or entities. (See appendix identified as JUSTICE/UST-999.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in bankruptcy proceedings (under Chapters 7, 11 and 13 of 11 U.S.C.) subsequent to September 30, 1979, including but not limited to debtors, creditors, bankruptcy trustees, *attorneys*, representing debtors, creditors, and trustees.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Petitions/orders for relief, (b) schedules of assets and liabilities of bankrupts, (c) lists of creditors, (d) statements of debtors' financial affairs, (e) dockets cards (UST-001, 002, 003, and any alterations thereof), (f) alphabetical cross-reference index cards, (g) general correspondence regarding cases, (h) miscellaneous investigative records, (i) copies of certain petitions, pleadings or other papers filed with the court, including UST recommendations to court for appointment of trustee or examiner in Chapter 11, recommendations for dismissal or conversion, recommendations as to dischargeability, (j) appraisal reports, (k) names of depositories and amounts of funds deposited therein, (l) names of sureties and amounts of trustees' bonds, (m) tape or other recordings of creditors' meeting called pursuant to Section 341 of Title 11, U.S.C., and of Rule 205 examinations, for the purpose of examination of debtors by creditors, trustee and others, (n) plans filed under Chapters 11 or 13, (o) lists of persons serving as counsel, trustee, or other functionaries in bankruptcy cases, including compensation earned or sought by each, (p) lists of attorneys representing creditors in bankruptcy cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 28 U.S.C. 586 and 11 U.S.C., especially Chapter 15 thereof.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by personnel of the Executive office or the U.S. Trustee office where maintained, to determine the existence in the office of a case, to ascertain the status of actions with respect to that case, and to ensure that timely action is taken as appropriate, and to ascertain the involvement by agents or other representatives of parties in such cases. As provided by 11 U.S.C. 107, a paper filed in a case and the dockets of the bankruptcy court are public records and open to examination except when the court moves to protect an entity with respect to a trade secret, confidential research, development, or commercial information, or to protect a person with respect to a scandalous or defamatory matter contained in a paper filed in a case. *If a protective order is entered*, that portion of the record is only available upon the consent of the *entity protected*. In addition, except when the Court has moved to protect an entity, the records will be released as follows.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552 et seq., may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of the at the request of the individual who is the subject of the record

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from the system of records may be disclosed to the National Archives and Records Service (NARS) for records management inspections conducted under the authority of 44 U.S.C. Secs. 2904 and 2906.

RELEASE OF INFORMATION TO LAW ENFORCEMENT OR REGULATORY AGENCIES:

Information obtained by the U.S. Trustees will be transmitted to appropriate state, local, Federal or other

law enforcement or regulatory agencies whenever a U.S. Trustee or the Director, Executive Office for U.S. Trustees or his designee believes that such transmittal in public interest, except to the extent that such transmittal would conflict with any immunity granted by a court of competent jurisdiction in accordance with the provisions of Title 11, U.S.C.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

All information, except that specified below in this paragraph is recorded on basic paper/cardboard material and maintained within metal file boxes, file cabinets, electric file/card retrievers or safes. Certain information from the documents, forms, lists and reports described under "Categories of records in the system" will be entered into an automated information system and stored on magnetic disks for reproduction in report form at various times. This includes the case number, debtor's name, case status, type of case, assets of estate, dates of reports filed, trustee bonds, debtor's attorney's name and fees, calendar of meetings and hearings, creditor's committee status, plan and schedule due dates, and trustee/examiner names and dates appointed.

RETRIEVABILITY:

Printed information in field office case files is retrieved by bankruptcy court docket number, and is cross-referenced alphabetically by names of debtors. Information with respect to agents representing debtors, creditors and trustees, and with respect to depository banks, is maintained alphabetically. (Case files maintained in the Executive Office are assigned sequential file numbers and are cross referenced alphabetically by name of the debtor.) Automated information is retrieved by case number or report number.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures governing the handling of office records and computerized information. During duty hours access to this system is monitored and controlled by U.S. Trustee office personnel. During nonduty hours offices are locked.

RETENTION AND DISPOSAL:

Maintenance and disposition schedules for case files and tape recordings of creditors' meetings have

been developed by the Executive Office for U.S. Trustees.

The U.S. Trustees offices retain Chapter 7 no asset and Chapter 13 case files for up to two years after dismissal, discharge, or plan approval. Chapter 7 asset and Chapter 11 case files are kept by the U.S. Trustees offices for six months after the date of dismissal, discharge, or conversion. These files are then transferred to the Federal Archives and Records Center (FARC) where they are kept for five years. Ninety days before that five year period ends, FARC will give notice to the forwarding office. At this time, the office may review the file contents prior to their destruction.

Meetings of creditors and equity security holders, pursuant to 11 U.S.C. 341, are recorded on cassette tapes. These tapes are erased or destroyed after a period of sixty or ninety days, depending upon U.S. Trustee policy.

Tapes of a meeting in a Chapter 11 case (converted to Chapter 7 or 13) may be retained longer than that period at the discretion of the U.S. Trustee. Tapes may be held for a shorter period if a qualified reporter has taken verbatim records of the proceedings or if a certified transcript has been filed with the U.S. Trustee or the Bankruptcy Court.

SYSTEM MANAGER(S) AND ADDRESS:

System manager for the system in each office is the U.S. Trustee and in the Executive Office, the Chief, Management and Budget Section. (See appendix of addresses identified as JUSTICE/UST-999.)

NOTIFICATION PROCEDURE:

Address inquires to the System Manager for the judicial district in which the case is pending, or was administered. (See appendix of addresses identified as JUSTICE/UST-999.)

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall ordinarily be made in person at the U.S. Trustee office in which the case is filed.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (see appendix of addresses identified as JUSTICE/UST-999), stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Sources of information contained in this record are generally limited to

debtors, creditors, trustees, examiners, attorneys, and other agents participating in the administration of a case, judges of the bankruptcy courts and employees of the U.S. Trustee offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/UST-002

SYSTEM NAME:

Panel Trustee Application File.

SYSTEM LOCATION:

The Executive Office for United States Trustees, ten offices of the United States Trustees, and three suboffices of Assistant United States Trustees. (See appendix identified as Justice/UST-999.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants for membership on the private panels of trustees eligible to serve as trustees in Chapter 7 bankruptcy cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Panel Trustee Application File (UST-002), may also include resumes, letters of recommendation, notes reflecting oral checking of references, school transcripts, and other supporting information provided by applicants or developed by the U.S. Trustee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 28 U.S.C. 588(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USER AND THE PURPOSES OF SUCH USES:

These records are used by the individual U.S. Trustee office in which they are maintained. Their sole purpose is for the determining the qualifications and eligibility of persons applying to serve as trustees in Chapter 7 bankruptcy cases. The records are reviewed by the Executive Office for U.S. Trustees.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from the system of records may be disclosed to the National Archives and Records Service (NARS) for records management inspections conducted under the authority of 44 U.S.C 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are filed in paper folders in metal filing cabinets.

RETRIEVABILITY:

Folders are filed alphabetically by the applicant's name.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures governing the handling of official records. During duty hours access to this system is monitored and controlled by U.S. Trustee office personnel. During nonduty hours offices are locked.

RETENTION AND DISPOSAL:

Maintenance and disposition schedules are being developed within the Executive Office for U.S. Trustees. There is presently no authority to destroy any information within this system.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager for the System in each office, is the U.S. Trustee and in the Executive Office, the Deputy Director. (See appendix of addresses identified as JUSTICE/UST-999.)

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked "Privacy Access Request".

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Information contained in the system is provided by the applicant, the

applicant's references, and interested third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/UST-999

SYSTEM NAME:

U.S. Trustee Appendix 1—List of Record Retention Addresses:

Executive Office for U.S. Trustees Room, Room 812, HOLC Bldg., 320 First Street, N.W., Washington, D.C. 20530

Districts of Maine, Massachusetts, New Hampshire, and Rhode Island: 87 Kilby Street, Boston, Massachusetts 02109; 66 Pearl Street, Portland, Maine 04101

Southern District of New York, Federal Building, Room 308, 26 Federal Plaza, New York, New York 10017

Districts of Delaware and New Jersey, 1180 Raymond Boulevard, Room 2549, Newark, New Jersey 07102

Eastern District of Virginia and District of Columbia, Room 410, 421 King Street, Alexandria, Virginia 22314; 200 Granby Mall & City Hall Avenue, Room 742, Norfolk, Virginia 23510

Northern District of Alabama: Suite 316, 500 South 22nd Street, Birmingham, Alabama 35233.

Northern District of Texas: U.S. Courthouse—Room 9C60, 1100 Commerce Street, Dallas, Texas 75242.

Northern District of Illinois: Insurance Exchange Building—Room A 1303, 175 West Jackson Street, Chicago, IL 60601.

Districts of Minnesota, North Dakota and South Dakota: U.S. Courthouse—Room 454, 110 South Fourth Street, Minneapolis, Minnesota 55401.

Central District of California: Room 3101, Federal Bldg., 300 N. Los Angeles, Los Angeles, California 90012.

Districts of Colorado and Kansas: Columbine Building—Room 202, 1845 Sherman Street, Denver, Colorado 80203.

U.S. Courthouse—Room 501, 401 North Market, Wichita, Kansas 67202.

BILLING CODE: 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; New Extended Benefit Periods in the States of California, Montana, Nevada, Utah, and Vermont

This notice announces the beginning of new New Extended Benefit Periods in

the States of California, Montana, Nevada, Utah, and Vermont, effective on January 23, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of each State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on January 8, 1983, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, new Extended Benefit Periods commenced in those States with the week beginning on January 23, 1983.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency of each State will furnish a written notice of potential entitlement to extended benefits to each individual who has

established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency of each State also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in a State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on January 25, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-3071 Filed 2-3-83; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of Indiana

This notice announces the beginning of a new Extended Benefit Period in the State of Indiana, effective on January 16, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines

that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on January 1, 1983, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on January 16, 1983.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on January 25, 1983.

Albert Angrisani,
Assistant Secretary of Labor.
[FR Doc. 83-3072 Filed 2-3-83; 8:45 am]
BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; New Extended Benefit Periods in the States of Alaska and Louisiana

This notice announces the beginning of new Extended Benefit Periods in the States of Alaska and Louisiana, effective on January 23, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (28 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of each State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on January 8, 1983, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, new Extended Benefit Periods commenced in those States with the week beginning on January 23, 1983.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency of each State will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency of each State also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in a State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on January 27, 1983.

Albert Angrisani,
Assistant Secretary of Labor.
[FR Doc. 83-3073 Filed 2-3-83; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-82-112-C]

Imperial Colliery Co.; Petition for Modification of Application of Mandatory Safety Standard

Imperial Colliery Company, P.O. Box 8, Burnwell, Virginia 25034 has filed a petition to modify the application of 30 CFR 75.1714-2 (self-rescue devices; use and location requirements) to its No. 20 Mine (I.D. No. 46-04460) located in Kanawha County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that self-contained self-rescue (SCSR) devices be carried by miners on all mantrips into and out of the mine.

2. Neither methane nor areas of oxygen deficiency have been encountered since it was opened; no record of any mine fires exists. Miners are transported to the working sections by track-mounted vehicles. These trips usually take less than 15 minutes.

3. Petitioner states that requiring miners to carry SCSRs on mantrips would result in a diminution of safety because:

a. The SCSRs are big, bulky and awkward, creating additional hazards for the miners who will have to carry and/or move them to and from mantrips. The use of the SCSRs would expose these workers to additional work around moving vehicles and force them to perform additional pulling, pushing, lifting, and handling;

b. The increased physical stress caused by carrying and moving SCSRs will increase employee fatigue and increase the chances of an accident;

c. Due to the design of the mine, with track roadway and belt in the same entry, the SCSRs will be carried in low seam and narrow clearance areas. This could cause injury if the SCSRs get caught in moving machinery or if employees carrying them are forced against various pieces of moving machinery; and

d. There is little or no room on the mantrips for carrying or securing the SCSRs, increasing the potential for overcrowded mantrips and the hazard of flying objects should the mantrip come to a sudden stop.

4. As an alternative method, petitioner proposes to store the SCSRs on each section in accordance with a specified storage plan while miners are on mantrips. Filter-type rescuers will be worn by miners at all times.

5. Petitioner states that the alternative method outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before

March 7, 1983. Copies of the petition are available for inspection at that address.

Dated: January 26, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-3076 Filed 2-3-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-126-C]

Snowmass Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Snowmass Coal Company, P.O. Box 980, Carbondale, Colorado 81623 has filed a petition to modify the application of 30 CFR 75.1100-2(b) (installation of waterlines) to its No. 1 Thompson Creek Mine (I.D. No. 05-02658) located in Pitkin County, Colorado. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that waterlines be installed parallel to the entire length of belt conveyors and be equipped with firehose outlets with valves at 300-foot intervals along each belt conveyor and at tailpieces.

2. The waterline at this mine would continuously be subject to freezing and bursting because of the proximity of the conveyor belt and waterline to the surface, where freezing temperatures are encountered 7 months of the year.

3. As an alternative method, petitioner proposes to:

a. Store at least 500 feet of firehose with fittings suitable for connection with each belt conveyor waterline system at strategic locations along the slope belt conveyors;

b. Install a point type heat sensor actuated dry chemical system at all conveyor belt drives. These sensors will activate the fire control system at 135 degrees F, sound an alarm and stop the conveyor belt-drive motors;

c. Install an automatic fire sensor and warning device system which provides identification of fire within each conveyor belt flight and provides both audible and visual signals that permit rapid location of the fire. The warning signal will be audible in the warehouse and/or mine office, where mine personnel will be on duty whenever employees are underground. A mine telephone or equivalent system will be installed so that the person hearing any warning signal can communicate with those employees working underground.

4. In addition, petitioner states that:

a. The conveyor belt would be of approved flame resistant belting and protected by slippage control and sequence switches;

b. A systematic program for cleanup along the slope belt conveyors will be in effect;

c. A four-inch waterline equipped with firehose outlets and valves at less than 300-foot intervals is installed parallel to the slope conveyor belts;

d. An electric valve arrangement, connected to the point type fire sensors installed in the slope will be activated in the event the temperature goes above 135 degrees F, and charge the four-inch pipeline with water. The valve can also be operated manually. The electric valve will be installed at the intersection of 2 South 1 entry and the belt slope;

e. All personnel who are assigned to work in the slope section will be trained in the location, function and use of the electric valve and manual operation of the valve to charge the dry pipeline system;

f. The automatic fire sensor and warning device system will be inspected weekly; a functional test of the complete system will be made at least once annually. This test will consist of charging the waterline by activating the electric valve with the point type fire sensor.

g. A record of the weekly inspection and annual functional test will be maintained; and

h. The slope belt entry will continue to be isolated from other intake and return entries with the use of continuous permanent-type stoppings, except at both ends of the slope, where temporary stoppings will be installed to control air flow through the slope entry, and continue to provide an escapeway ventilated with intake air and effectively separated from the conveyor belt entry. The construction of such permanent-type stoppings will be of concrete blocks or sheet metal "Kennedy" type. If the concrete blocks are merely stacked to form a stopping, they will be plastered on one side with a material having the same strength as that of mortared joints.

5. Petitioner states that the proposed alternative method outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health

Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 7, 1983. Copies of the petition are available for inspection at that address.

Dated: January 26, 1983.

Patricia W. Silvey,
*Acting Director, Office of Standards,
Regulations and Variances.*

[FR Doc. 83-3075 Filed 2-3-83; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of

Information Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

- Employment Standards Administration
- Report of Changes That May Affect Your Department of Labor
- Black Lung Payment
- CM-929
- Annually
- Individuals or households
- 93,000 Responses; 12,090 Hours; one form

To determine whether or not certain changes have occurred that may affect the primary beneficiary's monthly benefit amount. The form serves as an annual update of certain pertinent information.

Revision

- Employment Standards Administration
- Overpayment Recovery questionnaire
- OWCP-20 (formerly CM-1167)
- On Occasion
- Individuals or households
- Federal Employees' Compensation Act and Black Lung Compensation
- Act recipients
- 2,800 Responses; 933 Hours; one form

To determine whether or not an overpaid individual is able or not able to pay a claim for recovery of overpayment, consideration must be given to the individual's present and potential income, possible concealment or improper transfer of assets, and assets of the individual which may be available in enforced collection proceedings. This form is to be used to accomplish the above.

Signed at Washington, D.C., this 31st day of January, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-3074 Filed 2-3-83; 8:45 am]

BILLING CODE 4510-27-M

Office of Pension and Welfare Benefit Programs

[Application No. D-3049]

Proposed Exemption for Certain Transactions Involving the All Tools Company Employee Profit Sharing Plan Located in Oklahoma City, Okla.

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) the proposed loan (the Proposed Loan) of money by the All Tools Company Employee Profit Sharing Plan (the Plan) to Robert M. Henry and Gladys F. Henry (the Henrys), parties in interest with respect to the Plan; and (2) the guarantee of repayment of the Proposed Loan by the All Tools Company (the Employer). The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan and the Employer.

DATES: Written comments and requests for a public hearing must be received by the Department on or before March 17, 1983.

ADDRESS: all written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-3049. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 408(a) 408(b)(1), and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the code.

The proposed exemption was requested in an application filed by the Plan trustees (the Trustees), pursuant to section 408(a) of the Act and section 4975(c)(2) of the code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan that had total assets of \$61,420 and approximately 7 participants as of February 19, 1982. Investment decisions for the Plan are made by the Trustees, who are Robert M. Henry, president and 70% stockholder of the Employer and Gladys F. Henry, secretary-treasurer and 10% stockholder of the Employer.

2. The Plan is requesting an exemption which would permit it to make the Proposed Loan to the Henrys. the Proposed Loan will be in an amount up to 30 percent of the value of the Plan's assets as of the date the Proposed Loan is made. The proceeds of the Proposed Loan would be used by the Henrys to partially retire an existing loan of approximately \$32,334 (the Existing Loan) entered into by the Henrys on September 10, 1980 with the Will Rodgers Bank of Oklahoma City, Oklahoma. The Henrys used the proceeds of the Existing Loan to purchase an EDM wire machine and Hewlett Packard computer system (the Machine), which cost \$95,000.

3. The Proposed Loan will have: (a) A floating interest rate of 2% over the prime rate of Liberty National Bank and Trust Company of Oklahoma City, Oklahoma adjusted semi-annually with a floor of 15%; and (b) a term of five years. Repayments will be made in monthly installments to cover principal and interest.

4. The Proposed Loan will be secured by the Machine. Robert F. Foster, national marketing manager of Agriation Corporation (the Company), stated on January 29, 1982 that the current market value of the Machine as of that date was between \$80,000 and \$95,000. It is represented the Company is

independent of the Henrys and is qualified to make the valuation of the Machine. A security agreement (the Security Agreement) and UCC financing statements (collectively, the Documents) will be executed by the Henrys and the Plan recording the Plan's secured interest in the Machine. The Documents will be duly filed in the State of Oklahoma. The Security Agreement provides that the Henrys shall keep the Machine free of any liens, in good operating condition and repair and shall keep the Machine fully insured against fire, theft and other casualty loss throughout the term of the Proposed Loan. It is represented that the Henrys will also provide a loss payable clause in the insurance policy insuring the Machine for the benefit of the Plan in an amount at least equal to the Proposed Loan.

5. An unrelated party, Frederick O. Plater (Plater), an attorney and certified public accountant, will be appointed as an independent fiduciary. Plater has several years experience in managing and auditing of profit sharing plans and has acted as an independent fiduciary with respect to certain profit sharing plans. It is represented that after reviewing the proposed transaction and accompanying security arrangements, Plater believes that the Proposed Loan is in the best interests of the Plan, its participants and beneficiaries and is protective of their rights.

Plater will monitor all terms and conditions of the Proposed Loan, enforce collection of the Proposed Loan in event of a default and require annual appraisals of the Machine, the cost of which will be borne by the Henrys. Plater will also require the Henrys to provide additional collateral when the market value of the Machine is less than 200% of the remaining unpaid balance of the Proposed Loan. In such an Instance, Plater will be provided with appraisals of the additional collateral, the cost of which will be borne by the Henrys. Additionally, it is represented that if the Henrys's default on the Proposed Loan, the Employer will guarantee repayment within 30 days of the default by the Henrys. As of April 30, 1981, the Employer had a net worth of \$220,401.

6. In summary, the applicant represents that the Proposed Loan satisfies the statutory criteria of section 408(a) of the Act because: (a) Plater has determined that the proposed transaction is appropriate for the Plan and is in the best interests of the Plan participants and beneficiaries; (b) the Proposed Loan will at all times be secured by the Machine and if necessary, additional collateral with a value of at least 200% of the remaining

unpaid balance of the Proposed Loan; (c) the Plan will have a perfected first security interest in the Machine and other collateral securing the Proposed Loan; (d) the Henrys will provide a loss payable clause in the insurance policy, insuring the Machine for the benefit of the Plan in an amount at least equal to the Proposed Loan; and (e) in event of default, the Employer will guarantee repayment of the Proposed Loan.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all Plan participants and beneficiaries. Such notice will either be personally delivered to such interested persons or will be mailed to such interested persons at their last known personal residence by first class mail. Such notice will contain a copy of the notice of pendency of such exemption published in the **Federal Register** and will timely inform such interested persons within 10 days of the time of the notice of pendency of an exemption is published in the **Federal Register** of their right to comment and their right to request a hearing within the period set forth in the notice of pendency of exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 408(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible,

in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state that reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 408(a), 408(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to: (1) the Proposed Loan as described herein, provided that the terms and conditions of the Proposed Loan will be and remain at least as favorable as an arm's length transaction would be with an unrelated party; and (2) the guarantee of repayment of the Proposed Loan by the Employer should the Henrys default on the Proposed Loan.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 31st day of January, 1983.

Alan D. Lebowitz,
Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-3100 Filed 2-3-83; 8:45 am]

BILLING CODE 4510-29-M

International Reserve Equipment Corp. Employees Profit Sharing Plan et al.; Proposed Exemptions

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this Federal Register Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the Federal Register. Such notice shall include a copy of the notice of pendency of the exemption as published in the Federal Register and shall inform interested persons of their right to

comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

International Reserve Equipment Corporation Employees' Profit Sharing Plan (the Plan) Located in Clarendon Hills, Illinois

[Application No. D-3275]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 408(a), 408(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply, effective January 1, 1982, to the lease (including renewals thereof) by the Plan of space in an improved parcel of real property to International Reserve Equipment Corporation (the Employer), a party in interest with respect to the Plan, provided that the terms and conditions of the lease are not less favorable to the Plan than those obtainable in similar transactions with an unrelated party.

Effective Date: If granted, the exemption will be effective January 1, 1982.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 5 participants. As of April 30, 1982, the Plan had total assets having a fair market value of \$397,656. Messrs. Robert O. Mertz, George A. Mertz, William A. Mertz, and Thomas J. Mertz (the

Mertzes) are the trustees of the Plan and are responsible for Plan investment decisions. The Mertzes are officers and employees of the Employer and own all the issued and outstanding stock of the Employer. The Employer is a corporation engaged in the business of purchasing and selling used food processing machinery.

2. The Plan presently holds an improved parcel of real property located at 2-4 South Prospect Avenue, Clarendon Hills, Illinois (the Property) which it acquired on May 1, 1977, from the Employer.¹ The Property consists of 5,500 square feet, is zoned for commercial use, and is improved with a two story commercial type building containing approximately 8,100 square feet of area. The Property's current use is for commercial stores, offices and apartments. The Plan leases an office area on the second floor of the Property to the Employer totaling 1,029 net square feet of space. Messrs. Robert D. Miller, Jr. and Donald T. Sutte, MAI, of Real Property Analysts, Inc., appraised the Property and determined, that as of June 12, 1979, the Property had a fair market value of \$240,000. The applicant represents that the Property's value has increased since the date of that appraisal.

3. The portion of the Property leased to the Employer is presently subject to a lease beginning May 1, 1981, and ending April 30, 1983. The lease has a monthly rental of \$450 for the first 12 months and \$480 for the second 12 months. The Plans pays certain operating expenses of the Property such as real estate taxes.

4. The applicant requests an exemption, effective January 1, 1982, to allow the Plan to lease a portion of the Property to the Employer. The Employer has amended the Plan to provide, effective January 1, 1982, for the appointment of two independent fiduciaries to maintain investment discretion and control over the Property and the lease.

5. Mr. Donald D. McLean of Donald D. McLean & Co., Chtd., CPAs, was appointed on December 29, 1981, to maintain investment discretion, effective January 1, 1982, with regard to the holding of the Property by the Plan. Mr. McLean does not maintain any business or commercial relationship with the Employer, and has had extensive experience with employee benefit plan investments and management. Mr. McLean acknowledges that he is a fiduciary to the Plan with

respect to the holding of the Property, and understands his duties, liabilities, and responsibilities involved as a fiduciary of the Plan. Mr. McLean has completely reviewed the elements surrounding the Plan's holding of the Property, and has determined that such continued holding is appropriate, suitable, and in the best interests of the Plan. Among the factors Mr. McLean reviewed were the Property's rental income structure, operating expenses, cash flow generated from the investment, and cash equity enhancement which has resulted in a return on initial equity of approximately 16%. Mr. McLean specifically considered the high percentage of Plan assets the Property represents and has determined that because the Property is leased to a number of different tenants constituting various uses, including commercial, residential, and office, and because the Property is fully rented and located in a desirable location, that the continued holding of the Property by the Plan is in the best interests of the Plan. Mr. McLean has authority to sell the Property if he believes that the investment does not remain appropriate for the Plan.

6. Investco, Inc. (Investco), a corporation engaged in the business of financial consulting and investments, primarily in the Clarendon Hills area, was appointed on December 28, 1981, to serve as the fiduciary of the Plan with respect to the lease. Investco is independent of and has had no prior dealings with the Employer. Investco acknowledges its fiduciary relationship to the Plan, and understands its duties, liabilities and responsibilities involved in acting in such a capacity. Investco has reviewed all of the terms of the lease between the Employer and the Plan, and has determined that such terms are appropriate, suitable and in the best interests of the Plan. Investco represents that the fair market rental value of the space leased to the Employer, as of January 5, 1982, was \$400 per month, an amount less than the current rental being received by the Plan under the lease. Investco represents that the Plan's payment of real estate taxes is indirectly reflected in the rental payments, and is customary in commercial buildings where there are many tenants and several different uses of the property. Investco will review the payments of rent due under the lease and will enforce the rights of the Plan under the lease. Investco will further review the terms of any extension of the lease beyond April 30, 1983, and ensure that the terms and conditions of such renewal continue to be appropriate,

suitable and in the best interests of the Plan. Investco represents that it would not anticipate approving a renewal term of the lease in excess of two years.

7. The Plan is currently under examination by the Internal Revenue Service. The applicant recognizes that certain past transactions effected and continuing until January 1, 1982, constitute prohibited transactions as described in the Act, and represents that the Employer will pay all applicable excise taxes under section 4975(a) of the Code finally determined to be due.

8. In summary, the applicant represents that the transactions satisfy the statutory criteria of section 408(a) of the Act because (a) an independent qualified party, Mr. McLean, will serve as the fiduciary of the Plan with regard to the continued holding of the Property, and has determined that such holding is appropriate, suitable, and in the best interests of the Plan; (b) an independent, qualified party, Investco, will serve as the fiduciary of the Plan with regard to the lease, and has determined that the terms and conditions of the lease are appropriate, suitable, and in the best interests of the Plan; and (c) Investco will ensure that the terms and conditions of any renewal of the lease will remain appropriate, suitable, and in best interests of the Plan, and will monitor the Employer's obligations under the lease.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Merchants National Bank of Cedar Rapids Profit Sharing Plan and Trust (the Plan) Located in Cedar Rapids, Iowa

[Application No. D-3619]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 184781, April 28, 1975). If the exemption is granted the restrictions of section 408(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale of certain fixed income obligations by the Plan to the Merchants National Bank of Cedar Rapids (the Plan Sponsor), provided the price paid is no less than the fair market value of the obligations on the date of the sale.

¹In this proposed exemption the Department is not proposing exemptive relief for any prohibited transactions which occurred prior to January 1, 1982.

Summary of Facts and Representations

1. The Plan Sponsor is a national banking corporation. Effective December 31, 1959, the Plan Sponsor adopted the Plan. Effective January 1, 1974, the Plan Sponsor discontinued contributions to the Plan because it, as a wholly-owned subsidiary of Banks of Iowa, Inc., had adopted the Banks of Iowa, Inc. Retirement Plan (the Retirement Plan) and the Banks of Iowa, Inc. Thrift Plan (the Thrift Plan). Contributions to the Plan would have been a financial burden to the Plan Sponsor in addition to the funding requirements of the Retirement Plan and the Thrift Plan. A favorable letter of determination on the termination of the Plan was issued by the Internal Revenue Service on May 23, 1975.

2. The Plan Sponsor has elected to distribute the funds presently held by the Plan to all the participants and beneficiaries of the Plan. At the present time, the assets of the Plan include certain fixed income obligations. These obligations (the Obligations) include: U.S. Treasury Notes (the Notes); and Federal Farm Credit Bank Notes (the Bank Notes).

3. The Plan Sponsor proposes to purchase the Obligations at the greater of their original cost to the Plan or their fair market value, prior to the distribution of the Plan assets to the participants and beneficiaries of the Plan. The fair market value of the Notes as of September 1, 1982, as determined from the *Wall Street Journal*, was \$190,740. The fair market value of the Bank Notes as of September 1, 1982, as determined from the *Wall Street Journal*, was \$183,280. Thus, the total fair market value of the Obligations was \$374,020 as of September 1, 1982.

4. The Plan Sponsor proposes to purchase the Obligations for \$398,147 plus accrued interest. The Plan's cost of the Obligations was \$398,147. Thus, the applicant represents that there will be no loss to the Plan as a result of the transaction.

5. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because:

- (1) This will be a one-time cash transaction;
- (2) The Plan will receive no less than fair market value for its assets;
- (3) The distribution of the assets of the Plan to its participants and beneficiaries will be facilitated; and
- (4) The Plan trustee has determined that the transaction is appropriate for the Plan.

For Further Information Contact: Ms. Linda M. Hamilton of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Restated Employee Benefit Plan for Employees of Gas N- Sav, Inc. (the Plan) Located in New Port Richey, Florida

[Application No. D-3698]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 408(a), 408 (b)(1) and 408(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed sale of a parcel of real property (the Property) by the Plan to Gas N- Sav, Inc. (the Employer), the sponsor of the Plan, provided that the sales price is at least the fair market value of the Property at the time of the sale.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 34 participants and total assets, as of March 31, 1982, of \$341,367. The Property is a gasoline station located in Hudson, Florida and has been leased by the Plan to the Employer since December of 1977. The Employer is engaged in the retail distribution of gasoline and diesel fuel together with the miscellaneous sale of groceries. The Employer maintains 15 locations at which it conducts its business. The Property is one such location.

2. In December of 1977, the Plan leased an additional parcel of real property (the Additional Property) to the Employer. The applicant asserts that the Property and Additional Property constituted qualifying employer real property as defined under section 407(d)(4) of the Act and therefore the lease of the Property and the Additional Property by the Plan to the Employer was statutorily exempt from the prohibitions of 408 of the Act and 4975 of the Code by virtue of section 408(e) of the Act.² However, on October 31, 1980,

² The Department expresses no opinion as to whether the Property and the Additional Property constituted qualifying employer real property as defined under section 407(d)(4) of the Act or whether the lease of the Property and the Additional Property by the Plan to the Employer was statutorily exempt from the prohibitions of section 408 of the Act and 4975 of the Code by virtue of section 408(e) of the Act.

the Additional Property was sold by the Plan to an unrelated third party. The applicant concedes that, as a result, as of October 31, 1980, the lease by the Plan to the Employer of the Property constituted a prohibited transaction under section 408 of the Act and 4975 of the Code. Accordingly, the applicant represents that it will pay all excise taxes which are applicable under section 4975(a) of the Code by reason of the lease of the Property as of October 31, 1980 by the Plan to the Employer within 90 days of the date of the publication in the *Federal Register* of the grant of the exemption proposed herein.

3. The applicant proposes that the Property be sold by the Plan to the Employer for the cash sum of \$75,200. This price was determined to be the fair market value of the Property, as of March 3, 1982, by F. I. Grey & Son Inc., an independent appraiser, located in New Port Richey, Florida. No real estate commissions or exchange fees will be charged the Plan with respect to the sale of the Property. The applicant represents that numerous unsuccessful attempts have been made to sell the Property to unrelated parties. The applicant represents that potential purchasers are not generally interested in the purchase of one gasoline station.

4. In summary, the applicant represents that the proposed sale of the Property by the Plan to the Employer satisfies the statutory criteria of section 408(a) of the Act because: (1) it is a one time sale for cash; (2) the sales price was determined by an independent appraiser; (3) no real estate commissions or exchange fees will be charged the Plan; (4) all applicable excise taxes as a result of the past lease of the Property by the Plan to the Employer as of October 31, 1980 will be paid by the Employer; and (5) numerous unsuccessful attempts have been made to sell the Property to unrelated third parties.

For Further Information Contact: Lous Campagna of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

Richard K. Archer, M.D., P.A. defined Benefit Plan and Trust (the Plan) Located in Amarillo, Texas

[Application No. D-3702]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the sanctions

resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to: (1) the proposed contribution to the Plan of certain improved real property (the Property) by Richard K. Archer, M.D., P.A. (the Employer), the sponsor of the Plan; (2) the proposed lease of the Property to the Employer; (3) the personal guaranty of Richard K. Archer (the Trustee), the Trustee of the Plan, of the rent under the proposed lease; and (4) the guarantees of the Employer and the Trustee, that the Plan will receive the appraised fair market value of the Property in any sale of the Property by the Plan, provided that the terms and conditions of such transactions are at least as favorable to the Plan as those which the Plan could receive in similar transactions with an unrelated party.³

Summary of Facts and Representations

1. The Plan is a defined benefit plan which, as of February 28, 1982, had assets of \$415,646.82. The Employer is engaged in the practice of internal medicine.

2. The Employer is requesting an exemption that will permit it to contribute (the Contribution) the Property to the Plan at its appraised fair market value of \$120,000 and subsequently lease back (the Lease) the Property from the Plan. The Property is the Employer's principal place of business located in Amarillo, Texas. The Property was appraised by an independent appraiser, Dan MacNaughton, M.A.I., S.R.P.A., (MacNaughton) whose office is located in Plainview, Texas. MacNaughton represents that the fair market value of the Property as of June 2, 1982 was \$120,000. The Employer represents that the Property is subject to no liens, mortgages, or encumbrances. The Employer represents that the amount it will claim as a federal income tax deduction with respect to the Property used in the Contribution will be no greater than the appraised fair market value of the Property. The Lease will be a triple net lease for an initial term of 15 years at an annual rental rate of \$21,240, such rental to be paid at the beginning of each annual rental period. The Lease will be renewable for two additional five year periods. The amount of annual rental under the Lease will be subject to review and adjustment every 5 years to

provide for any increases in rent commensurate with increases in the fair market rental value of the Property, but in no event will the annual rent be less than \$21,240. The applicant represents that the rental rate established by MacNaughton's appraisal is not greater than \$21,240. The payment of rent due under the Lease will be personally guaranteed by the Trustee. The Employer represents that the proposed transactions will enable the Plan to obtain a high yield, low risk, and relatively liquid investment on extremely favorable terms.

3. Palo Duro Savings and Loan (the Sub-Trustee), located in Amarillo, Texas, which is independent of the Employer and the Plan, will serve as an independent fiduciary with respect to the transactions for which the exemption is requested. The Sub-Trustee represents that the terms and conditions of the proposed transactions are at arm's length and that the transactions are in the best interests of participants and beneficiaries of the Plan. The Sub-Trustee will monitor the Lease and will represent the Plan in the enforcement of the terms and conditions of the Lease. Any renewal of the Lease will require the mutual consent of the Sub-Trustee and the Employer. The Sub-Trustee, at its discretion, will have unrestricted authority to sell the Property at any time if it believes such sale would be in the best interests of the Plan. The Employer guarantees that in the event the Sub-Trustee sells the Property at a price which is less than fair market value, as determined by an appraisal, the Employer will pay to the Plan an amount equal to the difference between the sales price and the appraised value. Additionally, the Trustee personally guarantees for the duration of the Lease that if the Plan makes a claim against the Employer for such difference and the Employer lacks sufficient assets to pay such difference, the Trustee will pay the Plan an amount equal to such difference. It is the Trustee's intention that this personal guaranty will be enforceable against his estate in the event of his death. The Trustee represents that he has net assets in excess of \$1,500,000.

4. In summary, the applicant represents that the proposed transactions will satisfy the criteria of section 4975(c)(2) of the Code because: (1) the Trustee has determined that the proposed transactions are in the best interests of the participants and beneficiaries of the Plan; (2) an independent fiduciary will approve and monitor the transactions; (3) the Employer and the Trustee will guarantee

that the Plan will receive at least the fair market value of the Property in any sale of the Property; (4) the Trustee will personally guarantee the payment of rent under the Lease; and (5) the Trustee has determined that the proposed transactions will constitute a desirable investment for the Plan, providing a high rate of return.

For Further Information Contact: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

C&S Profit Sharing Plan of Citizens and Southern Georgia Corporation and its Affiliates (the C&S Plan); The Riverside Manufacturing Company Profit Sharing Plan (the Riverside Plan); The Augusta Iron and Steel Works Profit Sharing Plan (the Augusta Plan); and the Bank of Canton Retirement Plan (the Canton Plan; collectively, the Plans) located in Atlanta, Georgia

[Application Nos. D-3820, D-3821, D-3822 and D-3823]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 408(a), 408(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply, effective November 4, 1982, to the sale of stock by the Plans to the Citizens and Southern Georgia Corporation (C&S Georgia) for cash and/or other consideration, under the terms of the mergers as described in this notice, provided the terms of each transaction are not less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated party.

Effective date: If the proposed exemption is granted, it will be effective November 4, 1982.

Summary of Facts and Representations

1. The C&S Plan had approximately 4,500 participants and had assets of \$43.6 million as of June 30, 1982. The Riverside Plan had 1,150 participants and assets of \$4.4 million as of June 30, 1982. The Augusta Plan had 97 participants and assets of \$1.5 million as of June 30, 1982. As of December 31, 1981, the Canton Plan had 39 participants and approximately \$360,000 in total assets.

³ Since the Trustee is the sole stockholder of the Employer and the only participants in the Plan are the Trustee and his wife, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3-3(c)(1). However, there is jurisdiction under Title II of the Act under section 4975 of the Code.

2. C&S Georgia is a bank holding company organized and existing under the laws of the State of Georgia. C&S Georgia owns the controlling interest in the Citizens and Southern National Bank (C&S National) and in numerous banking related corporations and Georgia state banks. C&S National is a national bank, organized and existing under the laws of the United States, which is engaged in the banking business in numerous banking offices throughout Georgia. C&S National is the trustee for the Riverside Plan, the Augusta Plan and the Canton Plan. The assets of the C&S Plan are held by certain individual trustees under the C&S Profit Sharing Trust of C&S Georgia. The assets of this trust are in turn held as part of a pooled trust, known as the C&S Profit Sharing Trust, under the qualified profit sharing plans of 17 separate employers, in addition to C&S Georgia.

3. C&S Georgia is presently in the course of a long range program of acquiring several banks within Georgia. The target banks in the acquisition program are known as "Correspondent Associate" banks within the C&S system. Although C&S Georgia has historically owned no more than 5% of the stock in any of these banks, C&S Georgia and the Correspondent Associates have developed close relationships through sharing of banking, personnel and administrative services, as well as the use of a common logo and name.

In the initial phase of the acquisition program, C&S Georgia on December 31, 1981 acquired the Citizens and Southern Banks of Cobb, Clayton, Gwinnett and Henry Counties. In the spring of 1982, C&S Georgia acquired the Citizens and Southern Bank of Houston County. On August 31, 1982, C&S Georgia acquired the Citizens and Southern Bank of Colquitt County. On October 31, 1982, C&S Georgia acquired the Citizens and Southern Banks of Hart, Jackson and Thomas Counties and the Citizens and Southern National Bank of Dalton. Finally, C&S Georgia has announced its intention to acquire the Bank of Canton, Georgia. Shareholder action on this proposed merger will not take place until the spring of 1983. It is anticipated that C&S Georgia may acquire up to 14 additional banks in the acquisition program.

4. The C&S Plan currently holds 6,000 shares of the Citizens and Southern Bank of Colquitt County (C&S Colquitt). Although the vote of the C&S Colquitt shareholders on the merger was taken on July 27, 1982 and the merger was completed on August 31, 1982, the C&S

Plan did not vote its shares of C&S Colquitt in the merger, nor has it surrendered its shares to C&S Georgia. The C&S Plan originally acquired 100 shares of C&S Colquitt stock (formerly Moultrie Banking Company) on July 29, 1954. Through a series of transactions, the present position has now grown to 6,000 shares. There have been no purchases or sales of C&S Colquitt stock by the C&S Plan since 1974. The C&S Colquitt stock held by the C&S Plan represents 5% of the 120,000 shares of C&S Colquitt stock outstanding prior to the merger. Valuing the C&S Colquitt stock at the merger price of \$95 per share, this amounts to \$570,000, or about 1.3% of the C&S Plan's assets. On November 2, 1982, Johnson, Lane, Space, Smith & Co., Inc. (JLSSC), an independent fiduciary retained by the Plans to make all decisions regarding the subject mergers (see 15 and 16, below) directed the trustees of the C&S Plan to tender the 6,000 shares of C&S Colquitt to C&S Georgia, but the stock will not be tendered until the exemption proposed herein is granted.

5. The C&S Plan held 4,500 shares of the Citizens and Southern Bank of Jackson County (C&S Jackson), which were delivered to C&S Georgia in return for notes of C&S Georgia on November 4, 1982. The transfer of stock was made pursuant to the written direction of JLSSC. The C&S Plan originally acquired 500 shares of C&S Jackson on October 20, 1965. Through a series of transactions, the position had grown to 4,500 shares. There had been no purchases or sales of C&S Jackson by the C&S Plan since 1974. The C&S Jackson stock held by the C&S Plan represented 5% of the 90,000 shares outstanding of C&S Jackson. Valuing the C&S Jackson stock at the merger price of \$56 per share, this would amount to \$252,000, or about .58% of the C&S Plan's assets.

6. The C&S Plan currently holds 10,563 shares of Bank of Canton, Georgia (Canton) which will be delivered to C&S Georgia in return for a set dollar amount of stock in C&S Georgia if the proposed merger receives shareholder approval. The C&S Plan originally acquired 3,521 share of Canton stock on November 4, 1974. The balance of Canton stock in this account has resulted from stock dividends. The Canton stock held by the C&S Plan represents 4.4% of the 240,000 outstanding shares of Canton. Valuing the Canton stock at the proposed merger price of \$63 per share, this would amount to \$665,469, or about 1.5% of the C&S Plan's assets.

7. C&S National as trustee of the Riverside Plan currently holds 2,400

shares of C&S Colquitt. C&S National as trustee of the Riverside Plan did not vote its shares of C&S Colquitt in the merger (see 4, above), nor has it surrendered its shares of C&S Colquitt to C&S Georgia. The Riverside Plan originally acquired 100 shares of C&S Colquitt stock on December 27, 1957. An additional 900 shares were purchased on December 17, 1969. The balance of the shares of C&S Colquitt held in this account result from stock splits and dividends. The C&S Colquitt stock held by the Riverside Plan represents 2% of the 120,000 shares of C&S Colquitt outstanding prior to the merger. Valuing the C&S Colquitt stock at the merger price of \$95 per share, this amounts to \$228,000, or about 5.2% of the Riverside Plan's assets. On November 2, 1982, JLSSC directed C&S National as trustee of the Riverside Plan to tender the 2,400 shares of C&S Colquitt to C&S Georgia, but the stock will not be tendered until the exemption proposed herein is granted.

8. C&S National as trustee of the Augusta Plan held 400 shares of C&S Thomas, which were delivered to C&S Georgia in return for cash and notes on November 4, 1982, pursuant to the written direction of JLSSC. The Augusta Plan originally acquired 100 shares of C&S Thomas on August 27, 1970, and the position in this account had increased to 400 shares through subsequent splits and dividends. The C&S Thomas stock held by the Augusta Plan represented about .28% of the 144,000 shares of outstanding C&S Thomas stock. Valuing the C&S Thomas stock at the merger price of \$62 per share, this would amount to \$24,800 or about 1.6% of the Augusta Plan's assets.

9. C&S National as trustee of the Canton Plan currently holds 2,100 shares of Canton, which will be delivered to C&S Georgia in return for a set dollar amount of stock in C&S Georgia if the proposed merger receives shareholder approval. The Canton Plan originally acquired 200 shares of Canton stock on October 29, 1968, and made additional purchases of 200 shares in 1969 and 500 shares in 1972. The Canton Plan sold 600 shares of Canton stock in 1979. The excess of the Canton Plan's current holdings of Canton stock over the net purchases and sales described above result from stock dividends. The Canton stock held by the Canton Plan represents about .88% of the 240,000 shares of outstanding Canton stock. Valuing the Canton stock at the proposed merger price of \$63 per share, this would amount to \$132,300 or about 36% of the Canton Plan's assets.

10. The C&S Plan currently holds stock in only four additional banks which may be acquired by C&S Georgia in the course of the acquisition program. These include 2,952 shares of Citizens and Southern Bank of Tifton, Georgia, valued at \$132,840; 600 shares of Citizens Bank, Hogansville, Georgia, valued at \$33,000; 5,400 shares of Farmers and Merchants Bank of Fayetteville, Georgia, valued at \$216,000; and 500 shares of Farmers and Merchants Bank, Senoia, Georgia, valued at \$42,500. Because it is not yet known which, if any, of the banks may be targeted for acquisition by C&S Georgia, the number of cases where a prohibited transaction under the Act may arise in respect of the C&S Plan cannot yet be fully determined.

11. A typical C&S Bank acquisition usually begins when C&S Georgia reaches a preliminary agreement with the target bank regarding the merger. The effectiveness of the merger is conditioned upon at least two-thirds shareholder approval of both the target bank and C&S Georgia, as well as approval by administrative agencies such as the United States Comptroller of the Currency, the Georgia Department of Banking and Finance, and the United States Securities and Exchange Commission. Following the signing of the preliminary agreement, a Proxy Statement-Prospectus (the Proxy Statement) is sent to the shareholders of the target bank which describes the terms of the proposed merger in detail and which announces a shareholder meeting to vote on the proposed merger.

12. The financial terms of the typical bank acquisition may be illustrated by reference to the terms in the C&S Colquitt transaction. In the C&S Colquitt acquisition, each C&S Colquitt shareholder received from C&S Georgia for each share of C&S Colquitt stock \$20 in cash plus a 5 year limited transfer installment note in the face amount of \$75, accruing interest at 16% with annual payments of principal and quarterly payments of interest. (In some of the other acquisitions, shareholders of the target bank will have the option of taking all cash or notes of different maturities. In addition, some acquisitions may be structured as stock-for-stock transactions, in which the shareholders of the target bank surrender their stock for a set dollar amount of stock in C&S Georgia.) The installment notes are unsecured obligations of C&S Georgia issued under an indenture (the Indenture) between C&S Georgia and Columbus Bank and Trust Company as Trustee (Columbus). Under the Indenture, Columbus' duties

include authenticating each note, cancelling each note upon transfer, exchange or payment, monitoring the payment of principal and interest under the notes, demanding accelerated payment of notes in the event of default and pursuance of any remedies against C&S Georgia in the event of default. The holders of the notes also have certain rights under the Indenture, including acceleration in the event of default (holders of at least 25% in principal amount of the notes must consent), waiver of past defaults (holders of a majority in principal amount of notes must consent), and pursuance of any remedy against C&S Georgia (holders of at least 25% in principal amount of notes must consent).

13. The terms of the C&S Colquitt merger also provided that a stockholder could elect to receive a cash payment of \$95 per share for up to 50 of his shares in lieu of the combination of cash and installment notes previously described. The Proxy Statement also notified shareholders of C&S Colquitt that they could exercise dissenter's rights under the applicable provisions of 12 United States Code § 215a.

14. The Proxy Statement in the C&S Colquitt merger also contains the following information, which again is represented to be typical of the C&S bank acquisitions in general:

(a) Only a small percentage of the target bank stock is owned by persons related to C&S Georgia, i.e., present and former officers, directors and employees of C&S Georgia, C&S National and their subsidiaries. As of December 31, 1981, persons related to C&S Georgia owned 9,529, or 7.94% of the 120,000 shares of C&S Colquitt outstanding prior to the merger.

(b) The operation of the target bank after the merger remains substantially the same, with the officers and employees of the target bank (including officers who may hold a significant amount of the target bank stock) retaining substantially the same positions in the target bank which they held prior to the merger. In the case of C&S Colquitt, this included O. Mitchell Smith, President of C&S Colquitt, who as of February 15, 1982, owned 10,505, or 8.75% of the 120,000 shares of C&S Colquitt stock outstanding.

(c) Typically, there is no public market for the shares of the target bank stock. The most recent sale of C&S Colquitt known to the management of C&S Colquitt occurred on December 18, 1981, when 208 shares were sold for \$75 per share.

(d) The target bank stock usually has a fairly low yield in terms of cash

dividends declared. Cash dividends declared per share of C&S Colquitt were \$2.40 per share during 1980 and \$2.60 per share during 1981.

(e) In each merger, the target bank engages a valuation expert to provide its opinion to the target bank concerning the fairness to the target bank shareholders of the forms of consideration and exchange rates in the proposed merger. In the C&S Colquitt merger, the Robinson-Humphrey Company, Inc., an investment banking firm, advised C&S Colquitt that, in its opinion, the consideration and exchange rates in the merger were fair to the shareholders of C&S Colquitt.

15. On September 17, 1982, C&S National and the trustees of the C&S Plan engaged JLSSC to exercise fiduciary responsibility regarding any of the target bank stock held by the C&S Plan or by C&S National as trustee of the Riverside Plan, the Augusta Plan and the Canton Plan. JLSSC is to serve as a fiduciary under the Act, with responsibility to make any and all discretionary decisions which the trustees or C&S National normally would make with respect to any stock held by the C&S Plan or a C&S National-trusted Plan which may be involved in one of the C&S Georgia bank acquisitions. JLSSC's responsibilities include:

(a) The decision to accept or reject a tender offer by C&S Georgia;

(b) The decision to vote in favor of, or against, or to abstain from any decision regarding a merger;

(c) The decision to exercise any dissenter's rights in a merger;

(d) The decision of which form of payment should be elected by the plan with respect to the target bank stock; and

(e) the decision whether to exercise any rights or options available to the plan as holder of notes of C&S Georgia.

JLSSC will exercise its powers for the exclusive benefit of Plan participants. Although title to any of the target bank stock shall remain with the Plans, the Plan's trustees shall be bound by the written directions of JLSSC. JLSSC has consulted with counsel familiar with the Act, and understands and accepts its duties, responsibilities and liabilities as a fiduciary under the Act.

16. JLSSC is an investment banking firm whose principal office is located in Savannah, Georgia. The revenue earned from services which JLSSC performs for C&S National on a competitive basis constitutes a negligible portion of the total revenues of JLSSC. Although one employee of JLSSC serves as an Advisory Director of a branch of C&S

National in Savannah, there are no persons who play important overlapping roles, such as that of officers or directors, between these two parties. There are, in summary, no relationships between any of the applicants and JLSSC which would affect the independence of JLSSC vis-a-vis any of the applicants.

17. In summary, the applicants represent that the subject transactions meet the statutory criteria of section 408(a) of the Act because: (1) No merger will take place unless it is approved by two-thirds of the target bank shareholders, and in the typical instance the percentage of stock in the target bank held by persons related to C&S Georgia will not be even remotely enough to control the outcome of the merger; (2) the overall fairness of each merger to the target bank shareholders will in each case be passed upon by an independent investment banker; (3) the Plans will be able to receive a combination of cash and short-term notes or marketable securities in exchange for a low-yield asset with limited marketability; and (4) all decisions regarding the subject transactions and continued monitoring of the transactions will be undertaken by a fiduciary who is qualified and is independent of C&S Georgia and its affiliates.

Notice to Interested Persons

Notice will be provided to interested persons in the manner agreed upon by the Department and the applicants within 30 days of the date of publication of this proposed exemption. Comments and requests for a hearing must be received by the Department within 60 days of the date of publication of this proposed exemption.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Equitable Life Assurance Society of the United States (Equitable) Located in New York City, New York

[Application No. D-3895]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 408(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not

apply to (1) the past and proposed acquisition by Equitable of shares of the common stock of Equitable Life Mortgage and Realty Investors (Telmari) from certain employee benefit plans (the Plans), with respect to which Equitable is a party in interest, provided that the price received by the Plans is at least equal to the price received by other shareholders of the Telmari common stock; and (2) the assumption by Equitable of the obligations of Telmari notes (the Notes) resulting in an extension of credit between Equitable and certain of the Plans.

Effective Date

If the proposed exemption is granted, it will be effective October 8, 1982.

Summary of Facts and Representations

1. Equitable is a mutual life insurance company organized under the laws of the State of New York and subject to supervision and examination by the Superintendent of Insurance of the State of New York. It is the third largest life insurance company in the United States, having total assets of approximately \$37 billion. Equitable provides funding, asset management and other services for a large number of employee benefit plans subject to the provisions of Title I of the Act.

2. Telmari is a diversified real estate investment trust organized as a Massachusetts business trust, and has 13 trustees (the Trustees). Ten of the Trustees are not employees or executive officers of Equitable (the Unaffiliated Trustees). Telmari currently has 5,633,678 shares of common stock (the Stock) outstanding which are held by more than 4,000 Stockholders. The Stock is publicly traded on the New York Stock Exchange. Telmari had total invested assets on July 31, 1982 of approximately \$288,000,000. Its investments consist of short-term mortgage loans, long-term mortgage loans and equity investments in real property. Telmari also has outstanding the Notes which consist of a \$50 million principal amount of floating rate notes issued publicly by Telmari in 1979 and registered pursuant to the Securities Act of 1933. The Notes mature on September 1, 1987 and are not redeemable by Telmari before September 1, 1986. They bear interest at a floating rate tied to the market discount rate for six-month U.S. Treasury bills. The Notes are traded on the New York Bond Exchange. There are at present approximately 200 holders of the Notes. Equitable sponsored the organization of Telmari in 1970 and serves as investment adviser for Telmari. Telmari relies on Equitable to provide investment opportunities to

Telmari. In addition, Equitable participates in its general account, to the extent of at least 10%, in most of the investments made by Telmari. Equitable also owns (in its general account) 8,000 shares (approximately 0.14 percent) of the Stock and all of the 750,000 outstanding shares of Telmari's preferred stock.

3. The applicant is requesting an exemption which will permit the past and proposed acquisition by Equitable of the Stock from the Plans and the assumption of the obligations of the Notes. Equitable has not been able to accurately identify which Plans will be the subject of the proposed exemption primarily because ownership of the Stock and the Notes changes daily as a result of New York Stock Exchange and New York Bond Exchange trading and because the Stock or the Notes may be held on behalf of the Plans in the name of a financial institution or other nominee with no public identification of the beneficial owner. However, employee benefit plans maintained by Equitable for its own employees are not among the Telmari Stockholders or Noteholders, nor are any separate accounts or investment advisory accounts managed by Equitable for employee benefit plans.

4. The terms of the subject acquisitions are as follows. On October 4, 1982, Equitable and Telmari entered into an Agreement and Plan of Reorganization (the Agreement) pursuant to which a wholly-owned subsidiary of Equitable would acquire all of the Stock. Pursuant to the Agreement, Equitable formed a wholly-owned subsidiary called Equitable Acquisition Corporation (the Purchaser). On October 8, 1982, the Purchaser, pursuant to the Agreement, made an Offer to Purchase (the Offer) for cash all of the Stock. Pursuant to the Offer approximately 4,950,000 shares of the Stock (approximately 88 percent) were tendered by November 22, 1982. Subsequent to November 22, 1982 and pursuant to the Agreement, Telmari will be merged into a wholly-owned corporate subsidiary of Equitable (the Trust Corp.) with all of the outstanding shares of the Stock to be converted into like shares of the Trust Corp. Thereafter, the Purchaser will be merged (together, the Mergers) into the Trust Corp., with each outstanding share of common stock of the Trust Corp. (other than those held by the Purchaser) to be converted into the right to receive \$15.15 in cash and with the outstanding shares of the Purchaser to be converted into the only outstanding shares of the common stock of the Trust Corp. As a result of the

Mergers, the shares of the Stock not tendered pursuant to the Offer will be converted into the right to receive the same amount of cash per share as was paid to the Stockholders who tendered their shares pursuant to the Offer. As an incident of the Mergers the Trust Corp. will become liable for the obligations represented by the Notes.

5. Equitable represents that the Unaffiliated Trustees negotiated the terms of the Offer and made the decision for Telmari to enter into the Agreement and that the principal factors that were considered by the Unaffiliated Trustees are summarized as follows:

(a) The opinion of Salomon Brothers Inc., the financial advisor retained by Telmari in connection with the acquisition, that the consideration to be received by Stockholders is fair to such Stockholders from a financial point of view;

(b) The fact that the \$15.15 net in cash per share to be received by the Stockholders is in excess of the Stock's closing price of \$8.50 per share on the New York Stock Exchange on June 30, 1982, the last trading day preceding the announcement of Equitable's proposal to enter into discussions regarding possible acquisition and in excess of the anticipated market value of the Stock in the absence of the proposed acquisition;

(c) The determination of the Unaffiliated Trustees that the price of \$15.15 per share is fair in relation to Telmari's historical earnings performance, cash flow and ability to pay dividends and its near-term expectations as to earnings, cash flow and ability to pay dividends as elements of Telmari's going concern value;

(d) The view of the Unaffiliated Trustees that the net book value per share of Telmari (which was \$21.33 on July 31, 1982) is not determinative of the fairness of the offer because a major portion of Telmari's assets consist of long-term mortgages which are producing yields below those currently available for similar investments and other assets are or have been subject to foreclosure or renegotiation proceeding, and thus that the anticipated liquidation value of such assets is below book value.

In addition, Equitable represents that it does not act as a fiduciary with respect to any Plans which were or are holders of the Stock. The decision, for any Plan on whose behalf shares of the Stock may be held, to tender such shares pursuant to the Offer or to have such shares converted into cash in the Mergers or to exercise such other options as may be available, was or will be made in each case by a fiduciary or the Plan who is unaffiliated with and

acting completely independently of Equitable, and who is bound by the Act to act prudently and solely in the interests of the Plan. Equitable represents that it has no discretionary authority, responsibility, control or influence with respect to such decisions by these fiduciaries.

6. In summary, the applicant represents that the transactions did and will satisfy the requirements of section 408(a) of the Act as follows: (1) The Unaffiliated Trustees negotiated the terms of the Offer and made the decision for Telmari to enter into the Agreement; (2) the decisions on behalf of the Plans were or will be made by fiduciaries of the Plans who are independent of Equitable; and (3) the Plans did or will receive the same price for the Stock as all other Stockholders.

For Further Information Contact: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirements of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional ruled. Furthermore, the fact that a transaction is subject to an administrative or

statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 1st day of February 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Service Administration, U.S. Department of Labor.

[FR Doc. 83-3102 Filed 2-3-83; 8:45 am]

BILLING CODE 4510-29-M

Wyman, Green & Blalock, Inc. Profit Sharing Plan and Trust et al.; Grant of Individual Exemptions

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the *Federal Register* of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because,

effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

- (a) The exemptions are administratively feasible;
- (b) They are in the interests of the plans and their participants and beneficiaries; and
- (c) They are protective of the rights of the participants and beneficiaries of the plans.

Wyman, Green & Blalock, Inc. Profit Sharing Plan and Trust (the Plan) Located in Bradenton, Florida

[Prohibited Transaction Exemption 83-14; Exemption Application No. D-3422]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code, shall not apply, effective April 8, 1982, to the lease of real property by the Plan to Wyman, Green & Blalock, Inc., under the terms and conditions set forth in the notice of proposed exemption, provided the terms of the lease are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 30, 1982 at 47 FR 53962.

Effective Date: This exemption is effective April 8, 1982.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Profit Sharing Plan for Employees of Fox Electric Co., Inc. and Participating Employers (the Plan) Located in Arlington, Texas

[Prohibited Transaction Exemption 83-15; Exemption Application No. D-3540]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the

Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the loan of \$220,000 by the Plan to Messrs. Frank M. Gilstrap, Frank Hill and Terrance D. Hill, under the terms set forth in the notice of proposed exemption, provided the terms of the loan are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 14, 1982 at 47 FR 56083.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Goodyear Tire and Rubber Company and Subsidiaries Employee Stock Ownership Plan (the SESOP) Located in Akron, Ohio

[Prohibited Transaction Exemption 83-16; Exemption Application No. D-3257]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the quarterly purchases by the SESOP trustee of common stock issued by the Goodyear Tire and Rubber Company under the Goodyear Dividend Reinvestment and Stock Purchase plan, as described in the notice of proposed exemption.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 5, 1982 at 47 FR 50383.

Written comments and Hearing Requests

The Department received one comment in favor of the proposed exemption. The comment included a hearing request which was subsequently withdrawn.

The applicant notified the Department that pursuant to discussions with the Department, the applicant had on December 29, 1982 notified interested persons that the comment period had been extended to January 18, 1983, since interested persons had not previously been given sufficient time in which to comment on the proposed exemption.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Summit National Bank Employees' Pension Trust (the Plan) Located in Fort Worth, Texas

[Prohibited Transaction Exemption 83-17; Exemption Application No. D-3552]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the past loan (the Loan) of \$100,081 to the Plan by Summit National Bank, the sponsor of the Plan, provided that the terms and conditions of the Loan were at least as favorable to the Plan as those which the Plan could have received in a similar transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 14, 1982 at 47 FR 56085.

For Further Information Contact: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

Alta Industries, Ltd. Employees Profit Sharing Plan (the Plan) Located in Salt Lake City, Utah

[Prohibited Transaction Exemption 83-18; Exemption Application No. D-3144]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply, effective February 2, 1982, to the sale by the Plan of 355 limited partnership interests in Alta Industries Ltd. to Mr. Leon Hansen, a party in interest with respect to the Plan, for \$2,928, provided that this amount was not less than the fair market value of the interests on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on November 30, 1982, at 47 FR 53966.

Effective Date: This exemption is effective February 2, 1982.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 1st day of February, 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-3101 Filed 2-3-83; 8:45 am]

BILLING CODE 4510-29-M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Revision of Forms for OMB Review

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed revision of forms submitted to OMB for clearance.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980, this notice announces a proposed revision of forms which collect information from the public. OPM Forms 1200, 1201, 1201A, 1202, 1203, and 1280 constitute a

Federal Employment Application Package suitable for processing under an automated examining system. OPM is responsible for open competitive examinations for admission to the competitive service in accordance with section 3302, 5 U.S.C. For copies of this proposal, call John P. Weld, Agency Clearance Officer, on (202) 632-7720.

DATES: Comments on this proposal should be received within 10 working days from date of this publication.

ADDRESSES: Send or deliver comments to: John P. Weld, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, N.W., Room 6669, Washington, D.C. 20415, and Frank Reeder, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: John P. Weld, (202) 632-7720.

Office of Personnel Management.
Donald J. Devine,
Director.

[FR Doc. 83-3040 Filed 2-3-83; 8:45 am]

BILLING CODE 6325-01-M

Proposed Extension of Form for OMB Review

Correction

In FR Doc. 83-2368 beginning on page 4080 in the issue of Friday, January 28, 1983 make the following correction:

On page 4080, column three, SUMMARY:, line four, "OMB Form which" should have read "OMB Form 192 which".

BILLING CODE 1505-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Regional Conservation and Electric Power Plan; Hearing and Inquiry

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council.

ACTION: Notice of Hearings and Opportunity to Comment on Draft Energy Plan.

SUMMARY: On January 26, 1983, the Pacific Northwest Electric Power and Conservation Planning Council ("the Council") adopted a draft regional conservation and electric power plan. That draft is being released for public review and comment. Public hearings will also be held on the draft plan. This notice describes the proposed plan, provides information on how to obtain

copies, and outlines the process for submitting written comments and participating in the hearings.

DATES AND ADDRESSES: Copies of the draft plan may be obtained at the Council central office, Suite 200, 700 S.W. Taylor, Portland, Oregon 97205 or by calling Ms. Beata Teberg at 1-800-222-3355 (toll free in Montana, Idaho, Washington and California), 1-800-452-2324 (toll free in Oregon) or 503-222-5161. Hearings are scheduled as follows:

1. March 9, 1983—Missoula, Montana, Montana Rooms, University Center, University of Montana, 9 a.m. to 5 p.m. and 7 p.m. to 9:30 p.m.;

2. March 11, 1983—Boise, Idaho, Holiday Inn, Interstate 80 and Vista Avenue (close to airport) 9 a.m. to 5 p.m. and 7 p.m. to 9:30 p.m.;

3. March 14, 1983—Coeur d'Alene, Idaho, North Shore Hotel, North Star Plaza, 9 a.m. to 5 p.m. and 7 p.m. to 9:30 p.m.;

4. March 16, 1983—Salem, Oregon, Employment Building Auditorium, 875 Union Street, N.E. (in Capitol Mall area), 9 a.m. to 5 p.m. and 7 p.m. to 9:30 p.m.;

5. March 18, 1983—Seattle, Washington, South Auditorium—Federal Building, 915 Second Avenue, 9 a.m. to 5 p.m. and 7 p.m. to 9:30 p.m.

Requests for time slots at a hearing should be made to Ms. Janie Percy, by telephone at the telephone numbers listed above, or in writing to the central office at the address given above, at least five (5) weekdays prior to the day of the hearing at which a time slot is requested. Written comments must be received in the Council's central office, 700 S.W. Taylor Street, Suite 200, Portland, Oregon 97205, by 5 p.m. Friday, March 21, 1983. They should be addressed to the attention of Director of Public Involvement.

FOR FURTHER INFORMATION CONTACT: Ms. Torian Donohoe, Director of Public Involvement, 700 S.W. Taylor, Suite 200, Portland, Oregon 97205 (toll free 1-800-222-3355 in Montana, Idaho, Washington and California) (1-800-452-2324 toll free in Oregon); or 503-222-5161.

SUPPLEMENTARY INFORMATION: By passage of the Pacific Northwest Electric Power Planning and Conservation Act, Public Law 96-501, 94 Stat. 2697, 16 U.S.C. 839 *et seq.* ("the Act"), Congress provided for the establishment of the Pacific Northwest Electric Power and Conservation Planning Council ("the Council"), a regional agency composed of two gubernatorial appointments each from the states of Idaho, Montana, Oregon and Washington. Congress charged the

Council with two major responsibilities: (1) Preparation of a program to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development, operation and management of hydroelectric facilities on the Columbia River and its tributaries; and (2) development of a conservation and electric power plan for the Pacific Northwest. The Council adopted its fish and wildlife program on November 15, 1982. The fish and wildlife program will be incorporated into the final conservation and electric power plan.

The Council established a Scientific and Statistical Advisory Committee to assist in the development of the plan. The Committee was organized in August 1981 and has members from throughout the Northwest representing federal and various regional, state, local and Indian tribal governments, consumer and environmental groups and customers of the Bonneville Power Administration. The Committee works through five subcommittees, each covering a major study area of the Council: forecasting, conservation, resource assessment, reserves and reliability, and fish and wildlife.

The Council also contracted with various persons and entities to have studies made of some of the major issues raised by the plan. The Council commissioned six major study modules to be prepared for publication in the fall of 1982: Module I—Electricity Demand Model, with separate reports prepared by Charles River Associates, Boston, Massachusetts; Cambridge Systematics, Berkeley, California, and Jerry Jackson and Associates, Marietta, Georgia; Module II—Conservation and Power Supply Resource Assessment, prepared by Battelle Northwest Laboratories, Richland, Washington; Module III—Policy Options and Programs, prepared by Applied Management Sciences, Silver Spring, Maryland; Module IV—Rate Design and Analysis, prepared by ICF, Inc., Washington, D.C.; Module V—Reserves and System Reliability Analysis, prepared by ICF, Inc., Washington, D.C.; Module VI—Quantification of Environmental Costs and Benefits, prepared by Nero and Associates, Portland, Oregon. Copies of these and other contract reports commissioned by the Council may be obtained from Ms. Ruth Curtin, Librarian, at the central office.

In the preparation of this draft plan Council staff also prepared a series of issue papers discussing the major issues of the plan, which were presented at Council meetings for discussion and public comment. Thereafter, memoranda

describing the decisions recommended by Council staff, including alternatives, were presented at Council meetings and subject to public comment. The series of decisions the Council made at these meetings formed the framework of the plan.

In addition, the Council has held numerous formal and informal consultation meetings with Bonneville Power Administration, BPA customers, consumer and environmental groups, state and local agencies, and interested members of the public in order to obtain the views of these groups on the major issues raised by the plan.

Plan

The Council's plan will guide Bonneville Power Administration in its acquisition of resources to meet the region's future electrical energy needs. As required by the Act, the proposed plan includes a twenty-year demand forecast, an estimate of resources needed to meet forecasted demand, an energy conservation program (including model conservation standards), recommendations for research and development, a methodology for determining quantifiable environmental costs and benefits, a discussion of reserve and reliability requirements, and a methodology for calculating model conservation standard surcharges. The plan also includes, in a separate document, the fish and wildlife program adopted by the Council on November 15, 1982.

Copies of the proposed plan are now available at the Council central office at 700 SW. Taylor Street, Suite 200, Portland, Oregon 97205. They may be ordered by writing to Ms. Beata Teberg at that address or by calling her at 1-800-222-3355 (toll free in Montana, Idaho, Washington and California), 1-800-452-2324 (toll free in Oregon) or (503) 222-5161.

Hearings

The dates, times and locations for the public hearings and the process for reserving a time slot at the hearings are set out above under "Dates and Addresses". Persons who have not reserved time slots will be permitted to speak only as time permits. The Council encourages speakers to use their hearing time to summarize written comments. Each interested agency, organization, or individual will be permitted to speak at only one of the five hearings. The Council reserves the right to limit or consolidate testimony in order to expedite the hearings.

The hearings will be chaired by the Chairman or Vice Chairman of the Council. No cross-examination of

speakers will be permitted. However, Council members may ask clarifying questions.

Transcripts of the hearings will be made and will become part of the Council's administrative record. Copies of the transcript will be available for review and copying between 9 a.m. and 4:30 p.m. at the Council's central office, 700 SW. Taylor Street, Suite 200, Portland, Oregon 97205.

Written Comments

All written comments on the proposed plan must be received in the Council central office, at the address given above, by 5 p.m. Pacific time, March 21, 1983. Comments received after that time will not be considered. The Act requires that the Council adopt its final conservation and electric power plan on or before April 28, 1983.

Because of the large number of comments expected, special attention should be given to written comments. Written comments should be specific and concise, refer to plan sections, and provide alternative language to aid redrafting. The Council requests 10 copies of each set of comments. All comments submitted during the comment period will be considered by the Council. The Council requests that commenters submit a "marked up" copy of the draft plan indicating suggested revisions. Where deletions are suggested, the language being deleted should be lined out and placed in parentheses. Suggested new language should be inserted and underlined. Lengthy insertions should be set out on an accompanying page. Reasons for suggested changes should be stated separately. All comments should be double-spaced. Avoid grouping on one page comments concerning different sections of the plan.

The Council proposes to amend section 1404(b)(1) of its fish and wildlife program. That section now states that the Council will accept recommendations for program amendments on November 15, 1983 and November 15 every two years thereafter. To coordinate fish and wildlife program amendments with revisions of its energy plan, the Council proposes to amend section 1404(b)(1) of the program to accept recommendations for program amendments on November 15, 1983, November 15, 1984, and on November 15 every two years thereafter. The Council solicits comments on this proposal.

A copy of the administrative record of plan development, including written comments on the proposed plan, may be inspected and copied at the Council's public reading room in Suite 200, 700

SW. Taylor Street, Portland, Oregon between the hours of 9 a.m. and 4:30 p.m., weekdays.

(Sec. 4 Pub. L. 96-501, 16 U.S.C. 839b)

Edward Sheets,

Executive Director.

[PR Doc. 83-2891 Filed 2-3-83; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22838; 70-6836]

Allegheny Power System, Inc.; Proposed Issuance and Sale of Short-Term Notes to Banks and Commercial Paper to Dealer

January 27, 1983.

Allegheny Power System, Inc. ("Allegheny"), 320 Park Avenue, New York, New York 10022, a registered holding company, has filed an application with this Commission pursuant to Section 8(h) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

Allegheny proposes to issue and sell notes to banks and a dealer in commercial paper in an amount not to exceed \$145,000,000 outstanding at any one time, including such short-term debt as may still be outstanding under the Commission's order in File No. 70-6632. It is proposed that such notes and commercial paper will be issued from time to time prior to September 30, 1984, provided that no such notes or commercial paper shall mature after March 31, 1985.

Each note payable to a bank will be dated as of the date of the borrowing which it evidences, will mature not more than two hundred-seventy (270) days after the date of issuance or renewal thereof, and will bear interest at no greater than the then current prime or equivalent interest rate of the bank at which the borrowing is made. Allegheny and its subsidiaries have agreed to pay for lines of credit with a group of banks by maintaining compensating cash balances (no greater than 5% of all or a portion of the line of credit) and/or by paying an annual cash fee (no greater than 1/2% of all or the balance of the line of credit). Such compensating cash balances are maintained in many cases for the purpose of meeting the regular operating requirements of Allegheny as well as satisfying the obligations of Allegheny under the lines of credit. Based on compensating cash balance of 5%, and/or fees equivalent thereto, the effective cost of bank borrowing under such lines of credit would be

approximately 12.1% based on a prime rate of 11.5%.

The commercial paper notes will have varying maturities, with no maturity more than 270 days after the date of issue. None will be prepayable prior to maturity. The notes will be sold directly to the dealer at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity. The dealer may reoffer the commercial paper at a discount rate of 1/2% of 1% per annum less than the discount rate to Allegheny. The dealer will reoffer the commercial paper to not more than 200 of its customers.

Allegheny will use the proceeds of the proposed short-term borrowings to make capital contributions to its direct and advances to its indirect subsidiaries, to acquire notes or stock of such subsidiaries, and to finance other corporate needs.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by February 28, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[PR Doc. 83-3037 Filed 2-3-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22839; 70-6839]

National Fuel Gas Co. et al.; Proposed Issuance and Sale of Short-Term Notes to Banks by Subsidiary and Guarantee by Holding Company

January 27, 1983.

In the matter of National Fuel Gas Company, 30 Rockefeller Plaza, Suite 4545, New York, New York 10112; Seneca Resources Corporation, 10

Lafayette Square, Buffalo, New York 14203.

National Fuel Gas Company ("National"), a registered holding company and its wholly owned subsidiary, Seneca Resources Corporation ("Seneca"), have filed a declaration with this Commission pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder.

Pursuant to prior orders of this Commission in Files Nos. 70-6547 and 70-6589, Seneca has the authority to issue and sell short-term notes to RepublicBank Houston, N.A. ("RepublicBank") and Citibank, N.A., up to an aggregate of \$65,000,000 at any one time outstanding. As of January 15, 1983, Seneca had outstanding borrowings of \$48,350,000 under existing credit arrangements with RepublicBank and Citibank. All borrowings become due on March 1, 1983. Repayment of the outstanding amounts is guaranteed by National. In addition, the notes evidencing Seneca's borrowings are secured by a portion of Seneca's oil and gas properties in the states of Texas and Louisiana and a portion of Seneca's hardwood timber acreage located in the State of Pennsylvania.

Seneca and National now intend to establish lines of credit of \$65,000,000 each with RepublicBank and Citibank and enter into a new credit agreement with each bank upon substantially the same terms and conditions as at present. Seneca proposes to issue and sell its notes pursuant thereto, and National proposes to guarantee the notes. In no event will the aggregate amount of such notes outstanding at any one time exceed \$65,000,000. The credit agreements will extend for one year until February 29, 1984. The notes will be secured under the terms of first mortgages on the oil and gas properties and related reserves mentioned above. It is stated that the effective cost of borrowing will be the prime rate at RepublicBank or the base rate at Citibank, both of which were 11% as of January 15, 1983. Seneca, at its option, may also borrow at an alternate rate of interest set by each bank. Recently, Seneca elected an alternate rate from each bank below the prime or base rate. The proceeds will be used by Seneca to provide working capital for its operations.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in

writing by February 25, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-3034 Filed 2-3-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 19383; SR-NASD-82-27]

National Association of Securities Dealers, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

December 29, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 10, 1982, the National Association of Securities Dealers, Inc.; ("NASD"), 1735 K Street, N.W. Washington, D.C. 20006, filed with the Securities and Exchange Commission the proposed rule change as described herein. The NASD has requested that the proposed rule change be approved on an accelerated basis. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends Part VII of Schedule C of the NASD's By-Laws to provide, for a temporary period ending June 30, 1983, liberalized alternate standards for SECO broker-dealers¹ and their associated persons who choose to become registered with the NASD. Under the proposed rule change, all associated persons of SECO broker-dealers who qualified as such by January 1, 1983, and who have been working in a capacity comparable to NASD limited principals or limited representatives will qualify for the

comparable NASD limited principal or representative category in which they have been working. All currently qualified SECO associated persons who have been acting as General Securities Principal, Registered Options Principal, Financial and Operations Principal or General Securities Representatives for at least three years as of January 1, 1983, also will qualify for the comparable NASD principal or representative category in which they have been working. All other SECO associated persons will have to take the appropriate NASD examinations in order to be qualified as an NASD representative or principal. In addition, during this temporary period, SECO firms applying for NASD membership will not have to pay NASD fees when filing an application for membership, registering associated persons, or registering branch offices.

The NASD states that the membership application must be made with the NASD prior to July 1, 1983, in order to qualify under the temporary membership standards. Persons who disagree with the determination of the class of NASD registration for which they are eligible without examination may seek a waiver through the procedures currently in place for persons seeking a waiver of any qualification examination requirement; they can request an internal NASD staff review of their situation and have a right to appeal the matter to the NASD Qualifications Committee.

The liberalized membership standards were proposed by the NASD because of the Commission's transmission of proposed legislation to Congress which would abolish the SECO program and require all broker-dealers conducting an over-the-counter securities business to join a national securities association; at present the NASD is the only such association. In order to facilitate the voluntary conversion of SECO firms to NASD membership in anticipation of the proposed legislation, the Commission requested that the NASD waive those qualifications and fee requirements which might act as impediments to such voluntary conversion. The waiver of examinations for General Securities Principal, Registered Options Principal, and Financial and Operations Principal, however, has been conditioned on the acquisition of at least three working years experience in these areas because of the NASD's belief that, in the absence of a demonstrated ability to perform these functions, qualification by examination is an essential prerequisite for such persons. Similarly, the NASD believes that persons without three years experience as a General Securities

Representative would not have gained sufficient experience with the full range of products sold by this category of representative to justify an exemption from the usual requirement of qualification by examination.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days after the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-NASD-82-27.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C.

Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the NASD.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered national securities association, and, in particular, the requirements of Sections 15A(g)(3) and 15A(b)(5) of the Act and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change immediately in order to provide SECO firms and their associated persons with the maximum time in which to transfer to NASD membership under the liberalized membership requirements. In addition, the Commission believes that the opportunity to convert voluntarily to the NASD under liberalized standards will minimize the potential problems which SECO broker-dealers will confront if the proposed legislation is passed.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change references above be, and it hereby is, approved.

¹ Pursuant to Sections 15(b)(8) and 15(b)(9) of the Act, those broker-dealers who conduct an over-the-counter securities business and do not become members of the NASD are subject to regulation under the Commission's SECO program.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.²

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-3036 Filed 2-3-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19451; File No. SR-PHILADEP 83-1]

**Self-Regulatory Organizations;
Proposed Rule Change by Philadelphia
Depository Trust Company; Relating
to PHILADEP Fee Changes**

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 11, 1983, Philadelphia Depository Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's
Statement of the Terms of Substance of
the Proposed Rule Change**

Philadelphia Depository Trust Company (PHILADEP) proposes to amend its fee schedule as follows:

1. *Dividends*: the charge for each cash or stock dividend or interest payment will be increased from \$.25 to \$.50.
2. *Legal Deposits*: a legal processing fee of \$.85 will continue to be charged. In addition, the regular deposit charge of \$.50 will be applicable.
3. *PHILADEP Institutional Delivery System (PIDS)*: a new PIDS automated settlement fee of \$.28 is being instituted. (A revised PIDS fee schedule which includes the DTC pass-through charges, is attached as Exhibit A.)

The changes in the fee schedule are proposed to take effect January 1, 1983, which will be billed in February. A SCCP/PHILADEP Member Bulletin announcing these fee changes is included as Exhibit B in File No. SR-PHILADEP-83-1.

**II. Self-Regulatory Organization's
Statement of Purpose of, and Statutory
Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory

organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements:

**A. Self-Regulatory Organization's
Statement of Purpose of, and Statutory
Basis for, the Proposed Rule Change**

The dividend fee is being increased from \$.25 to \$.50 because of the financing costs and other collection costs associated with paying dividends on payable date while PHILADEP is not able to collect payment from 100% of the paying agents by payable date. PHILADEP's management has made the decision to continue to pay dividends on payable date, as participants have indicated that this is very important to them, while at the same time employing various methods to improve the percentage of dividend payments received on time from paying agents.

The change in the legal deposit fee represents a clarification and correction of an administrative error in failing to charge the separate deposit fee in addition to the legal processing fee. The legal processing fee will remain the same at \$.85 for each legal item plus the normal deposit fee of \$.50.

PHILADEP is creating a new PIDS automated settlement fee for institutional trades. All interdepository receives and delivers and all intra-PHILADEP movements generated from the PIDS system will be charged a \$.28 settlement charge. This \$.28 fee is the only PHILADEP-originated charge for institutional trades; the remainder of the fees is a pass-through of DTC's charges, which are shown as Exhibit A.

The proposed fee changes are consistent with Section 17A(b)(3)(D) of the Securities Exchange Act of 1934 ("the Act") in providing for the equitable allocation of reasonable dues, fees, and other charges among its participants.

**B. Self-Regulatory Organization's
Statement on Burden on Competition**

PHILADEP does not perceive any burden on competition as a result of the proposed rule change. In the instance of the new automated settlement fee for institutional deliveries, the rule change will promote fair competition among depositories by offering institutional delivery system services at comparable fees for participants of Philadelphia Depository Trust Company.

**C. Self-Regulatory Organization's
Statement on Comments on the
Proposed Rule Change**

Comments on the proposed rule change have been neither solicited nor received.

**III. Date of Effectiveness of the
Proposed Rule Change and Timing for
Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth St. NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 24, 1983.

George A. Fitzsimmons,
Secretary.

**EXHIBIT A.—PHILADEP INSTITUTIONAL DELIV-
ERY SYSTEM FEE SCHEDULE AMENDED JAN.
1, 1983**

Service	
1. For each confirm/affirm (paper).	\$25 to broker (plus \$.25 for each interested party). \$.25 per confirm to bank, if requested. \$.25 per affirm to investment manager (for each confirm received, whether or not affirmed). (1)

² 17 CFR 200.30-3(a)(12).

EXHIBIT A.—PHILADEP INSTITUTIONAL DELIVERY SYSTEM FEE SCHEDULE AMENDED JAN. 1, 1983—Continued

Service	
2. For each confirm/affirm transmitted in magnetic tape form.	\$.40 per confirm.
3. For each confirm/affirm transmitted by facsimile device.	\$.45 per confirm plus telephone costs.
4. Each Unaffirmed Report line item.	\$.09 to broker.
5. Each Eligible Trade Report line item (affirmed trade in PHILADEP and DTC-eligible securities).	\$.09 to broker and bank.
6. Delivery/Receive tickets (affirmed trade in PHILADEP and/or DTC-ineligible securities).	\$.09 to broker and bank.
7. PIDS Automated settlement fee.	\$.26 per receive and per delivery to broker and bank.

(1) This fee will be split equally between the clearing bank and the broker in those transactions where the client selected an investment manager to manage the assets and a clearing bank affiliated with the investment manager to act as custodian of such assets.

[FR Doc. 83-3035 Filed 2-3-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19457; File No. SR-SCCP 83-1]

**Self-Regulatory Organizations;
Proposed Rule Change by Stock
Clearing Corporation of Philadelphia;
Relating to SCCC Fee Change**

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C 78s(b)(1), notice is hereby given that on January 17, 1983, Stock Clearing Corporation of Philadelphia filed with the Securities and Exchange Commission the proposed rule change as described in items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's
Statement of the Terms of Substance of
the Proposed Rule Change**

Stock Clearing Corporation of Philadelphia (SCCP) is eliminating a System Participation Fee of \$.05 per 100 shares traded (up to a maximum of 10,000 shares) which is changed to floor brokers on the Philadelphia Stock Exchange. The elimination of this fee

will take place for January bills, which participants will receive in February.

**II. Self-Regulatory Organization's
Statement of Purpose of, and Statutory
Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements:

**A. Self-Regulatory Organization's
Statement of Purpose of, and Statutory
Basis for, the Proposed Rule Change**

The purpose of the proposed rule change is to eliminate a long-standing fee which is no longer applicable to current SCCC services. The fee was an assessment against Philadelphia Stock Exchange (PHLX) floor personnel to support the data proceeding system which provided floor brokers with trade execution information, billing, and other services. SCCC no longer provides these data processing services to the PHLX floor: another Philadelphia Stock Exchange subsidiary, Financial Automation Corporation (FAC), has assumed this function. The fee is not considered duplicative of a fee the PHLX charges to the floor brokers.

The proposed rule change is consistent with the requirements of Section 17A(b)(3)(D) of the Securities Exchange Act of 1934 ("the Act") in providing for the equitable allocation of reasonable dues, fees, and other charges among SCCC's participants.

**B. Self-Regulatory Organization's
Statement on Burden on Competition**

SCCP does not perceive any burden on competition as a result of the proposed rule change.

**C. Self-Regulatory Organization's
Statement on Comments on the
Proposed Rule Change**

Comments on the proposed rule change have been neither solicited nor received.

**III. Date of Effectiveness of the
Proposed Rule Change and Timing for
Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 27, 1983.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-3038 Filed 2-3-83; 8:45 am]

BILLING CODE 8010-01-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 25

Friday, February 4, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M-372 amdt 3, 1/27/83]

Notice of deletion from the January 27, 1983 meeting.

TIME AND DATE: 10 a.m., January 27, 1983.

PLACE: Room 1027 (open), Room 1012 (Closed), 1825 Connecticut Avenue, NW, Washington, D.C. 20428.

SUBJECT:

23. Docket 40734, Final rule to require all U.S. and foreign air carriers to adhere to the Montreal Agreement increasing passenger liability limits under the Warsaw Convention to \$75,000. (Memo 1309-A, 1309-B, OGC, BDA, BIA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

[S-163-83 Filed 2-1-83; 4:48 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD

[M-372 Amdt. 2, 1/26/83]

Notice of addition to the January 27, 1983 meeting.

TIME AND DATE: 10 a.m., January 27, 1983.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

30a. Dockets 41112 and 41096, Petition of United Air Lines, Inc., for reconsideration of Order 82-12-87. (Memo 1619-A, BIA, OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

[S-164-83 Filed 2-1-83; 4:48 pm]

BILLING CODE 6320-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, February 8, 1983, 9:30 AM (Eastern Time).

PLACE: Commission Conference Room No. 5240 on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 82-12-FOIA-54-NY, concerning a request for documents from a closed age discrimination charge file.
4. Freedom of Information Act Appeal No. 82-12-FOIA-065-CT, concerning a request for records in a closed ADEA and Title VII file.
5. Freedom of Information Act Appeal No. 82-12-FOIA-31-BA, concerning a request for records in an open investigative file.
6. Proposed Notice N-915, Interpretative Memorandum: Carlos Chardon v. Rafael Rivera Fernandez.

CLOSED:

1. Litigation Authorization; General Counsel Recommendations (In addition to publishing notices on EEOC Commission Meetings in the Federal Register, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE

INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

This Notice Issued February 1, 1983.

[S-162-83 Filed 2-1-83; 4:46 pm]

BILLING CODE 6570-06-M

4

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: After recess of open meeting, approximately 12:00 noon, February 8, 1983.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9310.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

- (1) Docket No. CI75-201-002, Atlantic Richfield Company, *et al.*
- (2) Docket Nos. IN80-8 and CI83-94-000, Caddo Pine Island Corporation
- (3) Docket No. IN81-2
- (4) Docket No. IN83-1, Forest Oil Corporation
- (5) Docket No. IN83-1, Cities Service Corporation
- (6) Docket Nos. G-17363 and AR64-2, *et al.*, Roy R. Gardner, *et al.*
- (7) Settlement of Informal Investigations
- (8) Docket No. ST82-267-001, Louisiana Resources Company
- (9) Docket Nos. CP78-523, CP82-416-000, CP82-129-001, and CP78-532-008, Ozark Gas Transmission System

CONTACT PERSON FOR MORE

INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

Kenneth F. Plumb,
Secretary.

[S-166-83 Filed 2-1-83; 11:36 am]

BILLING CODE 6717-01-M

5

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: 10 a.m., February 8, 1983.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda, 764th Meeting, February 8, 1983, Regular Meeting (10 a.m.)

- CAP-1. Project No. 6611-000, Boulder River Power Co.
- CAP-2. Project No. 6348-000, Rainsong Co.
- CAP-3. Project No. 6277-001, William L. Alcorn
- CAP-4. Project No. 5315-001, The Phoenix Hydro Corp.
- CAP-5. Project No. 6156-001, Milton S. Zack and Morris M. Zack; Project No. 6885-001, Richard Moss

- CAP-6. Project No. 5293-000, Hydro Resource Co.; Project No. 5324-000, Capital Development Co.; Project No. 5950-001, Public Utility District No. 1 of Lewis County, Washington; Project No. 6194-000, Western Hydro Electric
- CAP-7. Project Nos. 176-012 and 004, Escondido Mutual Water Co.
- CAP-8. Project No. 3319-002, Myron Jones, Nola Jones and John Hansen, Jr.
- CAP-9. Project Nos. 5959-000, 5961-002, 5962-000 and 5963-000, New York State Office of Parks, Recreation and Historic Preservation
- CAP-10. Project No. 3421-000, Eastern States Energy Resources, Inc. and the County of Bath, Kentucky; Project No. 3538-000, Saranac Energy Corp.; Project No. 3645-000, East Kentucky Power Cooperative, Inc.; Project No. 4245-002, City of Bedford, et al.
- CAP-11. Project No. 5677-000, Swanson Mining Corp., and Walter M. Gleason
- CAP-12. Project No. 3151-000, Chain Dam Hydroelectric Corp., Chain Dam Hydroelectric Associates, and Palmer Township, Pennsylvania; Project No. 3547-000, Commonwealth of Pennsylvania, Department of Environmental Resources, and city of Easton, Pennsylvania
- CAP-13. Project No. 3417-000, Southeastern Renewable Resources, Inc. and the town of Grafton, West Virginia; Project No. 3476-000, Noah Corp.; Project No. 4067-000, City of Bedford, et al.; Project No. 4239-000, City of Philippi, West Virginia, Project No. 4255-000, Taylor County Commission and the town of Flemington, West Virginia
- CAP-14. Project No. 3415-000, County of Mingo, West Virginia; Project No. 3972-000, Energenics Systems, Inc., Project No. 4151-001, City of Bedford, et al.
- CAP-15. Project Nos. 4461-000, 4463-000 and 4464-000, County of Armstrong, Pennsylvania and A. Richard Marcus and Associates
- CAP-16. Project No. 2811-000, Public Utility District No. 1 of Klickitat County, Washington; Project No. 3533-000, Public Utility District No. 1 of Clallam County, Washington
- CAP-17. Project No. 4167-001, Energenics Systems, Inc.; Project No. 6730-000, Northern Colorado Water Conservancy District
- CAP-18. Project Nos. 5312-000 and 001, J. R. Ferguson & Associates, Inc.; Project Nos. 5337-000 and 001, Westfir Energy Co., Inc.
- CAP-19. Project No. 5838-000, Pickett Hydro Associates, Project No. 6517-000, Blackstone, Virginia
- CAP-20. Project No. 5963-001, New York State Office of Parks, Recreation and Historic Preservation
- CAP-21. Project No. 5962-001, New York State Office of Parks, Recreation and Historic Preservation
- CAP-22. Project No. 5959-001, New York State Office of Parks, Recreation and Historic Preservation
- CAP-23. Project No. 5961-001, New York State Office of Parks, Recreation and Historic Preservation
- CAP-24. Project Nos. 2157-001 and 010, Public Utility District No. 1 of Snohomish County and City of Everett, Washington
- CAP-25. Docket Nos. ER77-277-005 and 006, EL82-24-001 and 002 (Phase II), Pennsylvania Power Co.
- CAP-26. Docket No. ER83-63-001, Appalachian Power Co.
- CAP-27. Docket Nos. ER83-196-001, ER81-450-000 and ER81-461-000, Missouri Edison Co.
- CAP-28. Docket No. ER82-763-001, Safe Harbor Water Power Corp.
- CAP-29. Docket No. ER82-729-001, Pacific Gas & Electric Co.
- CAP-30. Docket No. ER81-612-002, Cleveland Electric Illuminating Co.
- CAP-31. Docket Nos. ER83-200-000 and ER83-206-000, Allegheny Power System; Docket No. EL82-1-000, Town of Easton, Maryland
- CAP-32. Docket Nos. ER82-774-000, ER83-209-000 and ER83-227-000, Tapco, Inc.; Docket Nos. ER82-829-000 and ER83-219-000, Nantahala Power and Light Co.
- CAP-33. Docket No. ER83-194-000, Mississippi Power Co.
- CAP-34. Docket Nos. ER83-192-000 and ER81-736-000, Central Illinois Public Service Co.
- CAP-35. Docket No. ER83-197-000, Missouri Power & Light Co.
- CAP-36. Docket No. ER80-5-004, Minnesota Power & Light Co.
- CAP-37. Docket No. ER82-404-001, Upper Peninsula Power Co.
- CAP-38. Docket Nos. EF79-4011-000 and EF82-4011-000, Southwestern Power Administration
- CAP-39. Docket Nos. EF81-2021-002 and E-9563-004, United States Department of Energy—Bonneville Power Administration
- CAP-40. Docket No. EF82-5051-000 United States Department of Energy—Western Area Power Administration (Rio Grande Project)
- CAP-41. Docket Nos. EF81-5021-001 and 002, Western Area Power Administration
- CAP-42. Docket No. ID-1414-000, Robert F. Gilkeson
- CAP-43. Docket No. ER82-468-000, Kansas City Power & Light Co.
- CAP-44. Docket No. ER82-256-000, Oklahoma Gas and Electric Co.
- CAP-45. Docket Nos. ER80-592-000, et al., and ER80-678-004, Missouri Public Service Co.
- CAP-46. Omitted
- CAP-47. Docket No. EL82-22-000, Kansas Power and Light Co.
- Consent Miscellaneous Agenda**
- CAM-1. Docket No. RM79-76-139 (New Mexico-18), High-Cost Gas Produced From Tight Formations
- CAM-2. Docket No. RM79-76-074 (UTAH-3), High-Cost Gas Produced From Tight Formations
- CAM-3. Docket No. R81-60-000, Western Refining Company
- Consent Gas Agenda**
- CAG-1. Docket No. TA83-1-32-002 (PGA83-1), Colorado Interstate Gas Co.
- CAG-2. Docket Nos. TA83-1-59-002 and RP82-71-000, Northern Natural Gas Co., Division of Internorth, Inc.
- CAG-3. Docket Nos. TA83-1-33-007, TA82-2-33-001, et al., and RP82-33-000, El Paso Natural Gas Co.
- CAG-4. Docket No. RP82-51-000, Mid-Louisiana Gas Co.
- CAG-5. Docket Nos. RP83-6-000 and RP82-33-000, El Paso Natural Gas Co.
- CAG-6. Docket No. RP83-13-000, El Paso Natural Gas Co.
- CAG-7. Docket No. TA82-2-33-015, El Paso Natural Gas Co.
- CAG-8. Docket Nos. TA83-1-43-005 (PGA83-1) and RP82-114-003 (Not Consolidated), Cities Service Gas Co.
- CAG-9. Docket Nos. RP79-8-008 and RP80-8-001, Kansas-Nebraska Natural Gas Co., Inc.
- CAG-10. Docket No. TA83-1-28 (PGA83-1), Panhandle Eastern Pipe Line Co.; Docket No. TA83-1-30-000 (PGA83-1), Trunkline Gas Co.
- CAG-11. Docket No. RP82-75-000, et al., Arkansas-Louisiana Gas Co.
- CAG-12. Omitted.
- CAG-13. Docket No. IS80-14-000, American Petrofina Pipe Line Co.
- CAG-14. Docket No. IS82-54-001, Kuparuk Pipeline Co.
- CAG-15. Docket No. OR82-3-000, Kerr-McGee Refining Corp., a Delaware Corporation and Oklahoma Refining Co., Oklahoma General Partnership, Complainants/Protestants v. Sun Pipe Line Co., Defendant/Respondent
- CAG-16. Docket No. CI83-65-001, Odeco Oil & Gas Co. et al.; Docket No. CI69-802-002, Columbia Gas Development Corp. et al.; Docket No. CS82-89-001, Sooner Resources, Inc.; Docket No. CS83-4-001, Heritage Energy Corp.; Docket No. CS83-5-001, Doran Energy Corp.
- CAG-17. Docket No. CI76-701-001, et al., Texaco Inc., et al.
- CAG-18. Docket No. RI74-188-012 and RI75-21-007, Independent Oil and Gas Association of West Virginia
- CAG-19. Docket No. CP83-102-000, United Gas Pipe Line Co.; Docket No. RP83-37-000, Natural Gas Pipeline Co. of America
- CAG-20. Docket No. ST82-459-000, Consumers Power Co.
- CAG-21. Docket No. ST81-113-001, Tejas Gas Corp.
- CAG-22. Docket Nos. ST82-424-000 and ST82-476-000, Sun Gas Transmission Co., Inc.
- CAG-23. Docket No. CP82-384-001, Arkansas Louisiana Gas Co., a Division of Arkla, Inc.
- CAG-24. Docket No. CP82-499-000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Columbia Gulf Transmission Co. and United Gas Pipe Line Co.
- CAG-25. Docket Nos. CP83-59-000 and 001, Lone Star Gas Co., a Division of Enserch Corp.
- CAG-26. Docket No. CP81-168-012, Valero Interstate Transmission Co.
- I. Licensed Project Matters**
- P-1. Project No. 2545, the Washington Water Power Co.
- P-2. Project No. 289, Louisville Gas and Electric Co.
- P-3. Project No. 3025-001, Hydro Resources Corp.; Project No. 3039-001, New Hampshire Water Resources Board
- P-4. Project No. 4881-000, Arthur L. Bloom and Ada County, Idaho; Project No. 3598-000, Cook Electric Co.

- P-5. Project No. 3365-000, Continental Hydro Corp.; Project No. 3579-000, Town of Converse, Indiana; Project No. 4197-000, Indiana Municipal Power Agency
- P-6. Project No. 4634-000, the City of Billings, Montana; Project No. 4816-000, Montana Department of Natural Resources & Conservation
- P-7. Project No. 2100-019, State of California Department of Water Resources
- P-8. Project No. 2837-001, Niagara Mohawk Power Corp. and Granby Hydro Corp.

II. Electric Rate Matters

- ER-2. Docket No. ER82-616-001, Middle South Energy, Inc.
- ER-3. Docket No. ER80-573-000, Southwestern Public Service Co.
- ER-4. Docket No. ER78-417-000, Kentucky Utilities Co.

Miscellaneous Agenda

- M-1. Docket No. RM80-39-000, Regulations Governing Applications for License for Major Unconstructed Projects and Major Modified Projects; Applications for License for Transmission Line Only; and Applications for Amendment to License
- M-2. Docket No. RM81-15-000, Revisions to Certain Regulations Governing Applications for Preliminary Permit and License for Water Power Projects
- M-3. Reserved
- M-4. Reserved
- M-5. Omitted
- M-6. Docket No. GP82-47-000, Review of Off-System Sales Program

Gas Agenda

I. Pipeline Rate Matters

- RP-1. Docket No. RP80-72-000 and 008, Algonquin Gas Transmission Co.
- RP-2. Docket No. RP79-10-002 and RP80-134-007, Great Lakes Gas Transmission Co.
- RP-3. (A) Docket No. RP75-19-000 (Remand), Texas Gas Transmission Corp.; (B) Docket No. RP74-41-000 (Remand), Texas Eastern Transmission Corp.; (C) Docket No. RP74-4-000 (Remand), Cities Service Gas Co.
- RP-4. Docket Nos. RP77-62-019, RP80-97-017, RP80-97-017, RP81-54-006, RP81-56-005 and RP82-12-006, Tennessee Gas Pipeline Co.; Docket Nos. RP81-61-000 and RP82-80-000, Michigan Wisconsin Pipe Line Co.; Docket No. RP82-55-000, Transcontinental Gas Pipe Line Corp.; Docket No. RP81-78-000, Cities Service Gas Co.
- RP-5. Docket No. CP78-124-000, Northern Border Pipeline Co.
- RP-6. Docket Nos. RP79-23-003 and RP79-24-002, Distrigas of Massachusetts Corp. & Distrigas Corp.

II. Producer Matters

- CI-1. Reserved

III. Pipeline Certificate Matters

- CP-1. Docket Nos. CP83-14-002 and 003, Northern Natural Gas Co., Division of Internorth, Inc.

- CP-2. Docket No. CP82-485-001, Columbia Gas Transmission Corp.
- CP-3. Docket No. CP82-542-005, Michigan Wisconsin Pipe Line Co.
- CP-4. Docket Nos. CP82-107-000 and 001, Tennessee Gas Pipeline Co.
- CP-5. Docket Nos. CP79-424-000 and 001, Rocky Mountain Pipeline Co.
- CP-6. Docket No. CP82-366-000, Kansas-Nebraska Natural Gas Company, Inc.
- CP-7. Omitted.
- CP-8. Docket No. CP80-435-000, Alaskan Northwest Natural Gas Transportation Co.; Docket No. CP78-123-000, et al., Northwest Alaskan Pipeline Co.

Kenneth F. Plumb,

Secretary.

[S-170-83 Filed 2-2-83; 3:33 pm]

BILLING CODE 6717-01-M

6

FEDERAL HOME LOAN BANK BOARD

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48, Page No. 4596, Date Published—Tuesday, February 1, 1983.

PLACE: Board Room, 6th Floor, 1700 G St. NW., Washington D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

CHANGES IN THE MEETING: The Meeting scheduled for 10:30 a.m. February 2, 1983 has been cancelled.

No. 7, February 2, 1983.

[S-185-83 Filed 2-2-83; 10:31 am]

BILLING CODE 6720-01-M

7

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Thursday, February 10, 1983.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Issues relating to cost of Federal Reserve notes.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: February 2, 1983.

William W. Wiles,
Secretary of the Board.

[S-187-83 Filed 2-2-83; 3:14 pm]

BILLING CODE 6210-01-M

8

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Previously Held Emergency Meeting

TIME AND DATE: 1 p.m., Monday, January 17, 1983.

PLACE: 1776 G Street, N.W., Washington, D.C., 6th Floor.

STATUS: Closed.

MATTER CONSIDERED: 1. Personnel Action.

BACKGROUND:

The Board voted that the agency business required that a meeting be held with less than seven days advance notice.

The Board unanimously voted to close the meeting under exemptions (2) and (6). The General Counsel certified that the meeting could be closed under those exemptions.

FOR MORE INFORMATION CONTACT:

Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-169-83 Filed 2-2-83; 3:33 pm]

BILLING CODE 7535-01-M

9

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 2 p.m., Wednesday, February 9, 1983.

PLACE: Cash Room, Department of the Treasury, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Review of Central Liquidity Facility Lending Rate.
3. Revision of Pass-through Correspondent Qualification Guidelines for Corporate Credit Unions.
4. Revision of Truth In Lending Enforcement Guidelines and Restitution Review Procedures.
5. Chartering Policy regarding College Student Credit Unions.

FOR MORE INFORMATION CONTACT:

Rosemary Brady, Secretary of the Board, Telephone (202) 357-1100.

[S-168-83 Filed 2-2-83; 3:33 pm]

BILLING CODE 7535-01-M

**Estimate
for
Federal**

**Friday
February 4, 1983**

Part II

Department of Labor

**Employment Standards Administration,
Wage and Hour Division**

**Minimum Wages for Federal and
Federally Assisted Construction; General
Wage Determination Decisions**

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of

publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is

encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

California:	
CA82-5112	July 16, 1982.
CA82-5120	Aug. 27, 1982.
CA82-5118	Aug. 20, 1982.
Iowa:	
IA82-4030	June 18, 1982.
IA82-4049	Oct. 8, 1982.
New York:	
NY81-3062	Sept. 11, 1981.
NY82-3025	Sept. 3, 1982.
Oregon: OR82-5100	Mar. 12, 1982.
Washington: WA82-5117	Aug. 13, 1982.
Louisiana:	
LA82-4053	Nov. 5, 1982.
LA83-4001	Jan. 7, 1983.
Massachusetts: MA81-3054	Sept. 4, 1981.
Michigan: MI82-2042	July 9, 1982.
Ohio: OH82-2036	May 7, 1982.
Montana: MT81-5138	Aug. 7, 1981.
Nevada:	
NV82-5113	Aug. 6, 1982.
NV82-5114	Aug. 6, 1982.
NV82-5116	Aug. 6, 1982.
New Jersey:	
NJ81-3063	Dec. 28, 1981.
NJ82-3006	Feb. 26, 1982.
NJ81-3053	Oct. 9, 1981.
Oklahoma:	
OK83-4011	Jan. 14, 1983.
OK83-4012	Jan. 14, 1983.
Wisconsin: WI82-2004	Feb. 26, 1982.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama: AL80-1120 (AL83-1005)		Nov. 14, 1980.
Kansas:		
KS79-4067 (KS83-4018)	June 25, 1979.	
KS82-4013 (KS83-4009)	Apr. 16, 1982.	
KS82-4014 (KS83-4014)	Apr. 16, 1982.	
KS82-4015 (KS83-4015)	Apr. 16, 1982.	
KS82-4016 (KS83-4013)	Apr. 16, 1982.	
KS82-4017 (KS83-4013)	Apr. 16, 1982.	
Louisiana: LA82-4022 (LA83-4019)	May 7, 1982.	

**Cancellation of General Wage
Determination Decisions**

The general wage decision listed below is cancelled. Agencies with construction projects pending to which the cancelled decision would have been applicable should utilize the project determination procedure by submitting Form SF-308. See Regulations Part 1 (29 CFR), § 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR, 1.7(b)(2), the incorporation of the cancelled decision in contract specifications, the opening of bids is within ten (10) days of this notice, need not be affected.

NJ79-3054—Camden County, New Jersey
dated November 9, 1979 in 44 FR 65291—
Residential Construction

This is to advise all interested parties that the Department of Labor intends to withdraw 14 days from the date of this notice, Pima County, Arizona, from the building construction schedule of General Wage Determination Number AZ82-5109 dated April 23, 1982, in 47 FR 17723.

Signed at Washington, D.C., this 28th day
of January 1983.

Dorothy P. Come,

*Assistant Administrator, Wage and Hour
Division.*

BILLING CODE 4510-27-M

DECISION NO. CA82-5112 (Cont'd)

Line Construction: AREA 2 - ONLY
Group Descriptions:

Group 1: Cable Splicer, Leadman Pole Sprayer.

Group 2: Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder

Group 3: Tree Trimmer

Group 4: Line Equipment Man

Group 5: Head Groundman, Powderman, Jackhammer Man

Group 6: Head Groundman (Chipper)

Group 7: Groundman

Groups 3 and 6 receive BASE RATE (ZONE 1) RATE ONLY (no Zone Differential)

Zone Definitions:

ZONE 1: 0 to 3 miles radius from the geographical center of Alturos and Yreka, California

ZONE 2: 3 to 20 miles radius

ZONE 3: 20 to 35 miles radius

ZONE 4: 35 to 50 miles radius

ZONE 5: Over 50 miles radius

BASE RATE (ZONE 1) is paid when working out employer's permanent shop

DECISION NO. CA82-5112 - Mod. #9

[47 FR 31134 - July 15, 1982]

Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solani, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, California

Change:	Basic Hourly Rates	Fringe Benefits
Electricians - Area 7:		
Electricians	\$17.08	\$1.14+ 25%
Cable Splicers	18.45	1.10+ 25%
Area 12:		
Electricians	22.00	4.49+ 3%
Cable Splicers	22.00	4.49+ 3%
Line Construction:		
Area 2: (Zone 1):		
Group 1:	19.30	2.55+ 3%
Group 2	17.44	2.55+ 3%
Group 3	15.74	2.55+ 3%
Group 4	15.02	1.85+ 3%
Group 5	13.13	1.85+ 3%
Group 6	13.13	1.85+ 3%
Group 7	12.34	1.85+ 3%
Zone Differential (add to Zone 1 Rate):		
Zone 1 \$2.00		
Zone 3 2.75		
Zone 4 3.50		
Zone 5 4.75		
Area 12:		
Groundmen	13.66	1.10+ 25%
Heavy Equipment Operators	15.37	1.10+ 25%
Linemen	17.08	1.10+ 25%
Cable Splicers	18.45	1.10+ 25%

Basic Hourly Rates	Fringe Benefits
\$21.23	\$4.18
21.73	4.18
21.53	4.18
22.48	4.18
21.98	4.18
16.40	5.89
16.65	5.89
18.40	5.89
15.28	5.72
16.28	5.72
17.28	5.72

Modification Page 4

DECISION NO. IAB2-4030 Mod. 12 (CONT'D)	DECISION NO. IAB2-4030 Mod. 12 (CONT'D)	Basic Hourly Rates	Fringe Benefits
Group 4-Groundman		\$10.17	.65+ 7-1/2%
Group 5-Groundman- truck driver		10.33	"
Group 6-Pole treating truck driver		10.02	"
Group 7-Pole treating specialist		12.05	"
Power Equipment Ops.:			
Zones 1, 2, 5, 6, 7 & 8			
Group 1		13.47	2.20
Group 2		13.215	2.20
Group 3		11.52	2.20
Group 4		10.695	2.20

Modification Page 3

DECISION NO. CA82-5120 - Mod. #6 (47 FR 38022 - August 27, 1982)	DECISION NO. CA82-5118 - Mod. #5 (47 FR 36513-August 20, 1982)	Basic Hourly Rates	Fringe Benefits
Change: Electricians: Area 6: Electricians Cable Splicers Area 10: Electricians Cable Splicers Painters: Area 5: Brush Spray; Sandblasting; Steam Cleaning Drywall Finisher Paperhanger Roofers: Area 7: Roofers Mastic Workers; Kettleman (2 kettles w/o pumps) Bitumastic; Enamelers; Pipewrappers; Coal Tar Area 9: Kettleman (1 kettle) Kettleman (2 kettles) Bitumastic; Enamelers, Coal Tar; Pitch, and Mastic	Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California Change: Electricians: Area 1: Electricians Cable Splicers Area 3: Electricians Cable Splicers Area 7: Electricians Cable Splicers Residential Electricians Lathers: Area 1 Area 4 Line Construction: Area 1: Linemen Cable Splicers Area 7: Groundman Lineman; Equipment Operators Cable Splicers Tile Finishers: Area 1	\$17.08 18.45 22.00 22.00 21.23 21.73 21.53 21.98 16.40 16.65 18.40 15.28 16.28 17.28	\$1.14+ 25% 1.10+ 25% 4.49+ 3% 4.49+ 3% 4.18 4.18 4.18 5.89 5.89 5.89 5.72 5.72 5.72 5.89 5.72 5.92 21.23 23.35 23.35 13.73

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS - ZONES 1, 2, 5, 6, 7 & 8
GROUP 1 - Cranes, incl. those being used as backhoe, dragline, clamshell, etc.;
tower cranes; electric overhead cranes; truck cranes & cherry pickers 12-1/2
ton & over rated capacity; derricks; piledrivers & extractors; caisson rigs;
sideboom & winch truck used for erection of structural steel & moving &
setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge
(leveller); mechanic
GROUP 2 - 1 & 2 drum hoists; air & electric tuggers (on power plants or
setting steel or grating); automobiles; plant mixers; farm type tractors (with
loaders, backhoes, attachments, etc.); scrapers (trench pull, etc.); endloaders;
dredge (engineer); sideboom & winch truck other than Group No. 1; motor patrol;
bulldozers; push cat; truck cranes & cherry pickers (under 12-1/2 ton); concrete
mixers (1 yd. & over); ditching machines (8" & over); fork lifts (on steel
erection & machinery moving or hoisting above one complete story); concrete
pump; temporary hoist cage operated; second man on locomotive; vibrating
concrete spreader (Gomaco, C-450 or equal); working boat (tug, tow, etc.);
Group greaser
GROUP 3 - Tractors (under 35 HP) with or without attachments; endloaders (under
35 HP) with or without attachments; fork lifts (other than above Group No. 2);
gunnite machine; self-propelled rollers; stump chippers; self-propelled lampers;
air & electric tuggers (other than above); ditching machine under 8"; File
theaders; Firemen (boiler)
GROUP 4 - Mechanical heaters; truck crane drivers; permanent elevators; air
compressors (one of a combination of 400 cfm or more); pumps 3" or over;
welding machines 600 amps or combination thereof; conveyors; generator (75 KW &
over); dewatering pumps; boat used for personnel transport or as a safety boat

[illegible]

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS - ZONE 5

GROUP 1 - Asphalt plant operator; Asphalt spreader; Backhoes (all types); Boom trucks; Bulldozers; Bull Floats; Bush Hog; Cableways; Cherry Pickers (all types); Concrete Mixers (over one sack); Concrete Pump; Concrete Saw; Concrete Spreader; Cranes; Deck Winches; Derricks; Distributors; Ditching or Trenching Machines; (riding type); Dowel Bar Machine; Draglines; Elevator Operator; Finish- ing Machines (roadway, drill type); Fork Lifts (other than farm-type outside warehouse); Foundation Drilling; Front End Loaders; Grease Service Man; Hoists; Locomotives (all types); Mechanic; Mixer Plant Op. (central Mix); Motor Patrols; Motorized Street Sweepers (self-propelled); Piledrivers; Pull Cat; pump (3' & over); Push Cat; Road Pavers; Rollers; Scrapers; Shovels; Sideboom; Test Pump- Internal Combustion Engine Powered; Tower Cranes; Welder Journeyman; Well Point System; Whirlies; Winch Cats; Winch Truck with A-frame; Work Boats

GROUP 2 - Batch Plant; Compressor; Ditching or Trenching Machine (non-riding type); Fireman; Generator or Light plant over 5 h.p.; Mixers (one sack & under); Oilier; Oilier-Compressor op.; Oilier-Driver on Motor Crane; Oilier-Fireman; Pump (under 3' suction); Scale op.; Water Blast Pump; Welding Machine

GROUP 3 - Crane 60 tons & over; Crane Boom 100' & over but less than 150'

GROUP 4 - Crane 100 tons & up to 125 tons; Crane Boom 150' & over but less than 225'

GROUP 5 - Crane over 125 tons up to 200 tons

GROUP 6 - Crane over 200 tons up to 300 tons

GROUP 7 - Crane over 300 tons; Crane Boom 300' & over

DECISION NO.	BASIC HOURLY RATES	Fringe Benefits	PAINTERS:
DECISION NO. NY81-3062 - MOD. #3			Area 3: Painters General Painters Drywall Tapers Industrial Painter
46 Tr 45530 - Sept. 11, 1981)	2.32	16.74	
	2.32	17.14	
	2.32	17.14	
CHANGES: ARPENTERS: Building	15.35	4.735	
DECISION NO. NY82-3025 - MOD. #4			
47 FR 39079 - Sept. 3, 1982)			
RANGE COUNTY, NEW YORK			
CHANGES: CARPENTERS, SOFT FLOOR LAYERS, BRIDGE, DOCK AND WHARF: Types of Tuxedo, Woodbury, Part of Cornwall, Monroe, Chester, Blooming Grove and Richlands	13.40	4.60+e	

[illegible]

Modification Page 9

DECISION #M182-2042 - Mod. #1 (Cont'd.) Page 2			DECISION NO. QH82-2036 - MOD. #4 (47 FR 19909 - May 7, 1982)		
Basic Hourly Rates	Fringe Benefits	Job Description	Basic Hourly Rates	Fringe Benefits	Job Description
Laborers - Tunnel, Shaft, & Caisson Construction (Cont'd.)			Truck Drivers - Underground Construction (Cont'd.):		
Zone 3		Zone 2	Zone 1		Zone 1
Class 1	2.29	Class 1	Class 1	\$13.27	d
Class 2	2.29	Class 2	Class 2	13.40	d
Class 3	2.29	Class 3	Class 3	13.60	d
Class 4	2.29	Class 4	Class 4	11.75	d
Class 5	2.29	Class 5	Class 5		
Class 6	2.29	Class 6	Class 6		
Class 7	2.29	Class 7	Class 7		
Class 8	2.29	Class 8	Class 8		
Class 9	2.29	Class 9	Class 9		
Class 10	2.29	Class 10	Class 10		
Class 11	2.29	Class 11	Class 11		
Class 12	2.29	Class 12	Class 12		
Class 13	2.29	Class 13	Class 13		
Class 14	2.29	Class 14	Class 14		
Class 15	2.29	Class 15	Class 15		
Class 16	2.29	Class 16	Class 16		
Class 17	2.29	Class 17	Class 17		
Class 18	2.29	Class 18	Class 18		
Class 19	2.29	Class 19	Class 19		
Class 20	2.29	Class 20	Class 20		
Class 21	2.29	Class 21	Class 21		
Class 22	2.29	Class 22	Class 22		
Class 23	2.29	Class 23	Class 23		
Class 24	2.29	Class 24	Class 24		
Class 25	2.29	Class 25	Class 25		
Class 26	2.29	Class 26	Class 26		
Class 27	2.29	Class 27	Class 27		
Class 28	2.29	Class 28	Class 28		
Class 29	2.29	Class 29	Class 29		
Class 30	2.29	Class 30	Class 30		
Class 31	2.29	Class 31	Class 31		
Class 32	2.29	Class 32	Class 32		
Class 33	2.29	Class 33	Class 33		
Class 34	2.29	Class 34	Class 34		
Class 35	2.29	Class 35	Class 35		
Class 36	2.29	Class 36	Class 36		
Class 37	2.29	Class 37	Class 37		
Class 38	2.29	Class 38	Class 38		
Class 39	2.29	Class 39	Class 39		
Class 40	2.29	Class 40	Class 40		
Class 41	2.29	Class 41	Class 41		
Class 42	2.29	Class 42	Class 42		
Class 43	2.29	Class 43	Class 43		
Class 44	2.29	Class 44	Class 44		
Class 45	2.29	Class 45	Class 45		
Class 46	2.29	Class 46	Class 46		
Class 47	2.29	Class 47	Class 47		
Class 48	2.29	Class 48	Class 48		
Class 49	2.29	Class 49	Class 49		
Class 50	2.29	Class 50	Class 50		
Class 51	2.29	Class 51	Class 51		
Class 52	2.29	Class 52	Class 52		
Class 53	2.29	Class 53	Class 53		
Class 54	2.29	Class 54	Class 54		
Class 55	2.29	Class 55	Class 55		
Class 56	2.29	Class 56	Class 56		
Class 57	2.29	Class 57	Class 57		
Class 58	2.29	Class 58	Class 58		
Class 59	2.29	Class 59	Class 59		
Class 60	2.29	Class 60	Class 60		
Class 61	2.29	Class 61	Class 61		
Class 62	2.29	Class 62	Class 62		
Class 63	2.29	Class 63	Class 63		
Class 64	2.29	Class 64	Class 64		
Class 65	2.29	Class 65	Class 65		
Class 66	2.29	Class 66	Class 66		
Class 67	2.29	Class 67	Class 67		
Class 68	2.29	Class 68	Class 68		
Class 69	2.29	Class 69	Class 69		
Class 70	2.29	Class 70	Class 70		
Class 71	2.29	Class 71	Class 71		
Class 72	2.29	Class 72	Class 72		
Class 73	2.29	Class 73	Class 73		
Class 74	2.29	Class 74	Class 74		
Class 75	2.29	Class 75	Class 75		
Class 76	2.29	Class 76	Class 76		
Class 77	2.29	Class 77	Class 77		
Class 78	2.29	Class 78	Class 78		
Class 79	2.29	Class 79	Class 79		
Class 80	2.29	Class 80	Class 80		
Class 81	2.29	Class 81	Class 81		
Class 82	2.29	Class 82	Class 82		
Class 83	2.29	Class 83	Class 83		
Class 84	2.29	Class 84	Class 84		
Class 85	2.29	Class 85	Class 85		
Class 86	2.29	Class 86	Class 86		
Class 87	2.29	Class 87	Class 87		
Class 88	2.29	Class 88	Class 88		
Class 89	2.29	Class 89	Class 89		
Class 90	2.29	Class 90	Class 90		
Class 91	2.29	Class 91	Class 91		
Class 92	2.29	Class 92	Class 92		
Class 93	2.29	Class 93	Class 93		
Class 94	2.29	Class 94	Class 94		
Class 95	2.29	Class 95	Class 95		
Class 96	2.29	Class 96	Class 96		
Class 97	2.29	Class 97	Class 97		
Class 98	2.29	Class 98	Class 98		
Class 99	2.29	Class 99	Class 99		
Class 100	2.29	Class 100	Class 100		

Modification Page 10

DECISION NO. MT81-5138 - MOD. #5 (46 FR 40439 - August 7, 1981) STATEWIDE, MONTANA			DECISION NO. QH82-2036 - MOD. #4 (47 FR 19909 - May 7, 1982)		
Basic Hourly Rates	Fringe Benefits	Job Description	Basic Hourly Rates	Fringe Benefits	Job Description
CHANGE: LABORERS Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 Group 7 Group 8 Group 9 Group 10 Group 11 Group 12 Group 13 Group 14 Group 15 Group 16 Group 17 Group 18 Group 19 Group 20 Group 21 Group 22 Group 23 Group 24 Group 25 Group 26 Group 27 Group 28 Group 29 Group 30 Group 31 Group 32 Group 33 Group 34 Group 35 Group 36 Group 37 Group 38 Group 39 Group 40 Group 41 Group 42 Group 43 Group 44 Group 45 Group 46 Group 47 Group 48 Group 49 Group 50 Group 51 Group 52 Group 53 Group 54 Group 55 Group 56 Group 57 Group 58 Group 59 Group 60 Group 61 Group 62 Group 63 Group 64 Group 65 Group 66 Group 67 Group 68 Group 69 Group 70 Group 71 Group 72 Group 73 Group 74 Group 75 Group 76 Group 77 Group 78 Group 79 Group 80 Group 81 Group 82 Group 83 Group 84 Group 85 Group 86 Group 87 Group 88 Group 89 Group 90 Group 91 Group 92 Group 93 Group 94 Group 95 Group 96 Group 97 Group 98 Group 99 Group 100			Truck Drivers - Underground Construction (Cont'd.):		
10.60	2.20	Concrete Bucket Dis-	13.21	2.44	Concrete Bucket Dis-
19.71	2.20	patcher Curing Machine	13.01	2.44	patcher Curing Machine
10.85	2.20	Concrete Finish Machine	13.11	2.44	Concrete Finish Machine
11.55	2.20	Paving	12.60	2.44	Paving
		Concrete Float-Spreader	12.77	2.44	Concrete Float-Spreader
		Concrete Mixer, three	13.01	2.44	Concrete Mixer, three
		bags and under	13.01	2.44	bags and under
		Concrete Mixer, four	12.59	2.44	Concrete Mixer, four
		bags and over	13.34	2.44	bags and over
		Concrete Power Saw, self-	13.54	2.44	Concrete Power Saw, self-
		propelled	12.59	2.44	propelled
		Concrete Travel Batcher	13.37	2.44	Concrete Travel Batcher
		Concrete Conveyor under	13.52	2.44	Concrete Conveyor under
		40 feet	13.57	2.44	40 feet
		Concrete Conveyor over	13.62	2.44	Concrete Conveyor over
		40 feet	12.58	2.44	40 feet
		Concrete Pump			Concrete Pump
		Conveyor Loader Operat-			Conveyor Loader Operat-
		ing, up to and includ-			ing, up to and includ-
		ing 42" belt			ing 42" belt
		Conveyor Loader Operat-			Conveyor Loader Operat-
		ing 42" belt			ing 42" belt
		Crane, to and including			Crane, to and including
		80' boom			80' boom
		Crane, 81' to 130' boom			Crane, 81' to 130' boom
		Crane, 131' to 150'			Crane, 131' to 150'
		boom			boom
		Crane, 151' boom and			Crane, 151' boom and
		over			over
		Crane Oiler			Crane Oiler
		Crane with jibs and			Crane with jibs and
		additional \$1.15 per			additional \$1.15 per
		hour			hour
		Crusher Operator			Crusher Operator
		Crusher Oiler			Crusher Oiler
		Crusher Conveyor, when			Crusher Conveyor, when
		required			required
		Distributor Operator			Distributor Operator
		DW 10, 15, or 20 tract-			DW 10, 15, or 20 tract-
		or pulling Roller			or pulling Roller
		Electric Overhead			Electric Overhead
		Cranes			Cranes
		Elevating Grader			Elevating Grader
		Farm type tractor up			Farm type tractor up
		to and including 50 HP			to and including 50 HP
		engine			engine
		Farm Type tractor, over			Farm Type tractor, over
		50 HP engine			50 HP engine
		Field Equipment Service-			Field Equipment Service-
		men			men
		Forklift, on construc-			Forklift, on construc-
		tion job site			tion job site

Modification Page 12

DECISION NO. CA82-5138 - (Cont'd)	Basic Hourly Rates	Fringe Benefits
Over 7 cu. yds. to and including 10 cu. yds.	\$12.58	\$2.51
Over 10 cu. yds. to and including 15 cu. yds.	12.74	2.51
Over 15 cu. yds. to and including 20 cu. yds.	12.88	2.51
Over 20 cu. yds. to and including 25 cu. yds.	12.94	2.51
Over 25 cu. yds. to and including 30 cu. yds.	13.00	2.51
Over 30 cu. yds. to and including 35 cu. yds.	13.06	2.51
Over 35 cu. yds. to and including 40 cu. yds.	13.12	2.51
Over 40 cu. yds. to and including 45 cu. yds.	13.18	2.51
Over 45 cu. yds. additional \$1.0 per hour each additional 5 cu. yds. increment		
Dumpsters	12.58	2.51
Power Truck Driver (bulk unloader type)	12.63	2.51
Flat Trucks:		
to and including 3 tons	12.60	2.51
Over 3 tons factory rating	12.80	2.51
Fuel Truck Drivers:		
Tiremen	13.04	2.51
Lowboys, Four-wheel trailer, Float semi-trailer	12.80	2.51
Lumber Carriers, Lift Truck and Fork Lifts	12.70	2.51
Power Broom	12.54	2.51
Water Tank Drivers, Petroleum Products Drivers:		
2,500 gallons and under	12.45	2.51
Over 2,500 gallons to and including 4,500 gallons	12.74	2.51
Over 4,500 gallons to and including 6,000 gallons	12.94	2.51
Over 6,000 gallons to and including 8,000 gallons	13.00	2.51

DECISION NO. MT91-5138 - (Cont'd)	Basic Hourly Rates	Fringe Benefits
Form Grader Operator	\$12.78	\$2.44
Grapple Operator	13.21	2.44
Crate Setter	12.47	2.44
Heavy Duty Drills, all types	13.11	2.44
Herman-Nelson Heaters and similar types	12.55	2.44
Hoist Operator, single drum	12.78	2.44
Hoist, two or more drums	13.01	2.44
Helicopter Hoist Operator	13.51	2.44
Hot Plant Operator	13.21	2.44
Hot Plant Fireman, when in operation	13.11	2.44
Hot Plant Oilier, 100 ton per hour or over	12.50	2.44
Hydra Lift and similar types	12.91	2.44
Industrial Locomotive all classes	13.21	2.44
Mechanic and/or Welder on job	13.31	2.44
Mechanic Shop (Dec. 1 to April 1)	12.91	2.44
Mixer/Mobile	13.09	2.44
Motor Patrol Operator	13.34	2.44
Mountain Logger or similar type	13.01	2.44
Mucking Machine Operator	13.21	2.44
Oilier-driver, Rubber tired cranes	2.58	2.44
Oiliers, other than Shovels and Cranes	12.50	2.44
Oilier, Hoist House, dams	12.91	2.44
Pavement Breakers, Emco and similar	13.01	2.44
Paving and Mixing Machine	13.34	2.44
Power Auger, large truck or tractor mounted and Punch	13.21	2.44
Power Mixer, single or double drum	13.01	2.44
Power Saw, multiple cut, self-propelled	13.01	2.44
Pumpcrete or Grout Machine	13.21	2.44
Pumpman	12.54	2.44
Push Tractor	13.21	2.44
Quad Cat	13.51	2.44
Quad Loader and similar type	13.79	2.44

Modification Page 11

Basic Hourly Rates		Primo Benefits
<u>DECISION NO. NV82-5113 -</u>		
<u>Mod. #6</u>		
(747 FR 34300 - August 6, 1982)		
Clark County (does not include the Nevada Test Site), Nevada		
<u>Change:</u>		
Rollformakers	\$21.39 \$3.86	
Roofers	22.40 1.00	
<u>Omit:</u>		
Carpenters:		
Drywall Installers	16.76 4.05	
Floor Layers; Patent Scaffold Erectors;	16.93 4.05	
Lathers		
Power Saw Operators	16.91 4.05	
Millwrights	16.93 4.05	
Piledrivermen	16.96 4.05	
<u>Add:</u>		
Carpenters:		
Floor Layer; Lathers;		
Patent Scaffold Erector		
Power Saw Operator	16.91 4.05	
Millwrights	15.91 5.05	
Piledrivermen	17.11 4.05	
<u>DECISION NO. NV82-5114 -</u>		
<u>Mod. #4</u>		
(747 FR 34312 - August 6, 1982)		
Nevada Test Site including Tonopah Test Range in Clark, Lincoln, and Nye Counties, Nevada		
<u>Change:</u>		
Asbestos Workers	\$19.87 \$3.30	
Electricians; Equipment Operators; Lineman	18.99 4.54+	
Cable Splicers	19.32 4.54+	
Groundman	15.192 4.54+ 38	

DECISION NO. MT81-5138 - (Cont'd)	Basic Hourly Rates	Fringe Benefits
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	\$13.66	\$2.44
Shovels, including all attachments, over 5 cu. yds.	13.79	2.44
Shovel Oiler, 3 yds. and under	12.50	2.44
Shovel Oiler, over 3 cu. yds.	12.91	2.44
Slip Form Paver Operator	13.34	2.44
Stiff Leg Derrick and Guy Derrick	13.66	2.44
Track-type Front End Loaders, up to and including 5 cu. yds.	13.21	2.44
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	13.44	2.44
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	13.54	2.44
Track-type Front End Loaders, over 15 cu. yds.	13.64	2.44
Track-type Tractor w/wheel attachments	13.21	2.44
Track-type Tractor, on Euclid Loader	13.39	2.44
Trenching Machine	13.21	2.44
Turnhead Conveyor, or Head Power on Batch Plant	13.01	2.44
Wagner Roller and similar type	13.21	2.44
Whitney Crane Operator	13.21	2.44
Whitney Crane Oiler	12.91	2.44
Water Pull when used for compaction	13.01	2.44
Washing and Screening Plant Operator	13.21	2.44
Washington and Screening Plant Oiler	12.50	2.44
Yo-Yo Cat, both ends	13.41	2.44

Modification Page 13	Basic Hourly Rates	Fringe Benefits
Truck Drivers Statewide Combination Truck; Concrete Mixer and Transit Mixer; To and including 4 cu. yds. Over 4 cu. yds. to and including 6 cu. yds. Over 6 cu. yds. to and including 8 cu. yds. Over 8 cu. yds. to and including 10 cu. yds. Over 10 cu. yds. additional \$.08 per hour each additional 2 cu.yds. increment	\$12.70 12.78 12.86 12.94 12.94	\$2.51 2.51 2.51 2.51 2.51
Distributor Driver Dry Batch Trucks: 3 batch or under Over 3 batch to and including 5 batch Over 5 batch to and including 10 batch Over 10 batch to and including 15 batch Over 15 batch additional \$.15 per hour each additional 5 batch increment	12.68 12.45 12.58 12.74 12.90	2.44 2.51 2.51 2.51 2.51
Pickup driver, hauling materials Dumpan, Gravel Spreader Box Operator; Pilot Car Dump Trucks and similar equipment, DW 20, 21, on Euclid Tractors, pulling P.R. 21 or similar Dump Wagons; Water level capacity, including sideboards: 7 cu.yds. or less.	12.55 12.45 12.45	2.51 2.51 2.51
	12.45	2.51

DECISION NO. OK83-4011 - Mod. #2

18 FR 1913 - January 14, 1983

Adair, Atoka, Bryan, Coal, Cherokee, Craig, Creek, Delaware, Haskell, Hughes, LeFlore, Latimer, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Pittsburg, Pushmataha, Rogers, Tulsa, Sequoyah, Wagoner and Washington Counties, Oklahoma.

CHANGE:		Fringe Benefits	
PLUMBERS-PIPEFITTERS		Fringe Benefits	
AREA I		Fringe Benefits	
Basic Hourly Rates		Basic Hourly Rates	
\$16.62	2.83		
10.10	.01		
13.85	1.64		
15.45	.01		

ADD:

LATHERS (AREA I)
LATHERS (AREA II)
PLASTERERS

ADD: CLASSIFICATION AREAS, GROUPS AND DEFINITIONS:

LATHERS (AREA I)
Tulsa, Delaware, Creek, Craig, Mayes and Rogers Counties, Oklahoma
LATHERS (AREA II)
Atoka, Coal and Hughes Counties, Oklahoma
PLASTERERS
Adair, Cherokee, Craig, Creek, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Rogers, Tulsa, Wagoner, Washington and Sequoyah Counties, Oklahoma
PLUMBERS-PIPEFITTERS (AREA II)
Okmulgee County

DECISION NO. N781-3063 - MOD. #13 (46 FR 62746 - Dec. 28, 1981)		DECISION NO. N781-3053 - MOD. #18 (46 FR 50243 - October 9, 1981)	
Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
CHANGE: ROOFERS ZONES: Zone 2 Burlington, Camden, Gloucester, Mercer, Monmouth (Remainder of Co.) Ocean (Remainder of Co.) and Salem Cos. SHEET METAL WORKERS: Zone 1		CHANGE: ELECTRICIANS & CABLE SPLICERS: Zone 6 Wiremen Cable Splicers IRONWORKERS-STRUCTURAL, REINFORCING & ORNAMENTAL: Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex & Union Counties LINE CONSTRUCTION: Zone 2 Linemen & Equipment Ops. Cable Splicers Groundmen PLUMBERS: Zone Definitions Zone 1 (Hudson County) Bayonne, Guttenberg, Hoboken, Jersey City, North Bergen, Secaucus, Union City, Weehawken, West New York, (Bergen County) (Passaic Co.) (Sussex County), Northern Half of Warren Co. and Morris County from Mt. Olive Straight across Randolph, down to the Essex Border.	
17.60	34+2.63	18.06	17+ 101.00
		19.32	17+ 101.00
		16.35	6.66
		18.06	17+ 101.00
		19.32	17+ 101.00
		70% JR	

DECISION NO. N782-3006 - MOD. #6 (47 FR 8523 - February 26, 1982)
BERGEN, ESSEX, HUDSON AND PASSAIC COUNTIES, NEW JERSEY

CHANGE:
MOD. #4 DATED 1-21-83 TO READ MOD. #5
PLUMBERS:
Zone Definitions:
Bergen County, Hudson (Bayonne, Guttenberg, Hoboken, Jersey City, N. Bergen, Secaucus, Union City, Weehawken, W. New York) and Passaic County

Modification Page 17

DECISION NO. OK83-4012 - Mod. #1

48 FR 1916 - January 14, 1983

Alfalfa, Beckham, Blaine, Caddo, Canadian, Carter, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Oklahoma, Payne, Pontotoc, Roger Mills, Pottawatomie, Seminole, Stephens, Tillman, Washita, Woods and Woodward Counties, Oklahoma.

CHANGE:	Basic Hourly Rates	Fringe Benefits	CHANGE:	Basic Hourly Rates	Fringe Benefits
CARPENTERS (AREA VIII)			CABLE SPLICERS (AREA I)		
Carpenters	\$12.45	\$1.37	Zone I	\$15.85	94+1.05
Millwrights	13.05	1.37	Zone II	16.10	94+1.05
Piledrivermen	13.05	1.37	Zone III	16.35	94+1.05
Power Saw Operator	12.80	1.37	OMIT		
ELECTRICIANS (AREA I):			PLASTERERS	15.60	.01
Zone I	15.60	94+1.05	ADD:		
Zone II	15.85	94+1.05	PLASTERERS - AREA I	15.60	.01
Zone III	16.10	94+1.05	PLASTERERS - AREA II	14.20	

OMIT:

CLASSIFICATION AREAS, GROUPS AND DEFINITIONS:

CEMENT MASONS - POWER TOOL OPERATORS - AREA III

Pawnee County

PLASTERERS
Ellis, Roger Mills, Beckham, Greer, Harmon, Jackson, Dewey, Custer, Washita, Kiowa, Tillman, Blaine, Caddo, Comanche, Cotton, Kingfisher, Canadian, Grady, Stephens, Jefferson, Logan, Oklahoma, Cleveland, McClain, Garvin, Murray, Carter, Love, Payne, Lincoln, Pottawatomie, Seminole, Pontotoc, Johnston and Marshall Counties.

ADD:

CLASSIFICATION AREAS, GROUPS AND DEFINITIONS:

PLASTERERS (AREA I)

Beckham, Blaine, Caddo, Canadian, Carter, Cleveland, Custer, Cotton, Comanche, Dewey, Ellis, Garvin, Grady, Greer, Harmon, Jackson, Jefferson, Johnston, Kingfisher, Kiowa, Logan, Love, Lincoln, Marshall, McClain, Oklahoma, Payne, Roger Mills, Stephens, Tillman and Washita Counties

PLASTERERS (AREA II)

Pottawatomie, Pontotoc and Seminole Counties

TRUCK DRIVERS (AREA I)

Payne and Wood Counties

CHANGE:

CLASSIFICATION AREAS, GROUPS AND DEFINITIONS:

LATHERS (AREA I)

Oklahoma, Logan, Canadian, Kingfisher, Custer, Washita, Blaine, Dewey, Pottawatomie, Beckham, Caddo, Cleveland, Ellis, Garvin, Grady, Johnston, McClain, Major, Murray, Noble, Pontotoc, Roger Mills, Seminole and Woodward Counties; also that part of Lincoln County that spans south of the Turner Turnpike and that part of Payne County up to and including the city of Cushing.

LATHERS (AREA II)

Alfalfa, Grant, Major and Garfield Counties

Modification Page 18

DECISION NO. W782-2004 - MOD. #1 (47 FR 8541 - February 26, 1982) ASHLAND, BAYFIELD & DOUGLAS COS., WISCONSIN	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
CHANGE: ASBESTOS WORKERS	15.45	3.36	POWER EQUIPMENT OPERATORS			
BOILERMAKERS	16.12	2.825	Group I	15.22		2.90
BRICKLAYERS	15.53	1.55	Group II	14.92		2.90
CARPENTERS:			Group III	14.56		2.90
Ashland Co.	12.95	2.35	Group IV	14.44		2.90
Bayfield & Douglas Cos.	14.00	2.80	Group V	13.88		2.90
CEMENT MASONS:			Group VI	13.41		2.90
Douglas County	15.85	.70				
Ashland & Bayfield Co.	14.71	1.56				
ELECTRICIANS	15.75	2.88				
ELEVATORS CONSTRUCTORS	15.03	2.69				
ELEVATORS CONSTRUCTORS HELPERS	10.52	2.69				
ELEVATOR CONSTRUCTORS PROBATIONARY HELPERS	7.515					
IRONWORKERS	15.82	2.60				
LINE CONSTRUCTION:						
Linemen	15.47	.65+9%				
Heavy Equipment Operators	13.92	.65+9%				
Light Equipment Operators	12.38	.65+9%				
Heavy Groundman-Truck Driver	10.83	.65+9%				
Light Groundman Truck Driver	10.06	.65+9%				
Groundman	8.51	.65+9%				
MILLWRIGHTS & PILEDRIVER-MEN:						
Ashland County	13.15	3.35				
Bayfield & Douglas Cos.:						
Millwrights	14.22	2.80				
Piledrivermen	14.00	2.80				
PAINTERS:						
Brush	14.61	1.53				
Spray	15.21	1.53				
PLASTERERS	15.50	1.25				
PLUMBERS	15.51	3.50				
ROOFERS	13.83	3.05				
SHEETMETAL WORKERS	13.15	3.41				
SOFT FLOOR LAYERS	12.95	2.35				
SPRINKLER FITTERS	16.67	2.83				
TERRAZZO WORKERS & TILE SETTERS	15.53	1.56				
LABORERS:						
Ashland Co. only General Laborer	12.47	1.93				
Plasterer Laborer, Air spade & Jackhammer	12.72	1.93				

SUPERSEDES DECISION

STATE: Kansas COUNTY: Sedgwick
 DECISION NO.: KS83-4018
 Supersedes Decision No. KS79-4067 dated June 25, 1979 in 44 FR 34750
 DATE: Date of Publication
 DESCRIPTION OF WORK: Residential projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			Education and or Appr. Tr.
		H & W	Pensions	Vocational	
Airconditioning Mechanic	\$8.00				
Bricklayers	11.03				
Carpenters	10.00				
Cement Masons	9.00				
Electricians	8.65				
Laborers:					
Unskilled	5.00				
Semi-skilled	6.00				
Skilled	8.79				
Painters:					
Brush	6.93				
Spray	7.21				
Plumbers	9.00				
Roofers	8.14				
Sheet Metal Workers	8.00				
Soft Floor Layers:					
Carpet	11.50				
Resilient	8.67				
Tile Setters	7.00				
Truck Drivers	6.00				
Power Equipment Operators:					
Backhoe	8.58				
Blade	8.50				
Bulldozer	7.67				
Graders	7.76				
Loader	8.14				
Mechanic	7.75				
Rollers	7.03				
Scrapers	7.45				
Trenching Machines	8.36				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDES DECISION

STATE: ALABAMA COUNTIES: COLBERT, FRANKLIN, LAUDERDALE, LAWRENCE, MARION, & WINSTON
 DECISION NUMBER: AL83-1005
 Supersedes Decision No.: AL80-1120 dated November 14, 1980 in 45 FR 75562.
 DATE: DATE OF PUBLICATION
 DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including 4 (four) stories.

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING				
Mechanic	\$ 7.33		\$ 7.28	
Bricklayers	8.30		12.03	
Carpenters	6.54		6.30	
Cement Masons	7.73		5.00	
Drywall Finishers	6.00			
Drywall Hangers	7.89			
Electricians	6.00			
Ironworkers	5.00			
Laborers:				
Mason Tenders	4.81		5.50	
Unskilled	4.72		6.20	
Painters	6.00		5.50	
Plumbers & Pipefitters	6.00		8.58	
Roofers	6.15		9.00	
			6.00	
			5.88	
			6.00	
			6.00	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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DECISION NO. KS83-4009

SUPERSEDES DECISION

STATE: Kansas
 COUNTY: Leavenworth
 DATE: Date of Publication
 DECISION NUMBER: KS83-4009
 SUPERSEDES Decision No. KS82-4013 dated April 16, 1982, in 47 FR 16519
 DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories).

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	\$17.29 \$4.26		
BOILERMAKERS	16.12 2.825		
BRICKLAYERS, STONEMASONS	14.94 3.45		
CARPENTERS	14.075 1.47		
Carpenters & Millwrights	15.05 1.47		
CEMENT MASONS	15.075 1.95		
ELECTRICIANS:			
Zone 1:			
Delaware, Kickapoo, High Prairie & Leavenworth Townships	16.18 10%+ 2.31		
Zone 2:			
Remainder of County	15.55 3%+ 2.13		
ELEVATOR CONSTRUCTORS	14.135 2.18		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR 14.72 17.14% 2.44		
GLAZIERS	15.15 3.75		
IRONWORKERS	14.075 1.47		
LATHERS			
LINE CONSTRUCTION:			
Zone 1:			
Southwest 2/3 of Leavenworth County: Linemen	15.50 3%+ .65		
Cable Splicers	16.28 3%+ .65		
Groundmen	9.56 3%+ .65		
Powdermen	12.81 3%+ .65		
Line Truck & Equipment Operators	12.81 3%+ .65		
LINE CONSTRUCTION:			
Zone 2:			
Remainder of County	15.50 3%+ .65		
PAINTERS:			
Brush, Roller, Tapers	15.04 1.40		
Spray	16.04 1.40		
PLASTERERS	17.25		
PIPEFITTERS	17.44 3.22		
PLUMBERS	17.96 2.70		
ROOFERS	15.23 2.36		
SHEET METAL WORKERS	15.40 2.63		
SOFT FLOOR LAYERS	11.26 1%+ 2.60		
SPRINKLER FITTERS	16.47 2.83		
TERRAZO WORKERS	15.31 10%+ 2.83		
WELDERS: - Receive rate prescribed for craft performing operation to which the welding is incidental.			
WELDERS:			
Employer contributes 8% of basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as vacation pay credit.			
Also 7 paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving Day, & Christmas Day.			

TRUCK DRIVERS:

BUILDING CONSTRUCTION

General Laborers

Power Tool Operators;

Compactors; Concrete

Breakers; Chipping

Tools; Drilling Tools;

Concrete Saws; Mechan-

ically Operated

Georgia Buggy

Mason Tenders; Plaster

Tenders; Mortar Mixers

for Plasterers, Masons

and Cement Finishers;

All Stocking Scaffold;

Clean up for Masons

(Building & Wrecking)

Sand and Concrete Gun

Nozzlemen Powdermen

LABORERS (Site Prepara-

tion and Grading):

Group 1

Group 2

Group 3

Group 4

POWER EQUIPMENT OPERATORS

(Building Construction):

Group 1

Group 2

Group 3

a.

b.

c.

d.

Group 4

Group 5

Group 6

Group 7

a.

b.

c.

Group 8

Group 9

Site Preparation &

Grading:

Group 1

Group 2

Group 3

a.

b.

c.

Group 4

Group 5

Group 6

Group 7

a.

b.

c.

Group 8

Group 9

Site Preparation &

Grading:

Group 1

Group 2

Group 3

Group 4

a.

b.

c.

Group 5

Group 6

Group 7

a.

b.

c.

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION (Cont'd)Group 3

- (a) Oilers
- (b) Fork lift masonry
- (c) Oilier driver
- (d) A-frame trucks, fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering systems, test or pressure pumps; tractors (except when hauling material) less than 50 h.p.

Group 4

Clamshells, 80 ft. of boom or over (incl. jib); crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 80 ft. of boom or over (incl. jib); pile drivers, 80 ft., of boom or over (incl. jib)

Group 5

Hoists--each additional drum over 1 drum

Group 6

Crane or rigs, over 200 ft. of boom

Group 7

Ready Mixed Concrete Plants;

- (a) Crane operator

- (b) Loader operator & plant man

- (c) Conveyor Operator

Group 8

Master Mechanic

Group 9

Crane-tower or climbing

POWER EQUIPMENT OPERATORS - SITE PREPARATION & GRADING

Group 1 - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers - 2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator - 2; concrete plant operator; central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader - fork lift; hoistline engine - 2 active drums; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump - 2; push cat op.; quad-track; scoop operator - all types; scoops in tandem; self-propelled rotary drill (leroy or equal - not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slip - form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator - 2

Group 2 - A-frame truck, asphalt hot mix silo, asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; back filler operator;

LABORERS (Site Preparation & Grading) - Classifications:

Group 1: Board Mat Weavers and Cable Tiers; Georgia Buggy, Manually Operated; Mixermen - No Skip Lift; Salamander Tenders; Track Men; Tractor Swampers; Truck Dumpers; Wire Mesh Setters; Water Pump up to 4 inches; and all other General Laborers.

Group 2: Air Tool Operators; Cement Handlers (Bull); Chain Saw; Georgia Buggy (Mechanically Operated); Grade Men; Hot Mastic Kettlemen; Crusher Feeders; Joint Men; Jute Men; Mason Tenders; Material Batch Hopper and Scale Men; Mixer Men; Pier Hole Men Working 10 ft. deep; Pipelayer - Drainage (Concrete and/or Corrugated Metal); Signal Men (Crane); Truck Dumper--Dry Batch; Vibrator Operator; Wagon and Churn Drill Operator.

Group 3: Asphalt Raker; Barco Tamper; Concrete Saw, Creosote Material--Handling and Applying; Nozzle Burner (Cutting Torch and Burning Bar).

Group 4: Conduit Pipe; Tile and Duct Line Setter; Form Setter and Liner on Concrete Paving; Powderman; Sand-Blasting and Gunnite Nozzleman; Sanitary Sewer Pipe Layer; Steel Plate Structure Erectors; Water and Gas Distribution Lines.

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION

Group 1: Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe; barber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derrick cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking machine; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

Group 2: Boilers (1); Brooms - power operated; chip spreader (front man); clef plane operator; compressors (1) 125' or over; concrete saws, self-propelled; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine, form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hammer; lad-a-vator - similar type; rollers; siphons, jets, and jennies, sub-grader; tractors over 50 h.p.; compressors (2) 125" ft. or over not more than 20' apart; compressors-tandem; compressors sigle, truck mounted; elevator; finishing machine

POWER EQUIPMENT OPERATORS - SITE PREPARATION & GRADING (Cont'd)Group 2 (Cont'd)

chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; chusher operator; elevating grader; greaser; hoisting engine - 1 drum; latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydrahammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator tractor operator over 50 h.p.

Group 3 - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge, roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator - combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1

Group 4 -(a) Oilers

(b) Oiler driver, all types

TRUCK DRIVERS - BUILDING CONSTRUCTION

Group 1 - Warehousemen and stock man

Group 2 - Flat beds; pick-ups; drum trucks, under 10 yds.

Group 3 - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers

Group 4 - Straddle trucks, steel tractors (when used for towing); hydro lift trucks, hydraulically operated serial lifts; heavy hauling, a-frame winch and fork lifts; heavy excavating (dumper, euclid, etc.); double bottom units (20 tons capacity and over)

Group 5 - Distributor truck drivers and operators; oilers, greasers and mechanics' helpers

Group 6 - Mechanics

Group 7 - Transit mix, 5 yds. and over

Group 8 - Transit mix, under 5 yds.

TRUCK DRIVERS - Site Preparation & Grading

Group 1 - One Team; Station Wagons; Pickup Trucks; Material

trucks, single axle, Tank Wagon Drivers, single axle

Group 2 - Material trucks, tandem; Two teams; Semi-trailer;

Winch Truck, Fork Trucks; Distributor Drivers and Operators;

Agitator and Transit Mix; Tank Wagon Drivers; single axle;

Tank Wagon Drivers, Tandem or Semi-Trailers; Insley Wagon;

Dump Trucks; excavating, 5 cu. yds. and over, Dumpster, Half-

trucks, Speedace, Euclids and other similar excavating

equipment

TRUCK DRIVERS - Site Preparation & Grading (Cont'd)

Group 3 - A-Frame, Low Boy, and Boom Truck Drivers

Group 4 - Mechanics and Welders

Group 5 - Oilers and Greasers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses, (29 CFR, 5.5(a)(1)(ii)).

DECISION NO. K583-4014

SUPERSEDES DECISION

STATE: Kansas
 COUNTY: Sedgewick
 DECISION NO. K583-4014
 Supersedes Decision No. K582-4014, dated April 16, 1982, in 47 FR 16522
 DATE: Date of Publication
 DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including four stories).

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	\$17.28	\$15.50	3.1+
BOILERMAKERS	16.47	2.825	.65
BRICKLAYERS; STONEMASONS	13.00	1.63	3.1+
CARPENTERS:			.65
Carpenters	12.50	.93	.65
Millwrights, Piledriver-men	12.80	.93	.65
CEMENT MASONS	11.10	.4+	.65
ELECTRICIANS	15.00	1.85	.65
Cable Splicer	15.25	4+	.65
ELEVATOR CONSTRUCTORS	12.21	1.95	.65
ELEVATOR CONSTRUCTOR HELPERS	8.55	1.95	.70
GLAZIERS	12.87	4.56	.70
IRONWORKERS	14.29	1.14	2.08
LABORERS (BUILDING CONSTRUCTION):			
Group 1 - Common laborers	8.60	1.90	3.55
Group 2 - Power tool operator, compactor, concrete breaker			
chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy, mason tenders, plaster tenders			
mortar mixers for plasterers, mason and cement finishers, all stocking scaffold, clean up for masons (building & wrecking), sand and concrete gun nozzleman, powderman			
LABORERS (SITE PREPARATION AND GRADING):			
Group 1	6.00	1.90	3.55
Group 2	6.15	1.90	3.55
Group 3	6.25	1.90	3.55
Group 4	6.40	1.90	3.55

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS (Site Preparation & Grading):			
GROUP 1	\$10.80	\$10.80	3.75
GROUP 2	10.55	10.55	3.75
GROUP 3	10.30	10.30	3.75
GROUP 4	9.95	9.95	3.75
GROUP 4A	10.05	10.05	3.75
ROOFERS:			
Roofers	11.35	.94	.94
Pitch	12.10	.94	.94
SHEET METAL WORKERS	12.56	3+	1.98
SPRINKLER FITTERS	16.47	2.83	2.83
TILE, MARBLE & TERRAZZO SETTERS	12.40		
TRUCK DRIVERS (BUILDING CONSTRUCTION):			
Group 1 - Pickups, station wagons, flat beds 12,000 and under GVW license capacity	8.90	.85	.85
Group 2 - Flat beds - 16,000 GVW license capacity	8.975	.85	.85
Group 3 - Flat beds - 20,000 over GVW license capacity, dump, batch & water truck, single axle	9.05	.85	.85
Group 4 - Lowboys, semitrailers dumpstors, A-frame tandems winch truck when used as such & transit mix	9.15	.85	.85
TRUCK DRIVERS (SITE PREPARATION & GRADING):			
GROUP 1	9.40	1.20	1.20
GROUP 2	9.50	1.20	1.20
GROUP 3	9.65	1.20	1.20

CLASSIFICATION DEFINITIONS - LABORERS (SITE PREPARATION & GRADING)

Group 1 - Board mat weavers & cable tiers, georgia buggy (manually operated) mixerman-no skip, lift, salamander tenders, track men, tractor swamper, truck dumper, wire mesh setter, water pump up to 4 inches, & all other general laborers.

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated), grade man, hot mastic kettlemen, crusher feeder, joint man, jute man, mason tenders, material batch hopper & scale man, mixer man, pier hole man working 10 ft. deep, pipelayer-drainage (concrete and/or corrugated metal), signal man (crane), truck dumper-dry batch, vibrator operator, wagon and churn drill operator.

Group 3 - Asphalt raker, barco tamper, concrete saw, creosote material--handling & applying, nozzle burner (cutting torch and burning bar).

Group 4 - Conduit pipe, tile & duct line setter, form setter & liner on concrete paving, powderman, sand-blasting & gunnite nozzleman, sanitary sewer layer, steel plate structure erectors, water and gas distribution lines.

POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION)

Group 1 - Boiler (2) boom cat, boring machine, ditching machine, concrete ready mix plant, crane, truck crane, clamshell dragline, dozer, scraper, all types, patrol, firemen (when operating steam or air valve), gradall, hi-loaders (over 1 yard), hoist two drum, mechanic or welder, mixermobile, paver, or any other machine with power swing, piledriver operator, power shovel, pump, concrete or other material, locomotive.

Group 2 - A-frame truck, bob cat/hi-loaders (1 yard or under), barber-greene loader or similar type, boiler ditching machine - small, elevator operator, fireman, forklift, hoist, one active drum, hydra hammer jeep ditcher, mixer, other than paver, power broom, pump 4" or larger, small machine engineer, welding machine (1), greaser equipment.

Group 3:

CLASS A - Farm tractor (without attachments).

CLASS B - Farm tractor (with attachments).

Group 4:

CLASS A - Oiler

CLASS B - Motor crane oiler.

CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS (SITE PREPARATION & GRADING)

Group 1 - Asphalt paver and spreader; backhoe, boring machine; blades, all types; clamshell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane, or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; dozer; ditching machine; euclid loader; hoist - 2 active drums; loader; all types; mechanic or welder; mixer-mobile; multi-unit scraper; pile driver operator; power shovel operator scoop operator, all types; side boom-cherry picker; skimmer scoop operator; pushcat operator; quad track.

Group 2 - Asphalt plant operator; elevating grader operator.

Group 3 - A-frame truck, asphalt roller operator; asphalt plant boiler fireman; backfiller operator; barber-greene loader; boiler other than asphalt bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator, distributor operator; finish machine operator - concrete; fireman other than asphalt; flex plane operator, fork lift; form grader operator; greaser; hoist-1 drum; jeep ditching machine; pavement breakers, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening and gas plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphons and jets; subgrading machine operator; tank car heater operator, combination booster and boiler; towboat operator; vibrator machine operator, not hand.

Group 4 - Concrete gang saw, self-propelled (con-cut); conveyor operator; harrow, disc, seeder; oiler; tractor operator, 50 h.p. or less without attachments.

Group 4A - Oiler, motor crane

TRUCK DRIVER (SITE PREPARATION & GRADING)

Group 1 - Pickups; panel trucks; station wagons, flat beds, dump and batch trucks (single axle)

Group 2 - Tandem trucks, warehousemen or partsmen; mechanic helpers and servicemen.

Group 3 - Lowboys; semi-trailers, all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such; euclid, end and bottom dump; tournarockers; atheys; dumptrucks and similar off-road equipment and mechanics on such equipment.

STATE: KANSAS
SUPERSEDES DECISION

COUNTIES: Douglas, Jefferson, Leavenworth, Miami and Shawnee
 DECISION NUMBER K583-4015
 Supersedes Decision No. K582-4015 dated April 16, 1982 in 47 FR 16525.
 DATE: Date of Publication
 DESCRIPTION OF WORK: Highway Construction

FOOTNOTE:

- a - Employer contributes 8% of basic hourly rate for over 5 years service, and 6% of basic hourly rate for under 5 years as Vacation Pay Credit. Also 7 paid holidays.

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

	Basic Hourly Rates	Fringe Benefits		Basic Hourly Rates	Fringe Benefits
CARPENTERS & PILEDRIVERS					
Zone 1	\$11.00	\$1.75	LABORERS (Cont'd):		
Zone 2	15.05	2.07	Zone 2		
Zone 3	13.49	1.75	Group 1	\$ 8.40	\$1.90
CEMENT MASONS:			Group 2	8.55	1.90
Zone 1	14.97	1.95	Group 3	8.65	1.90
Zone 2	11.40	1.25	Group 4	8.80	1.90
Zone 3	11.10	1.25	Zone 3		
ELECTRICIANS:			Group 1	8.40	1.90
Zone 1	16.18	10.14	Group 2	8.55	1.90
Zone 2	15.55	3.14	Group 3	8.65	1.90
IRONWORKERS			Group 4	8.80	1.90
LINE CONSTRUCTION:			Zone 1		
Zone 1:			Group 1	7.60	1.90
Lineman	18.28	3.14	Group 2	7.75	1.90
Lineman operator	17.02	3.14	Group 3	7.85	1.90
Groundman powderman	12.68	3.14	Group 4	8.00	1.90
Groundman	12.05	3.14	POWER EQUIPMENT OPERATORS		
Zone 2:			Zone 1: Leavenworth County		
Lineman	15.50	3.14	Group 1	13.75	4.02
Cable splicers	16.28	3.14	Group 2	13.50	4.02
Groundman	9.56	3.14	Group 3	12.80	4.02
Powderman	12.81	3.14	Group 4	8.78	4.02
Line truck & equipment operator	12.81	3.14	A	11.80	4.02
LABORERS:			B		
Zone 1			Zone 2: Jefferson & Miami Counties:		
Group 1	7.60	1.90	Group 1	8.35	2.35
Group 2	7.75	1.90	Group 2	8.10	2.35
Group 3	7.85	1.90	Group 3	7.85	2.35
Group 4	8.00	1.90	Group 4	7.50	2.35
			Group 4A	7.60	2.35
			Zone 3: Douglas & Shawnee Counties:		
			Group 1	10.80	3.75
			Group 2	10.55	3.75
			Group 3	10.30	3.75
			Group 4	8.95	3.75
			Group 4A	10.05	3.75

ZONE DESCRIPTIONS - (Cont'd)

TRUCK DRIVERS

Zone 1:

- Group 1 - One Team; Station Wagons; Pickup Trucks; Material Trucks, single axle; Tank Wagon Drivers, single axle
- Group 2 - Material Trucks; Tandem; Two Teams; Semi-trailers; Winch Trucks-Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix Tank Wagon Drivers, single axle; Tank Wagon Drivers; Tandem or Semi-trailer; Inaleys Wagons; Dump Trucks; Excavator, 5 cu. yds. and over; Dumpsters; Half-tracks; Speedace; Euclids and other similar excavating equipment
- Group 3 - A-frame; Lowboy; Boom Truck Drivers
- Group 4 - Mechanics and Welders
- Group 5 - Oilers and Greasers

Zone 2:

- Group 1 - Pickups; Panel Trucks; Station Wagons; Flat Beds; Dump and Batch Trucks, single axle
- Group 2 - Tandem Trucks; Warehousemen or Partsmen; Mechanic Helpers and Servicemen
- Group 3 - Lowboys; Semi-trailers; all Transit Mixer Trucks (single or tandem axle); A-frame and Winch Trucks when used as such; Euclid, End and Bottom Dump; Tournarockers, Athleys, Dumpsters and similar off-road equipment and mechanics on such equipment

CLASSIFICATION DEFINITIONS

LABORERS

- Group 1: Board Mat Weavers and Cable Tiers; Georgia Buggy (manually operated); Mixerman-on skip lift; Salamander Tenders; Track Men; Tractor Swapper; Truck Dumper; Wire Mesh Setter; Water Pump, up to 4 inches and all other General Laborers
- Group 2: Air Tool Operators; Cement Handlers (bulk); Chain Saw; Georgia Buggy (mechanically operated); Graders; Hot Mastic Kettlemen; Crusher Feeder; Joint Man; Jute Man; Mason Tender; Material Batch Hopper and Scale Man; Mixer Man; Pier Hole Man working 10 feet deep; Pipelayer-drainage (concrete and/or corrugated metal); Signal Man (crane); Truck Dumper-Dry Batch; Vibrator Operator; Wagon and Churn Drill Operator
- Group 3 - Asphalt Raker; Barco Taper; Concrete Saw; Croosote Material, handling and applying; Nozzle Burner (cutting torch and burning bar)
- Group 4 - Conduit Pipe; Water and Gas Distribution Lines; Tile and Duct Line Setter; Form Setter and Liner on concrete paving; Powderman; Sandblasting and Gunite Nozzleman; Sanitary Sewer Pipe Layer; Steel Plate Structure Erectors

Basic Hourly Rates	Fringe Benefits
\$8.89	\$2.50
9.09	2.50
9.40	2.50
9.55	2.50
8.665	2.50

TRUCK DRIVERS

Zone 1: Leavenworth & Miami Counties:

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5

Zone 2: Douglas, Shawnee and Jefferson Counties

- Group 1
- Group 2
- Group 3

ZONE DESCRIPTIONS

CARPENTERS AND PILEDRIVERMEN:

- Zone 1: Douglas, Shawnee and Jefferson Counties
- Zone 2: Leavenworth County
- Zone 3: Miami County

CEMENT MASONS:

- Zone 1: Leavenworth and Miami Counties
- Zone 2: Douglas and Shawnee Counties
- Zone 3: Jefferson County

ELECTRICIANS:

- Zone 1: Leavenworth County (Delaware, High Prairie & Kickapoo Townships) City of Leavenworth & Fort Leavenworth Military Reservation
- Zone 2: Douglas, Jefferson, Miami, Shawnee and the remainder of Leavenworth County

LINE CONSTRUCTION:

- Zone 1: Leavenworth County, north of Fairmont Strainger, and Tanageroxie Townships
- Zone 2: Douglas, Jefferson, Miami, Shawnee Counties, and remainder of Leavenworth County

LABORERS:

- Zone 1: Jefferson County
- Zone 2: Douglas and Shawnee Counties
- Zone 3: Leavenworth County
- Zone 4: Miami County

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

Zone 1: Leavenworth County:

Group 1 - Asphalt Paver and Spreader; Asphalt Plant Console Operator; Auto Grader; Back Hoe; Blade Operator, all types; Boiler, 2; Booster Pump on Dredge; Boring Machine (truck or crane mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator, 2; Concrete Plant Operator, Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineer; Dredge Operator; Drillcat with compressor mounted on cat; Drilling or Boring Machine; Rotary, self-propelled; High Loader-Fork Lift; Locomotive Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump, 2; Quad-trac; Scoop Operator, all types; Scoops in Tandem; Self-propelled Rotary Drill (trolley or equal-not Air Trac); Shovel Operator; Side discharge Spreader; Sideboom Cat; Skinner Scoop Operator; Slip-form Paver (CMI, REX, or equal); Throttle Man; Truck Crane; Welding Machine Maintenance Operator, 2; Hoisting Engine, 2; Active Drums

Group 2: "A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, drum or boiler; Asphalt Plant Mixer Operator; Asphalt Plant Man; Asphalt Roller Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry power operated; Concrete Mixer Operator; Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser, hoisting engine, 1 drum; Laturneau Rooter; Multiple Compactor; Pavement Breaker, self-propelled of the Hydra-hammer or similar type; Power Shield; Pug Mill Operator; Stump Cutting Machine; Towboat Operator; Tractor Operator, over 50 H.P.

Group 3: Boilers, 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator, 1; Concrete Saws, self-propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than high type asphalt; Screening and Washing Plant Operator; Self-propelled Street Broom or Sweeper; Siphons and Jets; Sub-grading Machine Operator; Tank Car Heater Operator, combination boiler and booster; Tractor, 50 H.P. or less without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator, 1

Group 4:

a - Oilers
b - Oiler driver, all types

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

Zone 2: Jefferson & Miami Counties:

Group 1 - Asphalt Paver & Spreader; Backhoe; Boring Machine; Blades, all types; Clamshell; Concrete Mixer Paver Operator; Concrete Plant Operator (automatic); Crane; Truck Crane; Pitman Crane; Hydro Crane or any machine with power swing; Derrick or Derrick Trucks; Dragline Operator; Dredge Operator; Doser; Ditching Machine; Euclid Loader; Hoist, 2 active drums; Loader, all types; Mechanic or Welder; Mixer-Mobile; Multi-unit Scraper; Piledriver Operator; Power Shovel Operator; Quad Trac; Scoop Operator, all types; Sideboom Cat, Cherry Picker; Skinner Scoop Operator; Pushcat Operators

Group 2 - Asphalt Plant Operator; Elevating Grader Operator

Group 3 - A-frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Backfiller Operator; Barber Green Loader; Roller, other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator, Skip; Concrete Pump Operator; Crusher Mixer Operator; Distributor Operator; Finish Machine Operator, concrete; Fireman, other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist, 1 drum; Jeep Ditching Machine; Pavement Breaker; Self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than Dredge Screening and Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator, over 50 H.P.; Self-propelled Roller Operator, other than Asphalt Siphons and Jets; Subgrading Machine Operator; Tank Car Heater Operator; Combination Booster and Boilers; Towboat Operator; Vibrating Machine Operator, not hand

Group 4 - Concrete Gang Saw, Self-propelled (con-cut); Conveyor Operator; Harrow, disc. Seeder; Oiler; Tractor Operator, 50 H.P. or less without attachments

Group 4A - Oiler; Motor Crane

POWER EQUIPMENT OPERATORS

Zone 3: Douglas & Shawnee Counties:

Group 1 - Asphalt Paver and Spreader; Backhoe, Boring Machine; Blades, all types; Clamshell; Concrete Mixer Paver Operator; Concrete Plant Operator (automatic); Crane; Truck Crane; Pitman Crane; Hydro Crane or any machine with power swing; Derrick or Derrick Trucks; Dragline Operator; Dredge Operator; Doser; Ditching Machine; Euclid Loader; Hoist, 2 active drums; Loaders, all types; Mechanic or Welder; Mixer-Mobile; Multi-unit Scraper; Piledriver Operator; Power Shovel Operator; Quad Trac; Scoop Operator, all types; Sideboom Cat, Cherry Picker; Skinner Scoop Operator; Pushcat Operators

Group 2 - Asphalt Plant Operator; Elevating Grader Operator

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

Zone 3: Douglas & Shawnee Counties (Cont'd):

Group 3 - A-frame Truck; Asphalt Roller Operator; Asphalt Plant
Boiler Fireman; Backfiller Operator; Barber Green Loader; Boiler,
other than asphalt; Bull Float Operator; Churn Drill Operator;
Compressor Operator (1); Concrete Central Plant Operator;
Concrete Mixer Operator, skip; Concrete Pump Operator; Crusher
Operator; Distributor Operator; Finish Machine Operator, concrete;
Fireman, other than asphalt; Flex Plane Operator; Fork Lift;
Form Grader Operator; Greaser; Hoist, 1 drum; Jeep Ditching
Machine; Pavement Breaker, self-propelled (of the Hydra Hammer
or similar type); Pump Operator, 4" or over, two; Pump Operator,
other than Dredge Screening and Wash Plant Operator; Small
Machine Operator; Spreader Box Operator, self-propelled; Tractor
Operator over 50 H.P.; Self-propelled Operator, other
than asphalt siphons and jets; Subgrading Machine Operator;
Tank Car Heater Operator; Combination Booster and Boilers;
Towboat Operator; Vibrating Machine Operator, not hand
Operator; Harrow; Disc. Seeder; Oiler; Tractor Operator, 50 H.P.
or less without attachments
Group 4A - Oiler; Motor Crane

Unlisted classifications needed for work not included within the
scope of the classifications listed may be added after award only
as provided in the labor standards contract clauses (29 CFR, 5.5
(a)(1)(ii)).

STATE: Kansas
DECISION NO. K583-4015
Supercedes Decision No. K582-4016 dated April 16, 1982 in 47
FR 16528 and Decision No. K582-4017 dated April 16, 1982 in
47 FR 16530
DESCRIPTION OF WORK: Building Construction Projects (including
Residential)

SUPERSEDES DECISION

COUNTY: Shawnee

DATE: Date of Publication
DATE: Date of Publication

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
\$17.29	\$4.26	\$8.40	\$1.90
16.12	2.825	8.55	1.90
14.44	.95	8.65	1.90
12.50	1.50	8.80	1.90
13.00	1.50	12.50	1.50
12.875	1.50	15.50	3.45
10.00	1.50	16.28	3.45
11.70	1.05	9.56	3.45
15.55	3.45	12.81	3.45
17.11	3.45	12.81	3.45
11.55	3.45	12.90	.98
12.21	2.33	13.40	.98
12.80	5.58	9.50	.98
15.15	3.75	14.40	.01
ASBESTOS WORKERS		15.83	2.34
BOILERMAKERS		14.66	b+.60
BRICKLAYERS, STONEMASONS		15.76	b+.60
CARPENTERS (Building):		13.68	3.45
Chippers		11.00	3.93
Millwrights		16.47	2.83
Pile Drivers		14.00	2.43
Carpenters - Residential			
CEMENT MASONS			
ELECTRICIANS (Building):			
Electricians			
Cable Splicers			
Electricians - Residential			
ELEVATOR CONSTRUCTORS			
GLAZIERS (Building):			
IRONWORKERS			
LABORERS (Building & Residential):			
Group 1			
General Laborers			
Group 2			
Power tool operators, compactors concrete, breakers, chipping tools, drilling tools, concrete saws, mechanically operated Georgia buggy			
Group 3			
Mason tenders, plaster tenders, mortar mixers for masons and cement finishers, all stocking scaffold, clean up for masons (building & wrecking)			
Group 4			
Sand & concrete gun nozzleman & powderman			
LABORERS (Site Preparation & Grading) (Building & Residential):			
Group 1			
Group 2			
Group 3			
Group 4			
PAINTERS (Building):			
Brush, drywall, tapers			
Spray & sandblast			
Painters (Residential)			
PLASTERERS			
PIPEFITTERS; PLUMBERS			
ROOFERS			
Roofs			
SHEET METAL WORKERS			
SOFT FLOOR LAYERS			
SPRINKLER FITTERS			
TILE - TERRAZO & MARBLE SETTERS			
POWER EQUIPMENT OPERATORS			
BUILDING CONSTRUCTION:			
Cranes with lifting ring			
Cranes and shovels			
100 ft. of boom or over including jib or 30 tons or over or 2 yd. capacity, three (3), drum hoist			

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

BUILDING CONSTRUCTION

(Cont'd):

Crane and shovels-

booms 200 ft. & over

four (4) drum hoist,

Frankie - type pile

driving machines, &

tower cranes &

derricks

Group I

Group II

Group III:

Class A

Class B

Group IV:

Class A

Class B

POWER EQUIPMENT OPERATORS

Site Preparation &

Grading (Building &

Residential Construction)

Group I

Group 2

Group 3

Group 4

Group 4A

TRUCK DRIVERS - BUILDING

& RESIDENTIAL CONSTRUCTION

TRUCK DRIVERS

Class I - Light

Station Wagons,

Pickups

TRUCK DRIVERS

Class 2 - Medium

Flatbeds and dump

five ton or less,

Warehousesmen &

Partners

TRUCK DRIVERS

Class 3 - Heavy - Over

5 ton, Semi-Trailers,

Fork Lifts, Industrial

Tractors as used in

Teamsters jurisdiction,

Straddle Trucks,

A-frame & Winch Trucks

when used as such

Basic Hourly Rates	Fringe Benefits	TRUCK DRIVERS - BUILDING & RESIDENTIAL CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits
\$13.10	\$3.75	Class 4	\$11.62	\$1.20
\$12.60	3.75	Mechanics & Dispatchers		
\$12.20	3.75	TRUCK DRIVERS (Site Preparation & Grading)		
		Building & Residential Construction:		
		Group 1	9.40	1.20
		Group 2	9.50	1.20
		Group 3	9.65	1.20
10.40	3.75			
10.65	3.75			
9.85	3.75			
10.10	3.75			
10.80	3.75			
10.55	3.75			
10.30	3.75			
9.95	3.75			
10.05	3.75			
10.46	1.20			
10.56	1.20			
10.81	1.20			

LABORERS (Site Preparation & Grading) Building & Residential:

Group 1 - Board mat weavers and cable tiers; Georgia Buggy

(manually operated); mixerman - no skip; lift; nailers,

salamander tenders; track men; tractor swamper; truck dumper,

wire mesh setter, water pump up to 4 inches; all other

general laborer

Group 2 - Air tool operators, cement handlers (bulk), chain

saw, Georgia buggy (mechanically, operated); grade man, hot

mastic kettlemen, crusher feeder, joint man, jute man; mason

tenders; material batch hopper and scale man, mixer man; pier

hole man working 10 ft. deep; pipelayer-drainage (concrete

and/or corrugated metal); signal man (crane); truck dumper-dry

batch; vibrator operator; wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper; concrete saw; creosote

material-handling and applying; nozzle burner (cutting torch

and burning bar)

Group 4 - Conduit pipe; tile and duct line setter; form setter

and liner on concrete paving; powderman; sandblasting and

gunite nozzleman; sanitary sewer pipe layer; steel plate

structure erectors; water and gas distribution

POWER EQUIPMENT OPERATORS - Building Construction:

Group 1 - Boiler (2), boom cat, boring machine, ditching

machine, concrete ready-mix plant, crane, truck crane, clam-

shell dragline, dozer scraper, all types, patrol, fireman

(when operating steam or air valve), gradall, hi-loaders

(over one yard), hoist, two drum, mechanic or welder, mixer-

mobile, paver, or any other machine with power swing,

piledriver operator, power shovel, pump, concrete or other

material, locomotive

Group 2 - A-frame truck, bob cat/hi-loaders (lyard or under),

barber-green loader or similar type, boiler (1), ditching

machine - small - elevator operator, fireman, forklift, hoist,

or active drum, hydra hammer jeep ditcher, mixer, other, then

paver, power broom, pump 4" or larger, small machine

engineer, welding machine (1), greaser equipment

Group 3 - Class A - Farm tractor (without attachments)

Class B - Farm tractor (with attachments)

Group 4 - Class A - Oiler

Class B - Motor crane oiler

POWER EQUIPMENT OPERATORS Site Preparation & Grading - Building

& Residential Construction:

Group 1 - Asphalt paver and spreader, backhoe, boring machine,

blades, all types; clamshell; concrete mixer paver operator,

concrete central plant operator (automatic); crane, truck crane,

pitman crane, hydro crane, or any machine with power swing;

derrick or derrick trucks; dragline operator; dredge operator;

dozer; ditching machine; euclid loader; hoist - 2 active drums;

loader, all types, mechanic or welder; mixer-mobile; track; scoop

operator, all types; side boom cat-cherry picker; skimmer

scoop operator; pusher operator

POWER EQUIPMENT OPERATORS Site Preparation & Grading - Building & Residential Construction: (Cont'd)

Group 2 - Asphalt plant operator; elevating grader operator; boiler fireman; backfiller operator; barber greene loader; boiler other than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator; distributor operator; finish machine operator- concrete; fireman other than asphalt; flex plane operator; fork lift; form grader operator; greaser; hoist 1 drum; jeep ditching machine; pavement breakers, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphon and jets; subgrading machine operator; tank car heater operator; combination booster and boiler; towboat operators; vibrating machine operator, not hand

Group 4 - Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow, disc seeder; oiler; tractor operator, 50 h.p. or less without attachments

Group 4A - Oiler, motor crane

TRUCK DRIVERS (Site Preparation & Grading) Building & Residential Construction:

Group 1 - Pickups; panel trucks; station wagons; flat beds; dumps and batch trucks (single axle)

Group 2 - Tandem trucks, warehousemen or partsmen; mechanic helpers and servicemen

Group 3 - Lowboys; semi-trailers, all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such; euclid, end and bottom dump; tounarockers; atneys; dumptrors; and similar off-road equipment and mechanics on such equipment

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for over 5 years of service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 7 paid holidays.

b. After 6 months of employment \$.26; after 5 years \$.52

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Louisiana
PARISHES: Calcasieu
DECISION NO.: LA83-4019
DATE: Date of Publication
Supersedeas Decision No. LA82-4022, dated 5/7/82, in 47 PR 19877.
DESCRIPTION OF WORK: Residential Projects consisting of single family homes & apartments up to & including 4 stories.

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits	
ASBESTOS WORKERS BRICKLAYERS & STONEMASONS CARPENTERS: Carpenters, piledriver- men & soft floor layers Millwrights CEMENT MASONS: ELECTRICIANS: New & old single or multiple family residence & apt. complex not to ex- ceed 12 units 2-story walk-ups Other electricians: Electricians Cable splicers ELEVATOR CONSTRUCTORS: Mechanics Helpers Helpers (Prob.) GLAZIERS IRONWORKERS LABORERS: GROUP 1 - Building & general laborers; tenders (carpenter, plaster, cement fin- isher, masons); tank & vessel cleaners GROUP 2 - Mechanical tool op. (except jackhammer); interior of closed tanks & vessels power equipped GROUP 3 - Mortar mixers GROUP 4 - Jackhammer ops GROUP 5 - Blasters	\$17.25 15.65 14.83 17.19 14.91 10.90 17.70 18.20 14.46 70AJR 50AJR 14.65 15.62 11.11 11.21 11.26 11.36 12.07	2.215 2.12 1.60 .07 1.50+ 2.00+ 2.00+ 2.68 70AJR 50AJR .02+b 1.62 .94 .94 .94 .94 .94 .94	LABORERS (Cont'd): GROUP 6 - Blaster tender; concrete cutters behind paving machines & puddlers; form setters & lines asphalt worker GROUP 7 - Pipe joints, laying pipe & tile from pumpcrete GROUP 8 - Interior of closed tanks & vessels manually LATHERS MARBLE & TERRAZZO WORKERS PAINTERS: GROUP 1 - Brush, roller buffer GROUP 2 - Paperhangers, taping & floating GROUP 3 - Spray, sand- blast PLASTERERS PLUMBERS & PIPEFITTERS ROOFERS: Roofers Roofers helpers remove old roofing, hustle material & cleanup under supervision of journeymen SHEET METAL WORKERS SPRINKLER FITTERS TILE SETTERS TRUCK DRIVERS: Pickup drivers Stake bodies, dumps, trailer trucks, winch truck & Mississippi wagon	\$11.63 11.47 11.16 14.83 15.65 15.795 16.01 16.17 15.78 17.48 15.06 11.79 14.75 14.57 13.07 12.19 13.01

DECISION NO. LA83-4019

PAGE 2

POWER EQUIPMENT OPERATORS:

GROUP 1
GROUP 2
GROUP 3
GROUP 4

Basic Hourly Rates	Pringe Benefits
\$15.42	2.20
10.86	2.20
15.67	2.20
15.32	2.20

GROUP 5
GROUP 6
GROUP 7

Basic Hourly Rates	Pringe Benefits
\$16.17	2.20
16.42	2.20
16.92	2.20

WELDERS-receive rate prescribed for craft performing operation to which welding is incidental.
PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS & GLAZIERS
A - New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS & GLAZIERS

a - 1st mos. - none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate; Sevel Paid Holidays
b - 5 days paid vacation; Paid Holidays A, C, D, E, G & Good Friday

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Asphalt plant operator; Asphalt spreader; Backhoes (all types); Boom Trucks; Bulldozers; Bull Floats; Bush Hog; Cableways; Cherry Pickers (all types); Concrete Mixers (over one sack); Concrete Pump; Concrete Saw; Concrete Spreader; Cranes; Deck Winches; Derricks; Distributors; Ditching or Trenching Machines (riding type); Dowel Bar Machine; Draglines; Dredges; Elevator Operator; Finishing Machines (roadway, riding type); Fork Lifts (other than farm-type outside warehouse); Foundation Drill; Front End Loaders; Gressel Service Men; Hoists; Locomotives (all types); Mechanic; Mixer Plant Op. (central mix); Motor Patrols; Motorized Street Sweepers (self-propelled); Pile Drivers; Pull Cat; Pump (3" & over); Push Cat; Road Pavers; Rollers; Scrapers; Shovels; Sideboom; Test Pump-Internal Combustion Engine Powered; Tower Cranes; Welder Journeyman; Well Point System; Whirlleys; Winch Cats; Winch Truck with A-Frame; Work Boats
GROUP 2 - Batch Plant; Compressor; Ditching or Trenching Machine (non-riding type); Fireman; Generator or Light Plant over 5 h.p.; Mixers (one sack & under); Oilier, Oilier-Compressor op.; Oilier-Driver on Motor Crane; Oilier-Fireman; Pump (under 3" suction); Scale op.; Water Blast Pump; Welding Machine
GROUP 3 - Crane 60 tons & over; Crane Boom 100' & over but less than 150'
GROUP 4 - Crane 100 tons & up to 125 tons; Crane Boom 150' & over but less than 225'
GROUP 5 - Crane over 125 tons up to 200 tons
GROUP 6 - Crane over 200 tons up to 300 tons; Crane Boom 225' & over but less than 300'
GROUP 7 - Crane over 300 tons; Crane Boom 300' & over

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 83-2823 Filed 2-3-83; 8:45 am]

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Federal Register

Friday
February 4, 1983

Part III

Environmental Protection Agency

**Waivers From New Source Performance
Standards; Innovative Technology
Waivers for Five Automobile and Light-
Duty Truck Surface Coating Operations;
Final Rule**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

(AD-FRL-2242-4)

Waivers From New Source Performance Standards; Innovative Technology Waivers for Five Automobile and Light-Duty Truck Surface Coating Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: On August 6, 1982 (47 FR 34342), the Environmental Protection Agency proposed to grant innovative technology waivers, pursuant to Section 111(j) of the Clean Air Act, as amended (the Act), 42 U.S.C. 7411(j), for topcoat operations at five automobile and light-duty truck assembly plants. This action grants those waivers. These waivers provide an opportunity to demonstrate the capability of base coat/clear coat (BC/CC) topcoat coating systems to achieve greater VOC (volatile organic chemicals) emission reductions than required by the existing standards at lower costs.

EFFECTIVE DATE: February 4, 1983.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these waivers is available *only* by the filing of petitions for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication. The issuance of these waivers is based on determinations of nationwide scope and effect. Under Section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: Under Section 307(d)(2), 42 U.S.C. 7607(d)(2), the Administrator is required to establish two separate rulemaking dockets for each rule that would apply only within the boundaries of one State. One copy of each docket is located in Washington, D.C. at EPA's Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, S.W. A second copy of each docket is located at the EPA Regional Office for the State where the plant is located. The Regional Office locations are listed below:

- For GM's Wentzville, Missouri plant: Environmental Protection Agency, Region VII, Mr. Charles Whitmore, Docket number (See Table 1), 342 East 11th Street, Kansas City, Missouri
- For GM's Detroit, Michigan, plant, GM's Orion Township, Michigan

plant, and/or Honda's Marysville, Ohio plant: Environmental Protection Agency, Region V, Mr. Gary Gulezman, Docket Numbers (See Table 1), 230 South Dearborn Street, Chicago, Illinois

- For Nissan's Smyrna, Tennessee, plant: Environmental Protection Agency, Region IV, Mr. Brian Beals, Docket Number (See Table 1), 345 Courtland Street, N.E., Atlanta, Georgia

TABLE 1.—DOCKET NUMBERS

Plant location	Docket No.
1. GM—Wentzville, Missouri.....	A-82-11
2. GM—Detroit, Michigan.....	A-82-12
3. GM—Orion Township, Michigan.....	A-82-13
4. Honda—Marysville, Ohio.....	A-82-15
5. Nissan—Smyrna, Tennessee.....	A-82-16

The dockets may be inspected at the listed addresses between 8 a.m. and 4 p.m. on weekdays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Porter, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5578.

SUPPLEMENTARY INFORMATION:

Background

Current Regulations

On October 5, 1979, pursuant to Section 111 of the Clean Air Act, standards of performance were proposed to limit emissions of volatile organic compounds (VOC) from new, modified, and reconstructed automobile and light-duty truck surface coating operations (44 FR 57792). Final standards were published in the *Federal Register* on December 24, 1980 (45 FR 85410).

Standards of performance under Section 111 are established at levels that reflect best demonstrated technology (BDT). For automobile and light-duty truck topcoat operations, BDT was determined to be the use of low-VOC content waterborne coatings applied with the best demonstrated air atomized spray techniques. The standard of 1.47 kg VOC per liter of applied coating solids for topcoat operations was based on the use of this coating system at three U.S. plants. The standard does not, however, require use of waterborne coatings. Any coating system capable of reducing VOC emissions to 1.47 kg VOC per liter of applied coating solids may be used. Other methods which could be used independently or in various combinations to achieve the topcoat

standard are low-VOC content solvent-borne coatings, add-on control devices such as incinerators and carbon adsorbers, and high efficiency coating application techniques.

Trends in Automobile Topcoats

Since the standard was proposed in 1979, the trend in the domestic automobile industry has been to develop and use low-VOC content solvent-borne topcoats with improved transfer efficiency, rather than more costly waterborne coatings, to reduce VOC emissions and improve finish quality. Low-VOC content topcoats are available for production line use. These coatings have been demonstrated to be of acceptable quality and appearance and, when used in combination with better transfer efficiency and/or bake oven emission control systems (i.e., energy efficient incinerators), will meet the standard.

Recently, however, a new type of topcoat called base coat/clear coat (BC/CC) has been developed for automobiles and light-duty trucks. BC/CC topcoats consist of a relatively thin layer of highly pigmented base coat followed by a thicker layer of clear coat. BC/CC coatings have a more appealing appearance than single coat topcoats and also offer improved chemical resistance and gloss retention. Vehicles coated with BC/CC topcoats are now being imported to the United States in significant quantities by both European and Japanese manufacturers. Because of the general appeal and acceptance by U.S. consumers of vehicles coated with BC/CC topcoats, U.S. automobile and light-duty truck manufacturers must duplicate the performance of this type of topcoat to be competitive.

The BC/CC coatings that are being used in foreign plants contain relatively large quantities of VOC. If U.S. manufacturers used similar coatings, the only possible method of meeting the existing standards of performance for automobile and light-duty truck surface coating operations would be to use an entirely new generation of very expensive add-on controls to minimize emissions. BC/CC topcoats with VOC content low enough to comply without such add-on controls are not yet commercially available. The coatings manufacturing companies are working with automobile manufacturers to develop lower VOC content BC/CC topcoats. The automobile manufacturers and equipment vendors are developing efficient spray coating methods for these coatings. The results of this intensive industry development program will ultimately permit the automobile

companies to meet the topcoat standard and still apply BC/CC coatings to automobiles in sufficient number to meet market demand without having to use expensive add-on controls.

Waiver Requests

General Motors Corporation (GM) submitted a request on October 30, 1981, for innovative technology waivers under Section 111(j) of the Clean Air Act for the topcoat operations at three automobile plants now under construction. GM planned to initiate production in 1983 and 1984 at these plants. GM claimed that they needed to use BC/CC topcoats on all of the cars produced at these plants so that they could compete with imported cars. The application of oven controls, use of the lowest VOC content BC/CC coating, and the use of the best control application system available to GM would have resulted in BC/CC topcoat VOC emissions of 3.2 kg VOC per liter of applied coating solids at each of these plants.

Honda submitted a request on November 19, 1981, for an innovative technology waiver under Section 111(j) of the Clean Air Act for the topcoat operation at an automobile plant that is being built in Marysville, Ohio. The plant was scheduled to begin production by the end of 1982. Honda would like to coat most of their cars with BC/CC coatings so that they can match the quality of their cars produced in Japan and exported to the U.S. The use of the lowest VOC content BC/CC coating and the best coating application system available to Honda would have resulted in BC/CC topcoat emissions of 3.1 kg of VOC per liter of applied coating solids.

Nissan Motor Manufacturing Company (Nissan) submitted a request on March 12, 1982, for an innovative technology waiver under Section 111(j) of the Clean Air Act for the topcoat operation at a light-duty truck plant that is being constructed in Smyrna, Tennessee. The plant was scheduled to begin production in August 1983. Nissan would like to coat their light-duty trucks with BC/CC topcoat coatings so that they can match the quality of their light-duty trucks produced in Japan and exported to the U.S. The use of the lowest VOC content BC/CC coating, the application of oven VOC controls, and the use of the best coating application system available to Nissan would have resulted in BC/CC topcoat VOC emissions of 2.3 kg of VOC per liter of applied coating solids.

Requirements of Section 111(j)

Section 111(j) of the Clean Air Act sets forth provisions for the issuance of

waivers for the development of innovative technology. In the 1977 Amendments to the Clean Air Act, Congress added this provision to encourage the use of innovative "technological systems of continuous emission reduction" for the control of air pollutants. Their intent in doing so was to provide a statutory incentive for the improvement of emission control technology and for reducing costs, environmental impacts, and energy usage of such technology.

Under Section 111(j) of the Act, upon request by the owner or operator of a new source and with the consent of the Governor of the State in which the source is located, the Administrator is authorized to grant a waiver from the requirements of Section 111 for a limited time period provided certain statutory prerequisites are satisfied. The Administrator must determine that:

- a. The proposed innovative system has not been adequately demonstrated;
- b. The proposed innovative system will operate effectively and there is substantial likelihood that the system will achieve greater continuous emission reduction than otherwise required or achieve an equivalent emission reduction at lower cost in terms of energy, economic, or nonair quality environmental impact;
- c. The owner or operator of the proposed system has demonstrated to the Administrator's satisfaction that the system will not cause or contribute an unreasonable risk to public health, welfare, or safety; and
- d. The proposed waiver for the specific innovative technological system is not in excess of the number of waivers necessary to ascertain whether or not such system will achieve the conditions set forth in "b" and "c" immediately above.

Additionally, Section 111(j)(1)(B) of the Act requires an innovative technology waiver to be granted on such terms and conditions during the waiver period as the Administrator determines necessary:

- a. To ensure emissions from the source will not prevent attainment and maintenance of any national ambient air quality standards, and
- b. To ensure proper functioning of the innovative technological system.

Proposed Waivers

The Agency reviewed the waiver requests with regard to the requirements under Section 111(j) of the Act and concluded that these requests met the requirements of the Act. Therefore, the Administrator proposed on August 6, 1982, to grant innovative technology waivers to five automobile and light-

duty truck plants subject to the concurrence of the Governors of the States where the plants are located.

Public Participation

The waivers were proposed and published in the *Federal Register* on August 6, 1982 (47 FR 34342). The preamble to the proposed waivers discussed in detail information relating to BC/CC systems and the requirements of waivers under Section 111(j) of the Clean Air Act. Public comments were solicited at the time of proposal and interested persons were given the opportunity to request a public hearing on each of the waivers. No public hearings were requested.

Comment letters were received from the automobile industry, State air pollution control agencies, State Governors, and a regional commerce association. The comments in these letters have been carefully considered and where determined to be appropriate by the Administrator, changes have been made to the proposed waivers. This preamble contains a summary of these comments and the Agency's responses which serves as a basis for the revision made to the waivers between proposal and promulgation.

Significant Comments

General

One commenter, Ford Motor Company, argued that the standards should be revised by treating topcoat operations using BC/CC as a separate class of sources subject to a more lenient (or no) emission limit. This comment, in effect, really concerns the validity of the standards rather than the appropriateness of the waivers. The topcoat standards of performance reflect the best demonstrated technology for topcoat operations as required by Section 111(a)(1) of the Act. The standards need not be revised merely because source owners are developing alternative compliance techniques, some of which, like BC/CC, promise to lower the cost of compliance and improve product quality.

Two commenters, GM and Honda, requested that the waivers be extended to allow the use of all BC/CC topcoats and not just metallic BC/CC topcoats. The commenters pointed out that since the initial waiver requests were submitted, the need for developing non-metallic BC/CC topcoat coatings to meet foreign competition has emerged. When these coatings are developed they will be able to meet the existing topcoat standard of performance at a lower cost and result in a coating that has

improved chemical resistance and gloss retention. The commenters pointed out that the advantages of the development of BC/CC topcoats and the level of VOC emissions are identical for both the non-metallic and the metallic BC/CC topcoat coatings. The Agency has evaluated this comment and found that BC/CC for non-metallic coatings meets all of the requirements of Section 111(j) of the Act. Therefore, the waivers have been revised to apply to all BC/CC topcoat coatings.

One commenter pointed out that the clear coat portion of the BC/CC coating may be purposely tinted in some cases and may not be completely clear. The commenter wanted this type of clear coat to also be covered by the waiver provisions. The Agency has reviewed this comment and finds that the innovative features of the technology will not change as a result of the tinting of the clear coat and agrees that tinted clear coats are covered by the waiver provisions. No definition was added nor were changes made to the waivers as a result of this comment.

GM Waivers

In their initial waiver request, GM had planned to start-up their three plants using a topcoat system composed of a 20 volume percent solids base coat and a 42 volume percent solids clear coat (i.e., a 20/42 BC/CC coating). GM submitted a comment during the comment period which stated that they could be able to start-up with a 32/44 BC/CC coating which had been in development testing but which they now feel will be available by the second quarter of 1983, the date that the first plant will be started up. The waivers for these three GM plants, therefore, have been revised to limit VOC emissions from BC/CC topcoat coatings to 1.9 kg VOC/liter of applied coating solids rather than the proposed emission limit of 3.2 kg VOC/liter of applied coating solids. This change will reduce the annual increase in VOC emissions as a result of the waivers from each GM plant by approximately 850 tons per year.

Summary of the Final Waivers

General Motors

Three identical waivers are granted to GM for automobile assembly plants being built in Detroit, Michigan, Orion Township, Michigan, and Wentzville, Missouri. The Orion Township and Wentzville plants are scheduled to start production in mid 1983 with the start-up of the Detroit plant planned in mid 1984. The waivers allow VOC emissions from the portion of the topcoat operations which use BC/CC coatings of 1.9 kg of

VOC per liter of applied coating solids. The waivers are effective from plant start-up to December 31, 1986.

Honda

A waiver is granted to Honda for an automobile assembly plant being built in Marysville, Ohio. That plant is scheduled to start production in late 1982. The waiver allows VOC emissions from the portion of the topcoat operations which use BC/CC coatings of 3.1 kg VOC/liter of applied coating solids. The waiver is effective from plant start-up to December 31, 1986.

Nissan

A waiver is granted to Nissan for a light-duty truck assembly plant being built in Smyrna, Tennessee. That plant is now scheduled to begin production in late 1982. The waiver allows VOC emissions from the portion of the topcoat operations which uses BC/CC coatings of 2.3 kg VOC/liter of applied coating solids. The waiver is effective from plant start-up to December 31, 1986.

Governors' Concurrences

Honorable James A. Rhodes, Governor of the State of Ohio, Honorable Lamar Alexander, Governor of the State of Tennessee, Honorable Kit Bond, Governor of the State of Missouri, and Honorable William Milliken, Governor of the State of Michigan, have concurred in the innovative technology waivers as set forth herein under Section 111(j)(1)(A) of the Act, 42 U.S.C. 7411(j)(1)(A). Such concurrences are a prerequisite for the granting of innovative technology waivers by the Administrator under Section 111(j) of the Act. The waivers as set forth herein are hereby granted.

Miscellaneous

In accordance with Section 117 of the Act, publication of these final waivers was preceded by consultation with Federal departments and agencies.

The Paperwork Reduction Act of 1980 (PL 96-511) requires EPA to submit to the Office of Management and Budget (OMB) certain public reporting/recordkeeping requirements before proposal. This rulemaking does not involve a "collection of information" as defined in the Paperwork Reduction Act. Therefore, the provisions of the Paperwork Reduction Act applicable to collection of information do not apply to this rulemaking.

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 601 et seq. is not required for this rulemaking because the rulemaking would not have a significant impact on a

substantial number of small entities. The rulemaking would not impose any new requirements and therefore no additional costs would be imposed. It is, therefore, classified as nonmajor under Executive Order 12291.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment, Disposal and Zinc.

Dated: January 28, 1983.

Anne M. Gorsuch,
Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Title 40 Part 60, Subpart MM of the Code of Federal Regulations is amended by adding a new § 60.398 as set forth below:

§ 60.398 Innovative technology waivers

(a) *General Motors Corporation, Wentzville, Missouri, automobile assembly plant.* (1) Pursuant to Section 111(j) of the Clean Air Act, 42 U.S.C. 7411(j), each topcoat operation at General Motors Corporation automobile assembly plant located in Wentzville, Missouri, shall comply with the following conditions:

(i) The General Motors Corporation shall obtain the necessary permits as required by Section 173 of the Clean Air Act, as amended August 1977, to operate the Wentzville assembly plant.

(ii) Commencing on February 4, 1983, and continuing to December 31, 1986, or until the base coat/clear coat topcoat system that can achieve the standard specified in 40 CFR 60.392(c) (December 24, 1980) is demonstrated to the Administrator's satisfaction the General Motors Corporation shall limit the discharge of VOC emissions to the atmosphere from each topcoat operation at the Wentzville, Missouri, assembly plant, to either:

(A) 1.9 kilograms of VOC per liter of applied coating solids from base coat/clear coat topcoats, and 1.47 kilograms of VOC per liter of applied coating solids from all other topcoat coatings; or

(B) 1.47 kilograms of VOC per liter of applied coating solids from all topcoat coatings.

(iii) Commencing on the day after the expiration of the period described in

paragraph (a)(1)(ii) of this section, and continuing thereafter, emissions of VOC from each topcoat operations shall not exceed 1.47 kilograms of VOC per liter of applied coating solids as specified in 40 CFR 60.392(c) (December 24, 1980).

(iv) Each topcoat operation shall comply with the provisions of § 60.393, § 60.394, § 60.395, § 60.396, and § 60.397. Separate calculations shall be made for base coat/clear coat coatings and all other topcoat coatings when necessary to demonstrate compliance with the emission limits in § 60.398(a)(1)(ii)(A).

(v) A technology development report shall be sent to EPA Region VII, 324 East 11th Street, Kansas City, Missouri 64106, postmarked before 60 days after the promulgation of this waiver and annually thereafter while this waiver is in effect. The technology development report shall summarize the base coat/clear coat development work including the results of exposure and endurance tests of the various coatings being evaluated. The report shall include an updated schedule of attainment of 40 CFR 60.392(c) (December 24, 1980) based on the most current information.

(2) This waiver shall be a Federally promulgated standard of performance. As such, it shall be unlawful for General Motors Corporation to operate a topcoat operation in violation of the requirements established in this waiver. Violation of the terms and conditions of this waiver shall subject the General Motors Corporation to enforcement under Section 113 (b) and (c), 42 U.S.C. 7412 (b) and (c), and Section 120, 42 U.S.C. 7420, of the Act as well as possible citizen enforcement under Section 304 of the Act, 42 U.S.C. 7604.

(b) *General Motors Corporation, Detroit, Michigan, Automobile Assembly plant.* (1) Pursuant to Section 111(j) of the Clean Air Act, 42 U.S.C. 7411(j), each topcoat operation at General Motors Corporation's automobile assembly plant located in Detroit, Michigan, shall comply with the following conditions:

(i) The General Motors Corporation shall obtain the necessary permits as required by Section 173 of the Clean Air Act, as amended August 1977, to operate the Detroit assembly plant.

(ii) Commencing on February 4, 1983, and continuing to December 31, 1986, or until the base coat/clear coat topcoat system that can achieve the standard specified in 40 CFR 60.392(c) (December 24, 1980), is demonstrated to the Administrator's satisfaction, the General Motors Corporation shall limit the discharge of VOC emissions to the atmosphere from each topcoat operation at the Detroit, Michigan, assembly plant, to either:

(A) 1.9 kilograms of VOC per liter of applied coating solids from base coat/clear coat topcoats, and 1.47 kilograms of VOC per liter of applied coating solids from all other topcoat coatings; or

(B) 1.47 kilograms of VOC per liter of applied coating solids from all topcoat coatings.

(iii) Commencing on the day after the expiration of the period described in (ii) above, and continuing thereafter, emissions of VOC from each topcoat operation shall not exceed 1.47 kilograms of VOC per liter of applied coating solids as specified in 40 CFR 60.392(c) (December 24, 1980).

(iv) Each topcoat operation shall comply with the provisions of § 60.393, § 60.394, § 60.395, § 60.396, and § 60.397. Separate calculations shall be made for base coat/clear coat coatings and all other topcoat coatings when necessary to demonstrate compliance with the emission limits in § 60.398(b)(1)(ii)(A).

(v) A technology development report shall be sent to EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604, postmarked before 60 days after the promulgation of this waiver and annually thereafter while this waiver is in effect. The technology development report shall summarize the base coat/clear coat development work including the results of exposure and endurance tests of the various coatings being evaluated. The report shall include an updated schedule of attainment of 40 CFR 60.392(c) (December 24, 1980) based on the most current information.

(2) This waiver shall be a Federally promulgated standard of performance. As such, it shall be unlawful for General Motors Corporation to operate a topcoat operation in violation of the requirements established in this waiver. Violation of the terms and conditions of this waiver shall subject the General Motors Corporation to enforcement under Section 113 (b) and (c), 42 U.S.C. 7412(b) and (c), and Section 120, 42 U.S.C. 7420, of the Act as well as possible citizen enforcement under Section 304 of the Act, 42 U.S.C. 7604.

(c) *General Motors Corporation, Orion Township, Michigan, automobile assembly plant.* (1) Pursuant to Section 111(j) of the Clean Air Act, 42 U.S.C. 7411(j), each topcoat operation at General Motors Corporation automobile assembly plant located in Orion Township, Michigan, shall comply with the following conditions:

(i) The General Motors Corporation shall obtain the necessary permits as required by Section 173 of the Clean Air Act, as amended August 1977, to operate the Orion Township assembly plant.

(ii) Commencing on February 4, 1983, and continuing to December 31, 1986, or

until the base coat/clear coat topcoat system that can achieve the standard specified in 40 CFR 60.392(c) (December 24, 1980) is demonstrated to the Administrator's satisfaction, the General Motors Corporation shall limit the discharge of VOC emissions to the atmosphere from each topcoat operation at the Orion Township, Michigan, assembly plant, to either:

(A) 1.9 kilograms of VOC per liter of applied coating solids from base coat/clear coat topcoats, and 1.47 kilograms of VOC per liter of applied coating solids from all other topcoat coatings; or

(B) 1.47 kilograms of VOC per liter of applied coating solids from all topcoat coatings.

(iii) Commencing on the day after the expiration of the period described in paragraph (c)(1)(ii) of this section and continuing thereafter, emissions of VOC from each topcoat operation shall not exceed 1.47 kilograms of VOC per liter of applied coating solids as specified in 40 CFR 60.392(c) (December 24, 1980).

(iv) Each topcoat operation shall comply with the provisions of § 60.393, § 60.394, § 60.395, § 60.396, and § 60.397. Separate calculations shall be made for base coat/clear coat coatings and all other topcoat coatings when necessary to demonstrate compliance with the emission limits in § 60.398(c)(1)(ii)(A).

(v) A technology development report shall be sent to EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604, postmarked before 60 days after the promulgation of this waiver and annually thereafter while this waiver is in effect. The technology development report shall summarize the base coat/clear coat development work including the results of exposure and endurance tests of the various coatings being evaluated. The report shall include an updated schedule of attainment of 40 CFR 60.392(c) (December 24, 1980) based on the most current information.

(2) This waiver shall be a Federally promulgated standard of performance. As such, it shall be unlawful for General Motors Corporation to operate a topcoat operation in violation of the requirements established in this waiver. Violation of the terms and conditions of this waiver shall subject the General Motors Corporation to enforcement under Section 113 (b) and (c), 42 U.S.C. 7412 (b) and (c), and Section 120, 42 U.S.C. 7420, of the Act as well as possible citizen enforcement under Section 304 of the Act, 42 U.S.C. 7604.

(d) *Honda of America Manufacturing, Incorporated (Honda), Marysville, Ohio, automobile assembly plant.* (1) Pursuant to Section 111(j) of the Clean Air Act, 42 U.S.C. 7411(j), each topcoat operation at

Honda's automobile assembly plant located in Marysville, Ohio, shall comply with the following conditions:

(i) Honda shall obtain the necessary permits as required by Section 173 of the Clean Air Act, as amended August 1977, to operate the Marysville assembly plant.

(ii) Commencing on February 4, 1983, and continuing for 4 years or to December 31, 1986, whichever is sooner, or until the base coat/clear coat topcoat system that can achieve the standard specified in 40 CFR 60.392(c) (December 24, 1980) is demonstrated to the Administrator's satisfaction, Honda shall limit the discharge of VOC emissions to the atmosphere from each topcoat operation at Marysville, Ohio, assembly plant, to either:

(A) 3.1 kilograms of VOC per liter of applied coating solids from base coat/clear coat topcoats, and 1.47 kilograms of VOC per liter of applied coating solids from all other topcoat coatings; or

(B) 1.47 kilograms of VOC per liter of applied coating solids from all topcoat coatings.

(iii) Commencing on the day after the expiration of the period described in paragraph (d)(1)(ii) of this section and continuing thereafter, emissions of VOC from each topcoat operation shall not exceed 1.47 kilograms of VOC per liter of applied coating solids as specified in 40 CFR 60.392(c) (December 24, 1980).

(iv) Each topcoat operation shall comply with the provisions of § 60.393, § 60.394, § 60.395, § 60.396, and § 60.397. Separate calculations shall be made for base coat/clear coat coatings and all other topcoat coatings when necessary

to demonstrate compliance with the emission limits in § 60.398(d)(1)(ii)(A).

(v) A technology development report shall be sent to EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604, postmarked before 60 days after the promulgation of this waiver and annually thereafter while this waiver is in effect. The technology development report shall summarize the base coat/clear coat development work including the results of exposure and endurance tests of the various coatings being evaluated. The report shall include an updated schedule of attainment of 40 CFR 60.392(c) (December 24, 1980) based on the most current information.

(2) This waiver shall be a Federally promulgated standard of performance. As such, it shall be unlawful for Honda to operate a topcoat operation in violation of the requirements established in this waiver. Violation of the terms and conditions of this waiver shall subject Honda to enforcement under Section 113(b) and (c), 42 U.S.C. 7412(b) and (c), and Section 120, 42 U.S.C. 7420, of the Act as well as possible citizen enforcement under Section 304 of the Act, 42 U.S.C. 7604.

(e) *Nissan Motor Manufacturing Corporation, U.S.A. (Nissan), Smyrna, Tennessee, light-duty truck assembly plant.* (1) Pursuant to Section 111(j) of the Clean Air Act, 42 U.S.C. 7411(j), each topcoat operation at Nissan's light-duty truck assembly plant located in Smyrna, Tennessee, shall comply with the following conditions:

(i) Nissan shall obtain the necessary permits as required by Section 173 of the

Clean Air Act, as amended August 1977, to operate the Smyrna assembly plant.

(ii) Commencing on February 4, 1983, and continuing for 4 years or to December 31, 1986, whichever is sooner, or until the base coat/clear coat topcoat system that can achieve the standard specified in 40 CFR 60.392(c) (December 24, 1980), is demonstrated to the Administrator's satisfaction, Nissan shall limit the discharge of VOC emissions to the atmosphere from each topcoat operation at the Smyrna, Tennessee, assembly plant, to either:

(A) 2.3 kilograms of VOC per liter of applied coating solids from base coat/clear coat topcoats, and 1.47 kilograms of VOC per liter of applied coating solids from all other topcoat coatings; or

(B) 1.47 kilograms of VOC per liter of applied coating solids from all topcoat coatings.

(iii) Commencing on the day after the expiration of the period described in paragraph (e)(1)(ii) of this section and continuing thereafter, emissions of VOC from each topcoat operation shall not exceed 1.47 kilograms of VOC per liter of applied coating solids as specified in 40 CFR 60.392(c) (December 24, 1980).

Each topcoat operation shall comply with the provisions of § 60.393, § 60.394, § 60.395, § 60.396, and § 60.397. Separate calculations shall be made for base coat/clear coat coatings and all other topcoat coatings when necessary to demonstrate compliance with the emission limits in § 60.398(e)(1)(ii)(A).

[FR Doc. 83-2949 Filed 2-3-83; 8:45 am]

BILLING CODE 6560-50-M

**Estimated
Total
Federal
Funds**

**Friday
February 4, 1983**

Part IV

**Department of
Energy**

**Standard Contract for Disposal of Spent
Nuclear Fuel and/or High Level
Radioactive Waste**

DEPARTMENT OF ENERGY

10 CFR Part 961

Standard Contract for Disposal of Spent Nuclear Fuel and/or High Level Radioactive Waste

AGENCY: Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice publishes for comment a proposed standard contract to be used by the Department of Energy (DOE) in furnishing disposal services to the owners or generators of spent nuclear fuel and/or high-level radioactive waste and DOE's proposed procedures designed to implement section 302 of the Nuclear Waste Policy Act of 1982. Section 302 generally requires DOE and the owners or generators of spent nuclear fuel and/or high-level radioactive waste to execute, by June 30, 1983, a contract under which DOE will accept and dispose of such material. This rulemaking will have the effect of developing the contractual terms and conditions under which DOE will make available nuclear waste disposal services.

DATES: Written comments must be submitted on or before March 7, 1983. A hearing will be held in Washington, D.C. on March 3, 1983 at 9:30 a.m.

ADDRESS: Written comments and requests to appear at the hearing should be addressed to Robert Morgan, Project Director Nuclear Waste Policy Act Project Office, Department of Energy, 1000 Independence Avenue, S.W., Room 7B-084, Washington, DC 20585, (202) 252-6842.

Comments on the information collection requirements contained in the proposed contract should also be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Mr. Jeff Hill.

The hearing will be held in the Forrestal Building, 1000 Independence Avenue, S.W., Room GE-087, the DOE Auditorium.

FOR FURTHER INFORMATION CONTACT:

Robert Rosselli, Office of Terminal Waste Disposal and Remedial Action, Department of Energy, Room 7B-084, Washington, DC 20585, (202) 252-8728.

James Cavanagh, Office of Policy, MA 931.1, Procurement and Assistance, Management Directorate, Department of Energy, Room 8H-057, Washington, DC 20585, (202) 252-8188.

Elliot Winnick, Office of General Counsel, Department of Energy, Room 6B-190, Washington, DC 20585, (202) 252-1526.

SUPPLEMENTARY INFORMATION:

I. Legislative Background

II. Proposed Rule

III. Comment Procedures

A. Written Comments

B. Public Hearing

IV. Procedural Requirements

A. Executive Order 12291

B. Regulatory Flexibility Act

C. National Environmental Policy Act

D. Paperwork Reduction Act

I. Legislative Background

The Nuclear Waste Policy Act of 1982 (the "Act", Pub. L. 97-425, 96 Stat. 2201 *et seq.*, to be codified at 42 U.S.C. 10101 *et seq.*, January 7, 1983), provides a comprehensive framework for disposing of spent nuclear fuel (SNF) and high-level radioactive waste (HLW), of domestic origin, generated by civilian nuclear power reactors. In general, the Act establishes procedures for selecting and developing repositories for SNF and HLW, authorizes the establishment of such repositories, provides a mechanism for financing the cost of disposal of such fuel and waste, and sets forth other provisions relating to nuclear waste disposal.

The key concept in the statutory financing mechanism is that owners and generators of SNF and/or HLW are required to bear the full cost of nuclear waste disposal activities by paying fees into the Nuclear Waste Fund established by the act. This fund, which will be administered by the Secretary of the Treasury, will be used to pay for, among other things, selecting, developing, and constructing repositories, transporting the material, and disposing of it.

More specifically, the fees may be used for the following purposes:

(1) The identification, development, licensing, construction, operation, decommissioning, and post-decommissioning maintenance and monitoring of any repository, monitored, retrievable storage facility or test and evaluation facility constructed under the Act;

(2) The conduct of nongeneric research, development, and demonstration activities under the Act;

(3) The administrative cost of the radioactive waste disposal program;

(4) Any costs that may be incurred by DOE in connection with the transportation, treatment, or packaging of spent nuclear fuel or high-level radioactive waste to be disposed of in a repository, to be stored in a monitored, retrievable storage site, or to be used in a test and evaluation facility;

(5) The costs associated with acquisition, design, modification, replacement, operation, and construction of facilities at a repository

site, a monitored, retrievable storage site or a test and evaluation facility site and necessary or incident to such repository, monitored, retrievable storage facility or test and evaluation facility; and

(6) The provision of assistance of States, units of general local government, and Indian tribes under sections 116, 118 and 219 of the Act.

To implement section 302 of the Act, this Federal Register notice proposes a new Part 961 to Title 10 of the Code of Federal Regulations. This new part will consist of the terms and conditions of the contracts which are authorized by the Act and the procedures associated with executing such contracts. The proposed standard contract is more fully described in Section II, Proposed Rule, below.

The proposed standard contract would establish the rights and duties of the U.S. Department of Energy (DOE) and the owners and generators of SNF and HLW. The Act authorizes DOE to enter into contracts with owners or generators of SNF and HLW and strongly encourages these owners and generators to enter into such contracts. The proposed contract terms will cover transfer of title to DOE, transportation, and disposal of civilian SNF and HLW of domestic origin and procedures for collection and payment of fees for such services, as provided by the Act. Revenues derived from such activities will be deposited into the Nuclear Waste Fund as provided in the Act. The Act directs DOE to begin repository operations no later than January 31, 1998.

Section 302 of the Act contains two provisions which demonstrate the importance which the Act places on this contract. Section 302(b)(1)(A) provides that the Nuclear Regulatory Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless (1) such person has entered into a contract for DOE's disposal services, or (2) the Secretary of Energy affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract for those services.

Furthermore, section 302(b)(2) of the Act specifies that, "Except as provided in paragraph [302(b)(1)]", no civilian SNF or HLW may be disposed of by DOE in any repository constructed under the Act unless the owner or generator of that material has entered into a contract for disposal with the Secretary by not later than (1) June 30, 1983, or (2) the date on which the owner

or generator takes title to, or begins generation of, such spent fuel or waste, whichever is later. DOE has interpreted the phrase, "except as provided in paragraph 1," to extend to paragraph 2 the provision which allows the Secretary to affirm in writing that an owner or generator is actively negotiating in good faith. Accordingly, while this affirmation is in effect, application of paragraph 2, which precludes disposal of SNF or HLW in the absence of a timely executed contract, is deferred. In other words, DOE is interpreting section 302(b)(2) of the Act to mean that the June 30, 1983 deadline for executing a contract does not apply if the Secretary affirms in writing that the owner or generator is actively and in good faith negotiating a contract for DOE's disposal services.

DOE determined that it would be most appropriate to develop this proposed standard contract through rulemaking because this process presents the best opportunity for interested persons, particularly the affected parties, to participate in developing the standard contract which will be used in DOE's nuclear waste disposal activities. Although DOE recognizes that some situations may require special contractual provisions, DOE intends to develop and use, to the maximum extent practicable, a standard contract to specify the rights and duties of the parties.

II. Proposed Rule

The purpose of this new Part 961, as indicated in § 961.1, is to establish a standard contract that will be used to provide DOE's nuclear waste disposal services to a Purchaser. The term "Purchaser" is defined in § 961.3.

Proposed § 961.2 relates to applicability and describes who is covered by the part. A critical feature of this section is that to have SNF or HLW disposed of in DOE's repository, an owner or generator of such nuclear fuel or waste must execute a contract with DOE by June 30, 1983, or by the date on which an owner or generator begins generating or takes title to such fuel or waste. In DOE's interpretation, section 302(b)(2) of the Act allows these deadlines to be waived if the Secretary of Energy affirms in writing that the owner or generator is actively and in good faith negotiating for a contract covered by this part.

Proposed § 961.3 sets forth pertinent definitions and incorporates the more

extensive list of definitions contained in Article II of the contract which is found in § 961.11.

Proposed § 961.4 provides for deviations from the proposed rule as well as from the contract which is found at § 961.11. DOE has included this provision because special circumstances may exist or arise that would warrant a departure from the rule or standard contract. As mentioned above, however, DOE intends to use the rule and standard contract unless special circumstances are found and the proposed deviation procedures are followed.

Proposed § 961.5 specifies that Federal agencies which require DOE's nuclear waste disposal services shall enter into an interagency agreement which commits those agencies to the terms and conditions, including the fee schedules, contained in the proposed standard contract.

Proposed § 961.11 sets forth the standard contract that DOE and owners and generators of SNF and/or HLW will execute for the disposal of such fuel or waste, as follows:

Recitals—Identifies the signatory parties, sets forth the underlying purposes of the contract, and cites the pertinent statutory authorities.

Article I—Definitions—Gives definitions for the terms used in the contract. Wherever possible, definitions contained in Section 2 of the Act are used in the contract.

Article II—Scope—Provides that the contract is for the sale of disposal services by DOE to a Purchaser. DOE will accept SNF and/or HLW from civilian nuclear power reactors and begin disposing of it before January 31, 1993. In exchange for these services, Purchasers will pay fees established in the contract.

Article III—Term—Specifies that the contract will take effect upon execution and will continue until DOE has accepted all SNF and/or HLW from Purchaser.

Article IV—Delivery of SNF and/or HLW—Sets forth the procedures to be followed by Purchaser, including the requirement that the Purchaser describe the waste material to be delivered to DOE, the furnishing of a delivery commitment schedule 63 months prior to the specified delivery date, and a final delivery schedule which Purchaser submits 12 months prior to delivery. In case of an emergency DOE may, subject to prior approval, accept a Purchaser's

waste material before the scheduled delivery date.

Article V—Responsibilities of the Parties—Sets forth the Purchaser's obligations, including the furnishing of an annual forecast of delivery, preparation for transportation of the SNF and/or HLW to be delivered; and DOE's obligations including reviewing Purchaser's delivery commitment schedules, providing all necessary transportation of the SNF and/or HLW to the DOE disposal facility, issuing an annual acceptance ranking for receipt of such waste material, and providing pertinent information to Purchaser on DOE's waste disposal program.

Article VI—Criteria for Disposal—Sets forth the requirement for accurate and detailed technical descriptions of the fuel to be provided to DOE by the Purchaser. DOE will verify the Purchaser's information prior to acceptance. If DOE determines, either prior to or subsequent to acceptance, that the Purchaser has improperly described spent fuel and waste, the Purchaser is required to take specified corrective measures.

Article VII—Title—Title to all SNF and/or HLW will pass to DOE when DOE accepts the spent fuel or waste, in accordance with Article VI, for transportation to DOE's repository. After title passes, the Purchaser has no rights to the spent fuel or waste and no claims against the Government related to it.

Article VIII—Fees and Terms of Payment—The fees to be paid by Purchaser are specified, including a fee for electricity generated on or after April 7, 1983 (one mil per kilowatt hour) and a one-time fee for fuel used prior to April 7, 1983. The method of paying fees is described and there are provisions for interest charges on late or unpaid fees.

There are three alternatives for the calculation of the one-time fee for existing spent fuel other than the method provided in Article VIII of the contract. The other three alternatives are as follows:

(1) Determining the average burnup of all discharged fuel prior to April 7, 1983, calculating the dollar per kilogram for that average burnup equivalent to one mil per kilowatt hour, and applying that dollar per kilogram charge to all discharged fuel; or

(2) Using the following formula, calculate the fees to be paid by the Purchaser under this contract:

$$\left(\frac{1 \text{ Mill}}{\text{KW-HR}} \right) \left(\frac{\dots \$1 \dots}{1000 \text{ Mills}} \right) \left(\frac{1 \text{ MWe}}{3 \text{ MWth}} \right) \left(\frac{1 \text{ MTU}}{1000 \text{ Kg}} \right) \left(\frac{24 \text{ Hrs.}}{1 \text{ Day}} \right) \left(\frac{1000 \text{ KWe}}{1 \text{ MWe}} \right) (X) = \text{Kg}$$

or .008 (X) = \$ $\frac{\quad}{\text{Kg}}$.

where X = the burnup of each assembly in $\frac{\text{MWth Days}}{\text{MTU}}$

a. Fuel Burnup data is used to determine a dollar per kilogram of heavy metal that is equivalent to one (1) mil per Kilowatt-hour.

b. The calculation shall be done on an individual assembly basis.

(3) Categorizing discharged fuel with less than 10,000 MWD/ton burnup as abnormal fuel and subjecting the cost for disposal of that fuel to the 1 mil/kilowatt-hour equivalent charge and subjecting the residual discharged fuel to an average dollar/KG charge such that the total fees collected are equivalent to 1 mil/kilowatt-hour.

Article IX—Delays—In the event of unavoidable delays by either party, notice is required; if the delays are avoidable, the party not responsible therefor is compensated by an adjustment to applicable charges and schedules.

Article X—Suspension—If the Purchaser fails to fulfill its contractual obligation, DOE may discontinue services, although the fee requirements will continue. If there is a national emergency, the DOE may suspend the waste disposal program, in which event fee payments will be abated or adjusted.

Article XI—Remedies—Expressly states that both parties are not precluded from asserting their rights under the contract or at law.

Article XII—Notices—Specifies the persons to whom and the manner in which notification required under the contract must be given.

Article XIII—General Provisions—Incorporates by reference Appendix H which contains general terms and conditions required in Government contracts.

Article XIV—Representation Concerning Nuclear Hazards Indemnity—Provides for indemnity agreements to be issued under the authority of the Atomic Energy Act of 1954, as amended, which will indemnify covered persons, including the Purchaser, against claims for public liability as defined in that Act in the event of nuclear incidents arising during transportation or at the repository site.

Article XV—Assignment—Provides, in accordance with the Act, that the

Purchaser may assign its rights and duties under the contract, including the payment of fees, upon transfer of title to SNF and/or HLW, subject to notice to DOE.

Article XVI—Entire Contract—Identifies the contents of the contract (Articles I through XVI and Appendices "A" through "H"), and specifies that any and all prior contracts and representations with respect to the subject matter covered in the contract are superseded.

III. Comment Procedures

A. Written Comments. Interested persons are invited to participate in this proposed rulemaking by submitting information, views, or proposed changes. Comments should be submitted no later than March 7, 1983 to the address indicated in the "ADDRESS" section of this notice and should be identified on the outside envelope and on the document with the designation: "Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste". Ten copies should be submitted.

All comments received will be available for public inspection in the DOE Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Comments on the information collection requirements contained in the proposed contract should also be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Mr. Jeff Hill.

Any information or data considered confidential by the person furnishing it must be so identified and submitted in writing. DOE reserves the right to determine the confidential status of the information or data and to treat the information or data in accordance with its determination.

B. Public Hearing. A public hearing will be held on March 3, 1983 at 9:30 a.m. in the DOE Auditorium, Room GE-087, the Forrestal Building, 1000

Independence Avenue, SW., Washington, D.C. 20585. Requests to make an oral presentation at the hearing should be addressed to Robert Morgan, Project Director, Waste Policy Act Project Office, Department of Energy, Room 7B-084, Washington, D.C. 20585, (202) 252-6842, and should include a phone number where the requester may be contacted through the day before the hearing.

DOE reserves the right to limit the number of persons to be heard at the hearing, to schedule their presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

Persons scheduled to appear at the hearing will be notified by DOE before 4:30 p.m. on February 23, 1983. You should submit 10 copies of your statement to the address given above for requests to speak before 4:30 p.m. on February 25, 1983.

A DOE official will be designated to preside at the hearing, which will not be adjudicative in nature.

Any further procedural rules required for the proper conduct of the hearing will be announced by the presiding officer.

Transcripts of the hearing will be made and the entire record of the hearing, including the transcripts, will be retained and made available for public inspection at the DOE Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

IV. Procedural Requirements

A. Executive Order No. 12291. Under Executive Order 12291 agencies are required to determine whether proposed rules are major rules as defined in the Order. DOE has reviewed this proposed rule and, after consultation with the Office of Management and Budget, has determined that it is not a major rule

because: it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises. While the money to be paid by members of the electric utility industry under the contracts that are the subject of this rule will exceed \$100 million annually, and may even be considered a major cost to the industry, these costs would not be the result of this rule. The costs are the result of the need to dispose of spent nuclear fuel and/or high-level radioactive waste, a need recognized in the Nuclear Waste Policy Act of 1982. The particular provisions of this rule have little impact on the actual costs of disposal and certainly less than \$100 million annually.

B. Regulatory Flexibility Act. In accordance with section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, DOE finds that sections 603 and 604 of the said Act do not apply to this rule because, if promulgated, it will not have a significant economic impact on a substantial number of small entities. This finding is based on the fact that the parties to the contract, who will be owners or generators of spent nuclear fuel or high-level radioactive waste, are not small entities.

C. National Environmental Policy Act. Execution of the standard contract proposed in this rulemaking will not commit DOE to any specific activities not already prescribed by the Nuclear Waste Policy Act. Activities allowed under the Act will receive appropriate environmental review at the proper time, i.e., when such activities are proposed in accordance with the process established in the Act. Therefore, DOE has concluded that neither the proposed rulemaking nor the execution of the contracts gives rise to any action not already prescribed by the Act and, thus, is not a proposal for a major Federal action significantly affecting the quality of the human environment. Accordingly, preparation of either an environmental assessment or an environmental impact statement is not required.

D. Paperwork Reduction Act. In accordance with Section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96-511), this proposed rule has been submitted to the Office of Management and Budget (OMB). Comments on the

information collection requirements of this proposal should be submitted to both DOE and OMB as indicated in Section III.

List of Subjects in 10 CFR Part 961

Government contracts, Nuclear materials, Nuclear power plants and reactors, Radiation protection, Waste treatment and disposal.

For the reasons set out above, a new Part 961 of Chapter III of Title 10, Code of Federal Regulations, is proposed to be established as set forth below.

Issued in Washington, DC, January 31, 1983.

Hilary J. Rauch,

Director, Procurement & Assistance Management Directorate.

Title 10, Chapter III of the Code of Federal Regulations is proposed to be amended by adding a new Part 961, to read as follows:

PART 961—STANDARD CONTRACT FOR DISPOSAL OF SPENT NUCLEAR FUEL AND/OR HIGH-LEVEL RADIOACTIVE WASTE

Subpart A—General

Sec.	
961.1	Purpose.
961.2	Applicability.
961.3	Definitions.
961.4	Deviations.
961.5	Federal agencies.
961.6	[Reserved]
961.7	[Reserved]
961.8	[Reserved]
961.9	[Reserved]
961.10	[Reserved]

Subpart B—Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste

961.11 Text of the contract.

Authority: Section 644, Pub. L. 95-61, 91 Stat. 599 (42 U.S.C. 7254) and Sec. 302, Pub. L. 97-425, 96 Stat. 2257 (to be codified at 42 U.S.C. 10222).

Subpart A—General

§ 961.1 Purpose.

This part establishes the contractual terms and conditions under which the Department of Energy (DOE) will make available nuclear waste disposal services to the owners and generators of spent nuclear fuel (SNF) and high-level radioactive waste (HLW) as provided in Section 302 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). Under the contract set forth in § 961.11 of this Part, DOE will take title to, transport, and dispose of spent nuclear fuel and/or high-level radioactive waste delivered to DOE by those owners or generators of such fuel or waste who execute the contract. In addition, the contract will

specify the fees owners and generators of SNF and/or HLW will pay for these services. All receipts, proceeds, and revenues realized by DOE under the contract will be deposited in the Nuclear Waste Fund, an account established by the Act in the U.S. Treasury. This fund will pay for DOE's radioactive waste disposal activities, the full costs of which will be borne by the owners and generators under contract with DOE for disposal services.

§ 961.2 Applicability.

This part applies to the Secretary of Energy or his designee and any person who owns or generates spent nuclear fuel or high-level radioactive waste, of domestic origin, generated in a civilian nuclear power reactor. If executed in a timely manner, the contract contained in this part will commit DOE to accept title to, transport, and dispose of such spent fuel and waste. In exchange for these services, the owners or generators of such fuel or waste shall pay fees specified in the contract which are intended to recover fully the costs of the disposal services to be furnished by DOE. The contract must be signed by June 30, 1983, or by the date on which such owner or generator commences generation of, or takes title to, such spent fuel or waste, whichever occurs later. These deadlines may be waived if the Secretary of energy affirms in writing, in accordance with section 302(b)(1)(A)(ii) of the Act, before the applicable deadline, that the owner or generator is actively and in good faith negotiating with the Secretary for a contract covered by this part.

§ 961.3 Definitions.

For purposes of this part—

"Act" means the Nuclear Waste Policy Act of 1982, Pub. L. 97-425, 96 Stat. 2201 *et seq.* (to be codified at 42 U.S.C. 10101 *et seq.*).

"Contract" means the agreement set forth in § 961.11 of this part and any duly executed amendment or modification thereto.

"Generator" means any person who is licensed by the Nuclear Regulatory Commission to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134).

"Owner" means any person who has title to spent nuclear fuel or high-level radioactive waste.

"Purchaser" means any person, other than a Federal agency, who is licensed by the Nuclear Regulatory Commission to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42

U.S.C. 2133, 2134) or who has title to spent nuclear fuel or high level radioactive waste and who has executed a contract with DOE.

"Secretary" means the Secretary of Energy or his designee.

Other definitions relating to the subject matter of this rule are set forth in Article II of the contract which is contained in § 961.11, Text of the contract, below.

§ 961.4 Deviations

Requests for authority to deviate from this part shall be submitted in writing to the Contracting Officer, who shall forward the request for approval to the Senior Procurement Official, Headquarters. Each request for deviation shall contain the following information:

(a) A statement of the deviation desired, including identification of the specific paragraph number(s) of the contract;

(b) A description of the intended effect of the deviation;

(c) The reason why the deviation is considered necessary or would be in the best interests of the Government;

(d) The name of the owner or generator seeking the deviation and nuclear power reactor(s) affected;

(e) A statement as to whether the deviation has been requested previously and, if so, circumstances of the previous request;

(f) A statement of the period of time for which the deviation is needed; and

(g) Any pertinent background information will contribute to a full understanding of the desired deviation.

§ 961.5 Federal Agencies

Federal agencies or departments requiring DOE's disposal services for SNF and/or HLW will be accommodated by a suitable interagency agreement reflecting, as appropriate, the terms and conditions set forth in the contract in § 961.11; *provided, however*, that the fees to be paid by Federal agencies will be equivalent to the fees that would be paid under the contract.

§ 961.6 [Reserved]

§ 961.7 [Reserved]

§ 961.8 [Reserved]

§ 961.9 [Reserved]

§ 961.10 [Reserved]

Subpart B—Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste

§ 961.11 Text of the contract.

The text of the standard contract for disposal of spent nuclear fuel and/or high-level radioactive waste follows:

U.S. Department of Energy Contract No.

Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste

THIS CONTRACT, entered into this _____ day of _____ 19____, by and between the UNITED STATES OF AMERICA (hereinafter referred to as the "Government"), represented by the UNITED STATES DEPARTMENT OF ENERGY (hereafter referred to as "DOE") and _____, a corporation organized and existing under the laws of the State of _____ (hereinafter referred to as the "Purchaser").

Witnesseth that:

Whereas, the DOE has the responsibility for the disposal of high-level radioactive waste and spent nuclear fuel of domestic origin from civilian nuclear power reactors in order to protect the public health and safety, and the environment; and

Whereas, all costs associated with the preparation, transportation, and the disposal of spent nuclear fuel and high-level radioactive waste from civilian nuclear power reactors shall be borne by the owners and generators of such fuel and waste; and

Whereas, the DOE is required to collect a full cost recovery fee from any Purchaser delivering to the DOE any such spent nuclear fuel and/or high level radioactive waste; and

Whereas, the DOE is authorized to enter into contracts for the permanent disposal of spent nuclear fuel and/or high level radioactive waste of domestic origin in DOE facilities; and

Whereas, the Purchaser desires to obtain disposal services from DOE; and

Whereas, DOE is obligated and willing to provide such disposal services, under the terms and conditions hereinafter set forth; and

Whereas, this contract is made and entered into under the authority of the DOE Organization Act (Pub. L. 95-91, 42 U.S.C. 7101 *et seq.*) and the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425);

Now, Therefore, the parties hereto do hereby agree as follows:

Article I—Definitions

As used throughout this contract, the following terms shall have the meanings set forth below:

1. The term "Assigned Three-Month Period" means the period that each Purchaser will be assigned by DOE for purposes of reporting kilowatt hours generated and sold by the Purchaser's nuclear power reactor and for establishing fees due and payable to DOE.

2. The term "Cask" means a container for shipping spent nuclear fuel and/or high-level

radioactive waste which meets all applicable regulatory requirements.

3. The term "Civilian Nuclear Power Reactor" means a civilian nuclear powerplant required to be licensed under Sections 103 or 104(b) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2133, 2134(b)).

4. The term "Commission" means the United States Nuclear Regulatory Commission.

5. The term "Contract" means this agreement and any duly executed amendment or modification thereto.

6. The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

7. The term "Delivery Commitment" means a promise by the Purchaser to deliver spent nuclear fuel and/or high-level radioactive waste to the DOE within a specified year.

8. The term "Delivery" means the transfer of custody of spent nuclear fuel or high-level radioactive waste from Purchaser to DOE at the Purchaser's civilian nuclear power reactor or such other domestic site as may be designated by the Purchaser and approved by DOE.

9. The term "Disposal" means the emplacement in a repository of high-level radioactive waste, spent nuclear fuel, or other highly radioactive waste with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such waste.

10. The term "DOE" means the United States Department of Energy or any duly authorized representative thereof, including the Contracting Officer.

11. The term "DOE Facility" means a facility operated by or on behalf of DOE for the purpose of disposing of spent nuclear fuel and/or high level radioactive waste.

12. The term "Full Cost Recovery," means the recoupment by DOE, through Purchaser fees, of all direct costs, indirect costs, and all allocable overhead, consistent with generally accepted accounting principles, of providing disposal services and conducting related activities authorized by the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). As used herein, the term "Cost" includes the application of fees for those uses expressly set forth in section 302(d) of the said Act and all other uses specified in the Act, such as, but not limited to, interest on funds borrowed from the U.S. Treasury and interest on funds appropriated by the Congress.

13. The term "High-Level Radioactive Waste" (HLW) means—(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

(B) other highly radioactive material that the Commission, consistent with existing law,

determines by rule requires permanent isolation.

14. The term "Kilowatt Hours Generated and Sold" means electricity generated at a civilian nuclear power reactor as measured at the station busbar, net of all station uses, including an equivalent amount of electricity for any process heat generated by the reactor and used other than at the reactor.

15. The term "Purchaser's Site" means the location of Purchaser's civilian nuclear power reactor or such other location as the Purchaser may designate.

16. The term "Quarterly Treasury Rate" means the current value of funds rate as specified by the Treasury Fiscal Requirements Manual, Volume 1, Part 6, section 8020.20. This rate is published quarterly in the Federal Register prior to the beginning of the affected quarter.

17. The term "Shipping Lot" means a specified quantity of spent nuclear fuel or high level waste designated by Purchaser for transportation by DOE on a specified date.

18. The term "Spent Nuclear Fuel" (SNF) means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

19. The term "Spent Nuclear Fuel of Domestic Origin" means irradiated fuel material used in nuclear power reactors located only in the United States.

20. The term "Year" means the period which begins on October 1 and ends on September 30.

Article II—Scope

This Contract applies to the acceptance by DOE of spent nuclear fuel (SNF) and/or high-level radioactive waste (HLW) from civilian nuclear power reactors and, with respect to such material, establishes the fees to be paid by the Purchaser for the services rendered hereunder by DOE. The services provided to the Purchaser by DOE under this contract are related to disposal of SNF and/or HLW of domestic origin from civilian nuclear power reactors. The SNF and/or HLW shall be specified in a delivery commitment schedule as provided in Article IV below. The disposal services to be provided by DOE under this contract shall commence not later than January 31, 1988 and shall continue until such time as all SNF and/or HLW from the civilian nuclear power reactors specified in Appendix "A", annexed hereto and made a part hereof, has been disposed of as provided for in this contract.

Article III—Term

The term of this contract shall be from the date of execution until such time as DOE has accepted SNF and/or HLW from the civilian nuclear power reactors specified in Appendix "A."

Article IV—Delivery of SNF and/or HLW

A. Description of SNF and/or HLW

The Purchaser shall deliver to DOE and DOE shall, as provided for in this contract, receive the SNF and/or HLW which is described in accordance with Article VI.A of this contract, for disposal thereof.

B. Delivery Commitment Schedule

Delivery commitment schedule(s), in the form set forth in Appendix B, annexed hereto and made a part hereof, for delivery of SNF and/or HLW shall be furnished to DOE by Purchaser. After DOE has issued its proposed acceptance ranking, described in paragraph B.6 of Article V of this contract, the Purchaser shall submit delivery commitment schedule(s) at least sixty-three (63) months prior to the delivery date specified therein. DOE shall approve or disapprove such schedules within three (3) months after receipt. In the event of disapproval, DOE shall advise the Purchaser in writing of the reasons for such disapproval and request a revised schedule from the Purchaser, to be submitted to DOE within thirty (30) days after receipt of DOE's notice of disapproval. Purchaser shall have the right to adjust the quantities of SNF and/or HLW + or - 20%, and the delivery schedule +2 months, up to the submission of the final delivery schedule.

In addition, the Purchaser may change the specific assemblies to be delivered so long as the SNF meets the acceptance criteria of the contract. These adjustments shall be subject to DOE's prior written approval, which approval shall not be unreasonably withheld.

C. Final Delivery Schedule

Final delivery schedule(s), in the form set forth in Appendix C, annexed hereto and made a part hereof, for delivery of SNF and/or HLW covered by an approved delivery commitment schedule(s) shall be furnished to DOE by Purchaser. The Purchaser shall submit to DOE final delivery schedules not less than 12 months prior to the delivery date specified therein. DOE shall approve or disapprove a final delivery schedule within forty-five (45) days after receipt. In the event of disapproval, DOE shall advise the Purchaser in writing of the reasons for such disapproval and shall request a revised schedule from the Purchaser, to be submitted to DOE within thirty (30) days after receipt of DOE's notice of disapproval.

D. Emergency Deliveries

Emergency deliveries of SNF and/or HLW may be accepted by DOE before the date provided in the Delivery Commitment upon written approval by DOE.

Article V—Responsibilities of the Parties

A. Purchaser's Responsibilities

1. *Annual Forecast of Shipments.* (a) On an annual basis, commencing October 1, 1983, the Purchaser shall provide DOE with information on actual discharges to date and projected discharges for the next ten (10) years in the form and content set forth in Appendix D, annexed hereto and made a part hereof.

(b) In the event that the Purchaser fails to provide the annual forecast in the form and content required by DOE, DOE may, in its sole discretion, require a rescheduling of delivery.

2. *Preparation for Transportation.* (a) The Purchaser shall arrange for all preparation, packaging, required inspections, and loading activities necessary for the transportation of

SNF and/or HLW to the DOE facility. The Purchaser shall notify DOE of such activities sixty (60) days prior to the commencement of such activities. The preparatory activities by the Purchaser shall be made in accordance with all applicable laws and regulations relating to the Purchaser's responsibilities hereunder. DOE may designate a representative to observe the preparatory activities conducted by the Purchaser at the Purchaser's site, and the Purchaser shall afford access to such representative.

(b) Except as otherwise agreed to by DOE, the Purchaser shall advise DOE, in writing as specified in Appendix "F", annexed hereto and made a part hereof, as to the description of the material in each shipping lot sixty (60) days prior to scheduled transportation of that shipping lot by DOE.

(c) The Purchaser shall be responsible for maintenance, protection and preservation of any and all shipping casks furnished to the Purchaser by DOE for the performance of this contract. The Purchaser shall be liable for any loss of or damage to such DOE-furnished property, and for expenses incidental to such loss or damage while such casks are in the possession and control of the Purchaser except as otherwise provided for hereunder.

B. DOE Responsibilities

1. DOE shall review and approve or disapprove Purchaser's proposed delivery commitment schedule(s), and final delivery schedules within approximately ninety (90) days after receipt thereof;

2. DOE shall arrange for, and provide, all necessary transportation of the SNF and/or HLW to the DOE facility. Unless otherwise agreed to in advance by DOE, DOE shall arrange for a shipping cask to be furnished to the Purchaser sufficiently in advance to accommodate scheduled deliveries. Such casks shall be suitable for use at the Purchaser's site.

3. DOE shall accept at the Purchaser's site SNF and/or HLW. Prior to such acceptance all SNF and/or HLW shall meet the acceptance criteria contained in Article VI of this contract.

4. DOE may fulfill any of its obligations, or take any action, under this contract either directly or through contractors.

5. DOE shall annually provide to the Purchaser pertinent information to support waste disposal program cost projections, project plans and progress reports.

6. Beginning on April 1, 1991, DOE shall issue an annual acceptance ranking for receipt of SNF and/or HLW at the DOE repository. This priority ranking shall be based on the age of SNF and/or HLW as calculated from the date of discharge of such material from the civilian nuclear power reactor. The oldest fuel or waste will have the highest priority for acceptance, except as provided in paragraph B.3 of Article VI of this contract.

Article VI—Criteria for Disposal

A. General Requirements

1. Except as otherwise provided in this contract, DOE shall accept hereunder only such SNF and/or HLW which has been approved for delivery in advance by DOE

and which meets the General Specifications for such fuel and waste as set forth in Appendix "E", annexed hereto and made a part hereof.

2. Purchaser shall provide to DOE a detailed description of the SNF and/or HLW to be delivered hereunder in such form and content as DOE may require as set forth in Appendix "F", annexed hereto and made a part hereof. Purchaser shall promptly advise DOE of any changes in said SNF and/or HLW as soon as they are known to the Purchaser.

3. Purchaser shall accurately classify SNF and/or HLW prior to delivery in accordance with paragraphs "B" and "C" of Appendix "E".

4. DOE's obligation for disposing of SNF under this contract also extends to other than Standard Fuel; however, for any SNF which has been designated by the Purchaser as other than Standard Fuel, as that term is defined in Appendix "E", the Purchaser shall obtain delivery and procedure confirmation from DOE prior to delivery to DOE by Purchaser. DOE shall advise Purchaser within approximately sixty (60) days after receipt of such confirmation request as to the technical feasibility of disposing of such fuel on the currently agreed to schedule and any schedule adjustment for such services.

B. Acceptance Criteria

1. *Verification of SNF and/or HLW.* During cask loading and prior to acceptance by DOE for transportation to the DOE facility, the SNF and/or HLW description of the shipping lot will be verified by DOE. To the extent the SNF and/or HLW is consistent with the description submitted and approved, in accordance with Appendices "E" and "F," DOE agrees to accept such SNF and/or HLW for disposal when DOE has verified the SNF and/or HLW description, determined the material is properly loaded, packaged, marked, labeled and ready for transportation, and has taken custody, as evidenced in writing, of the material at the Purchaser's site, f.o.b. carrier. A properly executed off-site radioactive shipment record describing cask contents must be prepared by the Purchaser along with a signed certification which states: "This is to certify that the above named materials are properly described, classified, packaged, marked and labeled and are in proper condition for transfer according to the applicable regulations of the U.S. Department of Transportation."

2. *Improperly Described SNF and/or HLW.* (a) *Prior to Acceptance*—If SNF and/or HLW is determined by DOE to be improperly described prior to acceptance by DOE at the Purchaser's site, DOE shall promptly notify the Purchaser in writing of such determination. DOE reserves the right, in its sole discretion, to refuse to accept such SNF and/or HLW until the SNF and/or HLW has been properly described. The Purchaser shall not transfer such SNF and/or HLW to DOE unless DOE agrees to accept such SNF and/or HLW under such other arrangements as may be agreed to, in writing, by the parties.

(b) *After Acceptance*—If subsequent to its acceptance DOE finds that such SNF and/or

HLW is improperly described, DOE shall promptly notify the Purchaser, in writing, of such findings. In the event of such notification, Purchaser shall provide DOE with a proper designation within thirty (30) days.

3. *Acceptance Priority Ranking.* Delivery commitment schedules for SNF and/or HLW may require the disposal of more material than the annual capacity of the DOE disposal facility (or facilities) can accommodate. The following acceptance priority ranking will be utilized:

(a) Except as may be provided for in paragraph (2) below, acceptance priority shall be based upon the age of the SNF and/or HLW as calculated from the date of discharge of such materials from the civilian nuclear power reactor to the date specified for transportation by DOE in the delivery commitment schedule. DOE will first accept from Purchaser the oldest SNF and/or HLW for disposal in the DOE facility;

(b) Notwithstanding the age of the SNF and/or HLW, priority may be accorded any SNF and/or HLW removed from a civilian nuclear power reactor that has reached the end of its useful life or has been shut down permanently for whatever reason.

Article VII—Title

Title to all SNF and/or HLW accepted by DOE for disposal shall pass to DOE upon acceptance by DOE at the Purchaser's site as provided for in Article VI hereof. DOE shall be solely responsible for control of all material upon assuming title. DOE shall have the right to dispose as it sees fit of any SNF and/or HLW to which it has taken title. The Purchaser shall have no claim against DOE or the Government with respect to such SNF or HLW nor shall DOE or the Government be obligated to compensate the Purchaser for such material.

Article VIII—Fees and Terms of Payment

A. Fees

1. Effective April 7, 1983 Purchaser shall be charged a fee in the amount of 1.0 mil per kilowatt-hour (MKWH) on electricity generated and sold by Purchaser's nuclear power reactors. The said fee shall be paid as specified in Paragraph B of this Article VIII.

2. For SNF, or solidified high-level radioactive waste derived from SNF, which fuel was used to generate electricity in a civilian nuclear power reactor prior to April 7, 1983, a one-time fee will be assessed by applying average dollar per kilogram charges to three (3) distinct ranges of fuel burnup reflecting actual disposal costs for those ranges so that the integrated cost across all discharged fuel is equivalent to 1.0 mill per kilowatt hour. The payment of this fee by the Purchaser shall be made to DOE as specified in paragraph B of Article VIII below.

3. DOE will annually review the adequacy of the fees and adjust them, if necessary, in order to assure that all costs to be incurred by the Government shall be recovered. The proposed fee adjustment will be transmitted to Congress and shall be effective after a period of ninety (90) days of continuous

session have elapsed following receipt of such transmittal unless either House of Congress adopts a resolution disapproving the proposed adjustment. The adjustment to the fee will not be retroactive to previously generated electricity.

4. For in-core fuel as of April 7, 1983, that portion of the fuel burned through April 6, 1983 shall be subject to the one-time fee as calculated in accordance with paragraph A.2. of this Article VIII. That portion of such fuel unburned as of April 7, 1983 shall be subject to the 1.0 mill per kilowatt hour charge. Adjustment in the calculation for the unburned portion of such fuel can be made until April 7, 1984 without penalty. After April 7, 1984, the provision for late payment of fee shall apply as specified in paragraph C of this Article VIII.

B. Payment

1. For electricity generated and sold on or after April 7, 1983, fees shall be paid quarterly by the Purchaser and must be received by DOE not later than the close of business on the last business day of the month following the end of each assigned three month period. The first payment shall be due on July 7, 1983. A one-time adjustment period payment shall be due _____. The assigned three month period, for purposes of payment and reporting of kilowatt hours, shall begin _____.

2. For SNF discharged prior to April 7, 1983, the Purchaser shall, at the time of contract execution, select one of the following fee payment options:

(a) *Option 1*—The Purchaser's fee shall be prorated evenly over forty (40) quarters at the fee schedule rate in effect at the date of the first payment and will consist of the SNF fee and interest on the outstanding fee balance at the date of the first payment. The interest is to be calculated at the ten year Treasury note rate in effect on the date of the first payment. In no event shall the end of the forty (40) quarters extend beyond the first scheduled delivery date as reflected in the DOE Delivery Commitment Schedule. Payment shall be made concurrently with the assigned three month period payments.

(b) *Option 2*—The Purchaser's fee shall be paid in the form of a single payment, at the fee schedule rate in effect at the time of payment, at any time prior to the first delivery as reflected in the DOE approved Delivery Commitment Schedule.

3. *Method of Payment.* (a) Payments shall be made by wire transfer, in accordance with instructions specified by DOE in Appendix "G", annexed hereto and made a part hereof and must be received within the time periods specified in paragraph B.1 of this Article VIII.

(b) The Purchaser will complete a Standard Remittance Advice, as set forth in Appendix G, for each assigned three month period payment, and mail the remittance advice postmarked no later than the last business day of the month following each assigned three month period to "Department of Energy, Office of CONTROLLER, Cash Management

Division, Box 500, Room D-208, Germantown, Maryland 20874."

4. Any fees not paid on a timely basis or underpaid because of miscalculation will be subject to interest as specified in paragraph C of this Article VIII.

Interest = Amount due to DOE for assigned three month period. X Quarterly Treasury rate plus six percent (6%). X #Months late including month of payment (fractions rounded up to whole months)

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2. Interest is payable at anytime prior to the due date for the subsequent assigned three month period fee payment. Nonpayment by the end of the subsequent assigned three month period will result in compounding of interest due. Purchaser shall complete a Standard Remittance Advice for interest payments.

3. Collection, following the assessment of a late fee by DOE, will be applied against accrued interest first and the principal thereafter.

D. Effect of Payment

Upon payment of all applicable fees and any applicable interest due thereon, the Purchaser shall have no financial obligation to DOE for the disposal of the accepted SNF and/or HLW.

E. Audit

1. The DOE or its representative shall have the right to perform any audits or inspections necessary to determine whether Purchaser is paying the correct amount under the fee schedule set forth in Paragraph A, above.

2. Nothing in this contract shall be deemed to preclude an audit by the General Accounting Office of any transaction under this contract.

3. The Purchaser shall furnish DOE with such records, reports and data as may be necessary for the determination of quantities delivered hereunder and for final settlement of amounts due under this contract and shall retain and make available to DOE and its authorized representative for examination at all reasonable times such records, reports and data for a period of three (3) years from the completion of delivery of all material under this contract.

Article IX—Delays

A. Unavoidable Delays by Purchaser or DOE

Neither the Government nor the Purchaser shall be liable under this contract for damages caused by failure to perform its obligations hereunder, if such failure arises out of causes beyond the control and without the fault or negligence of the party failing to perform. In the event circumstances beyond the reasonable control of the Purchaser or DOE—such as acts of God, fire, flood—cause delay in scheduled delivery, acceptance or transport of SNF and/or HLW, the party experiencing the delay will notify the other party as soon as possible after such delay is ascertained and the parties will readjust their schedules, as appropriate, to accommodate such delay.

C. Interest on Late Fees

1. DOE will notify the Purchaser of amounts due only when unpaid or underpaid by the dates specified in paragraph B above. Interest will be levied according to the following formula:

B. Avoidable Delays by Purchaser or DOE

In the event of any delay in the delivery, acceptance or transport of SNF and/or HLW to DOE caused by circumstances within the reasonable control of either the Purchaser or DOE or their respective contractors or suppliers, the charges and schedules specified by this contract will be equitably adjusted to reflect any estimated additional costs incurred by the party not responsible for or contributing to the delay.

Article X—Suspension

1. In addition to any other rights DOE may have hereunder, DOE reserves the right, at no cost to the Government, to suspend this contract upon written notice to the Purchaser within ninety (90) days of the Purchaser's failure to perform its obligations hereunder, and the Purchaser's failure to take corrective action within thirty (30) days after written notice of such failure to perform as provided above, unless such failure shall arise from causes beyond the control and without the fault or negligence of the Purchaser, its contractors or agents. However, the Purchaser's obligation to pay fees required hereunder shall continue unaffected by any suspension hereunder.

2. The DOE reserves the right to suspend any scheduled deliveries in the event that a national emergency requires that priority be given to Government programs to the exclusion of the work under this contract. In the event of such a suspension by the Government, the DOE shall refund that portion of payments representing services not delivered as determined by the Contracting Officer to be an equitable adjustment. Any disagreement arising from the refund payment, if any, shall be resolved as provided in the clause of this contract, entitled "Disputes."

Article XI—Remedies

Nothing in this contract shall be construed to preclude either party from asserting its rights and remedies under the contract or at law.

Article XII—Notices

All notices and communications between the parties under this contract (except notices published in the Federal Register) shall be in writing and shall be sent to the following addressees:

To DOE: _____

To the Purchaser: _____

However, the parties may change the addresses or addressees for such notices or communications without formal modification to this contract; *provided, however*, that notice of such changes shall be given by registered mail.

Article XIII—General Provisions

The General Terms and Conditions of this contract are set forth in full in Appendix "H", annexed hereto and made a part hereof.

Article XIV—Representation Concerning Nuclear Hazards Indemnity

DOE represents that it will include in its contract(s) for the transportation of SNF and/or HLW to the DOE facility, and in its contract(s) for the operation of any such facility an indemnity agreement based upon Section 170(d) of the Atomic Energy Act of 1954, as amended, a copy of which agreement shall be furnished to the Purchaser; that under said agreement, DOE shall have agreed to indemnify the contractor and other persons indemnified against claims for public liability (as defined in said Act) arising out of or in connection with contractual activities; that the indemnity shall apply to covered nuclear incidents which (1) take place at a contract location; or (2) arise out of or in the course of transportation of source, special nuclear or by-product material to or from a contract location. The obligation of DOE to indemnify shall be subject to the conditions stated in the indemnity agreement.

Article XV—Assignment

The rights and duties of a party to this contract may be assignable with transfer of title to the SNF and/or HLW involved; *provided, however*, that notice of any such transfer shall be made to DOE within ninety (90) days of transfer.

Article XVI—Entire Contract

This contract, which consists of Articles I through XVI and Appendixes "A" through "H", annexed hereto and made a part hereof, contains the entire agreement between the parties with respect to the subject matter hereof. All previous and collateral contracts, representations, warranties, promises and conditions of sale are superseded by this contract. Any representation, promise, or condition not incorporated in this contract shall not be binding on either party. No course of dealing or usage of trade or course of performance shall be relevant to explain or supplement any provision contained in this contract.

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

Appendices

- A. Nuclear Power Reactors or Other Facilities Covered
- B. Delivery Commitment Schedule
- C. Final Delivery Schedule
- D. Annual Forecast
- E. Acceptance Criteria and General Specifications
- F. Description of Purchaser's Fuel
- G. Standard Remittance Advice

H. General Terms and Conditions

United States of America, United States
Department of Energy

By: (Contracting Officer) _____
Witnesses as to execution on behalf of
contractor: _____
(Name) _____
(Address) _____
(Name) _____
(Address) _____
(Purchaser's company name) _____
By: _____
Title: _____

I, (name), certify that I am the (title) of the corporation named as Purchaser herein; that (Name) who signed this document on behalf of the Purchaser was then (Title) of said corporation; that said document was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this _____ day of _____, 1983.

(Corporate Seal)

(Signature) _____

Appendix "A"**Nuclear Power Reactor(s) or Other Facilities Covered**

Reactor/Facility Name: _____
Location: _____
Type: _____
Capacity: _____
Date of Commencement of Operation: _____
NRC License No.: _____

Appendix "B"**Delivery Commitment Schedule**

In accordance with the contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste between _____ (Purchaser) and DOE under

Contract No. _____ dated _____, the following Delivery Commitment schedule is submitted by Purchaser to DOE. This Delivery Commitment Schedule shall be submitted by Purchaser and approved sixty-three (63 months) prior to delivery.

Reactor Name: _____
Type Reactor—PWR/BWR _____
Location _____
Shipping Lot No. _____
Discharge Date _____
Metric Tons Uranium _____
Number of Assemblies _____
Commitment Year for Delivery _____
Proposed Shipping Mode (Rail/Truck) _____

A detailed description of the Purchaser fuel will be submitted as set forth in Appendix E of this contract.

Unless otherwise agreed to in writing by DOE, the Purchaser shall furnish to DOE suitable proof of ownership of the SNF and/or HLW to be delivered hereunder. The Purchaser shall notify DOE in writing at the earliest practicable date of any change in said ownership.

By Purchaser: _____
Title _____
Date _____
Approved for DOE: _____
(Contracting Officer) _____
Date _____

Appendix "C"**Final Delivery Schedule**

(To be submitted by Purchaser not later than twelve (12) months prior to estimated date of first delivery).

In accordance with the contract for Disposal of Spent Nuclear fuel and/or High-Level Radioactive Waste between _____ (Purchaser) and DOE under

Contract No. _____ dated _____, the following Final Delivery schedule is submitted for DOE approval.
Reactor Name: _____
Type Reactor—PWR/BWR _____
Location _____
Shipping Lot No. _____
Discharge Date _____
Metric Tons Uranium _____
Number of Assemblies _____
Estimated Date First Delivery _____
Estimated Date Last Delivery _____
Proposed Shipping Mode (Rail/Truck) _____
Type of Shipping Casks Required _____
Number of Assemblies per Cask _____
Delivery to be made to DOE from Purchaser's site _____

The above data must correspond to the Delivery Commitment Schedule (Appendix B) regrouped for shipping purposes.

Purchaser confirms that no change has taken place in the status of ownership of the SNF and/or HLW schedule hereunder.

NOTE: Contact _____
Title _____
Phone _____

for DOE confirmation on an acceptable delivery date.

By purchaser: _____
Title _____
Date _____

Approved for DOE: _____
(Contracting Officer) _____
Date _____

Appendix "D"**Annual Forecast**

In accordance with the contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste between _____ (Purchaser) and DOE under

Contract No. _____ dated _____, the following Annual Forecast is submitted. This information is to be used for DOE planning purposes and does not represent a firm commitment by Purchaser.

Reactor Name: _____
Type Reactor—PWR/BWR _____
Location _____
Shipping Lot No. _____
Discharge Date _____
Metric Tons Uranium _____
Number of Assemblies _____
Commitment Year for Delivery _____
Proposed Shipping Mode (Rail/Truck) _____
By Purchaser: _____
Title _____
Date _____

(Enclosure 1)

Actual Discharges

In accordance with the contract for Disposal of Spent Nuclear Fuel and/or High-level Radioactive Waste between _____ (Purchaser) and DOE under Contract No. _____ dated _____, the following Actual Discharge information is submitted.
Reactor Name: _____

Type of Reactor—PWR/BWR _____
Location _____

Shipping Lot No. _____
Discharge Date _____
Metric Tons Uranium _____
Number of Assemblies _____
Commitment Year for Delivery _____
Proposed Shipping Mode (Rail/Truck) _____
By Purchaser: _____
Title _____

Appendix "E"**Acceptance Criteria and General Specifications****A. Fuel category identification. a.**

Categories—Purchaser shall use reasonable efforts, utilizing technology equivalent to and consistent with the commercial practice, to properly classify Spent Nuclear Fuel (SNF) prior to delivery to DOE as follows:

a. "Standard Fuel" means SNF that meets all the General Specifications therefor set forth in Paragraph B below;

b. "Nonstandard Fuel" means SNF that does not meet one or more of the General Specifications set forth in Subparagraphs 1 through 4 of Paragraph B below, and which is classified as Nonstandard Fuel Classes NS-1 through NS-4, pursuant to Paragraph B below.

c. "Failed Fuel" means SNF that meets the specifications set forth in Subparagraphs 1 through 3 of Paragraph B below and which is classified as Failed Fuel Class F-1 through F-3 pursuant to Subparagraph 5 of Paragraph B below.

d. Fuel may have "Failed Fuel" and/or several "Nonstandard Fuel" classifications.

B. Fuel description and subclassification—general specifications. 1. Maximum nominal physical dimensions.

	Boiling water reactor (BWR)	Pressurized water reactor (PWR)
Overall Length.....	14 feet, 11 inches...	14 feet, 10 inches.
Active Fuel Length...	12 feet, 6 inches...	12 feet, 0 inches.
Cross Section*	6 inches x 6 inches.	9 inches x 9 inches.

*The cross section of the fuel assembly shall not include the channel.

NOTE.—Fuel that does not meet these specifications shall be classified as Nonstandard Fuel—Class NS-1.

2. Mechanical components. (a) Cladding shall be Zircaloy 2, Zircaloy 4, stainless steel or such other material as may be approved in writing by DOE.

(b) Any nonfuel components such as control spiders, burnable poison rod assemblies, and control rod elements that are integral with the fuel assembly and do not require special handling may be stored and/or disposed of at no extra charge.

Note.—Fuel that does not meet these specifications shall be classified as Nonstandard Fuel—Class NS-2

3. Cooling. The minimum cooling time for fuel is five (5) years.

Note.—Fuel that does not meet these specifications shall be classified as Nonstandard Fuel—Class NS-3.

4. NON-LWR Fuel—Fuel from other than LWR power facilities shall be classified as Nonstandard Fuel—Class NS-4. Such fuel

may be unique and require special handling, storage and disposal facilities.

5. Failed fuel. a. Visual inspection.

Assemblies shall be visually inspected for evidence of structural deformity of damage to cladding or spacers which may require special handling. Assemblies which (i) are structurally deformed or have damaged cladding to the extent that special handling may be required or (ii) for any reason cannot be handled with normal fuel handling equipment shall be classified as **FAILED FUEL—F-1**.

b. Radioactivity release test. Assemblies determined to be structurally sound by meeting the criteria of item a above, shall be tested in water by DOE approved means to determine the radioactive release resulting from (i) cladding leakage and/or (ii) surface deposits. Assemblies found to have such radioactivity release that the radioactivity level in the cask coolant on delivery to DOE would exceed by 15 percent the regulatory limits permitted during transport of Spent Fuel Assemblies shall be classified as **Failed Fuel—Class F-2**.

For the initial loading of any shipping lot under this contract, the specified percentage shall be as measured by the Purchaser in the cask water at the reactor site prior to delivery to DOE. Such percentage may be subsequently modified based upon operating experience. For any water-cooled shipping lots, such limits shall be based on 10 CFR 71.36 (a) 2; for any gas-cooled shipping lots such limits shall be based on 10 CFR 71.35 (a) 4.

c. Previously Encapsulated Assemblies. Assemblies encapsulated by Purchaser prior to classification hereunder shall be classified as **FAILED FUEL—CLASS F-3**. Purchaser shall advise DOE of the reason for the prior encapsulation of assemblies, in sufficient detail so that DOE may plan for appropriate subsequent handling.

2. Summary of fuel classifications. (a) Standard Fuel: (1) Class S-1; PWR. (2) Class S-2; BWR.

(b) Nonstandard Fuel: (1) Class NS-1; physical dimensions. (2) Class NS-2; mechanical components. (3) Class NS-3; short cooled. (4) Class NS-4; non-LWR.

(c) Failed Fuel: Class F-1; visual failure or damage. (2) Class F-2; radioactive "leakage". (3) Class F-3; encapsulated.

C. High-Level radioactive waste. The DOE shall accept high level radioactive waste. Detailed acceptance criteria and general specifications for such waste will be issued by the DOE no later than the date on which DOE submits its license application to the Nuclear Regulatory Commission for the first disposal facility.

Appendix "F"

Detailed Description of Purchaser's Fuel

Reactor Name _____
Shipping Lot No. _____

Number of Assemblies Herein Described _____
This information shall be provided by Purchaser for each distinct fuel type within a shipping lot. It will accompany the Delivery Commitment Schedule.

The following definitions shall apply to the Spent Nuclear Fuel described in this Exhibit: "Fuel Element" means the smallest integral unit of clad fuel (or blanket) containing

Special Nuclear Material (SNM); i.e., a plate, tube, rod, disc, etc.

"Subassembly" means a group of elements, combined in a structural unit, which is grouped with other subassemblies to form the larger unit called the assembly.

"Assembly" means a group of fuel elements or subassemblies combined in a structural unit. The assembly is usually that fuel structure which is removed from the reactor as an individual unit.

All dimensions must be given in feet and inches and all weights in grams or kilograms.

A. Form and composition of spent nuclear fuel. 1. Drawings Attached. The following drawing(s) constitute(s) a comprehensive illustration of the fuel elements, subassemblies, and assemblies to be delivered under the Contract:

- 1.1 Assembly, Dwg. _____, Rev. _____
- 1.2 Fuel Rod Details, Dwg. _____, Rev. _____
- 1.3 Upper and Lower End Fittings, Dwg. _____, Rev. _____
- 1.4 Grid Spacer, Detail, Dwg. _____, Rev. _____
- 1.5 Poison Members, Dwg. _____, Rev. _____

(May be proprietary information)

2. Material Description. The following summarizes the description of fuel elements, subassemblies, assemblies modified after discharge. Where dimensions are required, the nominal dimensions, as they relate to the said reactor, must be used and the best estimates of the maximum change of these dimensions because of irradiation must be given. Weights must be dry, unirradiated weights with the expected range of weights also to be included.

(a) Fuel Element Description.

(1) Type (plate, disc, rod, tube, etc.) _____

(2) Nominal Dimensions:

Fuel Element Length _____

Active Fuel Element Length _____

(3) Nominal Weight _____

(4) Weight of Special Nuclear Material (SNM) before irradiation:
Total U _____
235 U _____

(5) Chemical form of SNM (UO₂, UC, etc.) _____
Weight _____

(6) Fabricated form of SNM (pellets, slugs, ribbons) and loading pattern in element _____

(7) Alloy or dispersing material (Al, SS, etc.) _____
Weight _____

(8) Cladding Material (Zr, SSs, etc.) _____

(9) Bonding Material, if any (Na, Al-Si, etc.) _____

(10) Other materials contained in fuel element: _____

Any material not covered by the above shall be added to describe the element completely.

(b) Subassembly description

(1) Number of elements _____

(2) Overall dimensions _____

(3) Total weight _____

(c) Assembly description.

(1) Number of elements _____

(2) Overall dimensions: Length _____; Envelope _____

(3) Overall weight _____

(4) Casing Material (Zr, SS, etc.) _____

3. Identification: Each separately removable unit in a Shipping Lot must be identified by a durable metal tag or label, or by embossing.

Identification of the units to be delivered under this Delivery Commitment are as follows:

B. Fuel classification. 1. In accordance with provisions of Article VI, "Criteria for Disposal", of this contract, the fuel in the shipping lot is hereby classified as _____.

2. If this fuel has been designated as other than Standard Fuel—"Class S-1" or "Class S-2", the basis for the classification must be listed below.

C. Specifications for fuel units that contain breached cladding or exposed SNM or that are warped. 1. A fuel element with breached cladding or exposed SNM shall be canned in a container whose material and design shall be approved by DOE unless DOE determines that such canning is unnecessary.

2. Units distorted beyond specified dimensional limits must be considered on an individual basis. The Purchaser should provide dimensional information for each warped unit below.

D. Irradiation history. Report the irradiation history for each assembly as indicated in the table below:

Assembly No.	Data set				
	1	2	3	4	etc.
1. Reactor position					
2. Startup date					
3. Average reactor power, MWth					
4. Average fuel exposure, MW/MTU					
5. Cumulative fuel exposure, MWD/MTU					
6. Shutdown date					
7. Heat output assembly, watts as of date					

Appendix "G"

Standard Remittance of Advice (RA) for Payment of Fees

Three Month Assigned

Period Covered:

From _____ to _____

I. Purchaser (Utility name and address)

A. Contract I.D. _____

II. Charge based upon Spent Nuclear Fuel Fee Schedule/One-Time Fee Payment Agreement \$ _____

A. Fee Schedule Rate _____

B. Date of First/Single Payment _____

C. Unpaid Balance to Date _____

D. Date of Current Fee Payment _____

E. Ten Year Treasury Note Rate _____

III. MKWH Fee (Identify power plant(s) covered by this RA showing on a separate schedule the beginning meter reading, ending meter reading, difference for each) \$ _____

A. Total Nuclear KWH Generated During Assigned Three Month Period Covered _____
 B. Date of Current Fee Payment _____
 C. Fee Schedule Rate _____
 IV. Underpayment (as notified by DOE), \$ _____
 A. Date of Notification _____
 B. DOE Invoice Number _____
 C. Interest Paid _____
 V. Late Payments (as notified by DOE), \$ _____
 A. Date of Notification _____
 B. DOE Invoice Number _____
 VI. Other Credits Claimed (Explain), \$ _____
 VII. Total Remittance, \$ _____
 Prepared by: _____
 Phone Number: _____
 Date: _____

For DOE use only below this line

1. Deposit to Account 89-5227 _____
 2. Receipt of Payment Verification:
 a. Date Payment Received _____
 b. Verification Performed by _____
 3. Posted to Cumulative Remitter Ledger:
 a. Date Posted _____
 b. Posted by _____
 4. Late Payments:
 a. Calculation of late charge (attach schedule) _____

b. Billing date _____
 5. After processing RA furnish a copy to OCRWM.

Instructions for Completing DOE Remittance Advice

Section I

Name and address self-explanatory.
 Contract number will be the identification number assigned by DOE upon execution.

Section II

Based upon inventory of spent fuel and HLW amassed prior to April 7, 1983, times the kilogram fee. If the 10-year option is selected, purchaser's liability is fixed at the fee schedule rate and the Ten Year Treasury Note Rate in effect as of the date of the first payment. Payment will be made in quarterly installments concurrently with the normal three month assigned period. If the single payment option is selected, the purchaser will submit payment for the entire unpaid liability at the rate in effect at the date of payment.

a. Fee schedule rate in effect at first/single payment. Complete this section only with first spent fuel fee payment.
 b. Self explanatory.
 c. Self explanatory.
 d. Self explanatory.
 e. Ten Year Treasury Note Rate in effect at first/single payment. Complete this section only with first spent fuel fee payment.
 \$_____. Amount paid.

Section III

Based upon electricity generated on or after April 7, 1983, times the current fee of 1M/KWH. Schedules should be attached specifying the gross amount of power meter through each plant during the assigned period.

a. Total power generated from attached schedules.
 b. Self explanatory.
 c. Fee schedule rate in effect at time of payment.
 \$_____. Amount paid.

Sections IV & V

(Same instructions) DOE will invoice purchasers, when underpayments or late payments occur, reference a particular payment, and state the reason for the invoice.

A. The date the purchaser received DOE invoice.
 B. DOE's invoice #.
 C. Interest paid.
 D. Self explanatory.
 \$_____. Consists of interest if late payment or fees plus interest if under payment.

Section VI

Explanation on an attached sheet of paper if necessary why DOE has been overpaid and the proposed disposition of the payment, e.g., apply credit against this payment or sent refund.

\$_____. If applied against this payment this number is negative. If refund desired, leave blank and pay gross amount due from sections II through V.

Section VIII

The sum of Section II through VI.

Instruction Guide for Remittance of Nuclear Waste Disposal Fees to Department of Energy Via Wire Transfer

Payments made to the Department of Energy (DOE) for Nuclear Waste Disposal Fees will be affected by the Purchaser's commercial bank via the Federal Reserve Communications System (also known as Fedwire) to the Department of Treasury. If the Purchaser's commercial bank is not a Federal Reserve member, then the Purchaser's bank will use a correspondent member bank to effect the transfer of funds.

Purchaser must provide specific information to its bank so that the transfer of funds can take place. Failure to correctly provide the information could result in delay crediting of the remittance to DOE and could subject the purchaser to late charges.

A wire transfer of funds message with descriptions of specific date elements is provided in Enclosure A. Enclosure B contains instructions and a sample form of a transfer of funds that shows the specific

information to be supplied by the Purchaser when requesting its commercial bank to initiate a transfer of funds.

Enclosure C shows a transfer message form that may be photocopied and used each time a transfer of funds must be made. Constant information has been preprinted on the form. Only that information applicable to that particular monthly remittance (i.e., amount, date, company name) must be filled in prior to submitting the form to your bank.

If additional information is required, contact DOE representatives Mark Loop of Joe Startari on ((301) 353-4899 or 353-5857).

Enclosure A—Guide for Funds Transfer Messages to Treasury

The following instructions provide specific information which is required so that a funds (wire) transfer message can be transmitted to the Department of the Treasury. The funds transfer message format is shown in Exhibit 1. A narrative description of each item on the funds transfer message follows:

Line 1. Item 1—Priority Code—The priority code will be provided by the sending bank. (Note: Some Federal Reserve district banks may not require this item.)

Line 2. Item 2—Treasury Department Code—The nine-digit identifier "021030004" is the routing symbol of the Treasury. This item is a constant and is required for all funds transfer messages sent to Treasury.

Item 3. Type Code—The type code, 10, identifies funds transfer messages. This item is a constant and is required for all funds transfer messages sent to Treasury.

Line 3. Item 4—Sending Bank Code—This nine-digit identifier will be provided by the sending bank.

Item 5. Class—The class field may be used at the option of the sending bank. (Note: Some Federal Reserve Districts prohibit use of this class/field.)

Item 6. Reference Number—The reference number will be inserted by the sending bank to identify the transaction.

Item 7. Amount—The amount must include the dollar sign and the appropriate punctuation including cents digits. This item will be provided by the Purchaser.

Line 4. Item 8—Sending Bank Name—The telegraphic abbreviation which corresponds to item 4 will be provided by the sending bank.

Line 5. Item 9—Treasury Department Name—This item is of critical importance. It must appear on the funds transfer message in the precise manner as stated to allow for the automated processing and classification of the funds transfer message to Treasury for credit to the Department of Energy. This item is comprised of a rigidly formatted, nonvariable sequence of 28 characters as follows: TREAS NYC/(89000003) DOE NWF

EXHIBIT 1

1	TO	2	3	5	6	7
	021030004	TYPE	10			
4	FROM		REF		AMOUNT	
	021000021		3004		\$1,305,500.00	
8	ORDERING BANK AND RELATED DATA					
	CHASE NYC					
9	TREAS NYC/(290000003) DOE-NWF					
10	DOE - NUCLEAR WASTE FEE					
11	MAY 80/ABC PURCHASER				12	

Line 6, 7, and 8. Payment Identification—

The payment identification should be furnished by the remitter in the following manner:

Item 10—The constant "DOE NUCWASTE FEE" will be inserted.

Item 11—The month and year the fees were incurred (i.e.; May 80) followed by a slash (/).

Item 12—The company name is inserted following the slash.

BILLING CODE 6450-01-M

ENCLOSURE B

TRANSFER OF FUNDS MESSAGE FORM
(COMPLETED SAMPLE)

1	TO	021030004	TYPE	10	REF	AMOUNT
2	FROM					
3	ORDERING BANK AND RELATED DATA					
4	TREAS NYC/(890000003) DOE - NWF					
5	DOE NUCLEAR WASTE FEE					
6	MAY 80/ABC PURCHASER					
7						
8						

Amount: \$1,305,500.00

The above example is a completed transfer of funds message form detailing those items (A thru C) filled in by the remitting company.

Item	DESCRIPTION
A	Amount-must be properly punctuated to include cents digits.
B	Date - month and year followed by a slash(/)
C	Company Name.

BILLING CODE 6450-01-C

ENCLOSURE C

TRANSFER OF FUNDS MESSAGE FORM

1	TO	021030004	TYPE	10	REF	AMOUNT
2	FROM					
3	ORDERING BANK AND RELATED DATA					
4	TREAS NYC/(890000003) DOE - NWF					
5	DOE					
6						
7						
8						

Appendix "H"

General Terms and Conditions

1. *Disputes.* A. Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Purchaser. The decision of the Contracting Officer shall be final and conclusive unless within thirty (30) days from the date of receipt of such copy, the Purchaser mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the DOE Board of Contract Appeals (Board). The decision of the Board shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Purchaser shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

B. For Purchaser claims of more than \$50,000, the Purchaser shall submit with the claim a certification that the claim is made in good faith; the supporting data are accurate and complete to the best of the Purchaser's knowledge and belief; and the amount requested accurately reflects the contract adjustment for which the Purchaser believes the Government is liable. The certification shall be executed by the Purchaser if an individual. When the Purchaser is not an individual, the certification shall be executed by a senior company official in charge at the Purchaser's plant or location involved, or by an officer or general partner of the Purchaser having overall responsibility for the conduct of the Purchaser's affairs.

For Purchaser claims of \$50,000 or less, the Contracting Officer must render a decision within 60 days. For Purchaser claims in excess of \$50,000, the Contracting Officer must decide the claim within 60 days or notify the Purchaser of the date when the decision will be made.

C. This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph A above; provided, however, that nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2. *Officials not to benefit.* No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

3. *Covenant against contingent fees.* The Purchaser warrants that no person or selling agency has been employed or retained to

solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Purchaser for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or in its discretion to increase the contract price or consideration, or otherwise recover, the full amount of such commission, brokerage, or contingent fee.

4. *Examination of records.* The Purchaser agrees that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records of the Purchaser involving transactions related to this contract until the expiration of three years after final payment under this contract unless DOE authorizes their prior disposition.

5. *Permits.* The Government and the Purchaser shall procure all necessary permits or licenses (including any special nuclear material licenses) and comply with all applicable laws and regulations of the United States, States and municipalities necessary to execute their respective responsibilities and obligations under this contract.

6. *Rights in technical data.* (a) Definitions.

(1) "Technical data" means recorded information regardless of form or characteristic, of a specific or technical nature. It may, for example, document research, experimental, developmental, or demonstration, or engineering work, or be usable or used to define a design or process, or to procure, produce, support, maintain, or operate material. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design-type documents or computer software (including computer programs, computer software data bases, and computer software documentation). Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification, and related information. Technical data as used herein do not include financial reports, cost analyses, and other information incidental to contract administration.

(2) "Proprietary data" means technical data which embody trade secrets developed at private expense, such as design procedures or techniques, chemical composition of materials, or manufacturing methods, processes, or treatments, including minor modifications thereof, provided that such data:

(i) Are not generally known or available from other sources without obligation concerning their confidentiality;

(ii) Have not been made available by the owner to others without obligation concerning their confidentiality; and

(iii) Are not already available to the Government without obligation concerning their confidentiality.

(3) "Contract data" means technical data first produced in the performance of the contract, technical data which are specified to be delivered under the contract, or technical data actually delivered in connection with the contract.

(4) "Unlimited rights" means rights to use, duplicate, or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to permit others to do so.

(b) Allocation of rights.

(1) The Government shall have:

(i) Unlimited rights in contract data except as otherwise provided below with respect to proprietary data properly marked as authorized by this clause;

(ii) The right to remove, cancel, correct or ignore any marking not authorized by the terms of this contract on any technical data furnished hereunder, if in response to a written inquiry by DOE concerning the proprietary nature of the markings, the Purchaser fails to respond thereto within 60 days or fails to substantiate the proprietary nature of the markings. In either case, DOE will notify the Purchaser of the action taken;

(iii) No rights under this contract in any technical data which are not contract data.

(2) The Purchaser shall have the right to mark proprietary data it furnishes under the contract with the following legend, the terms of which shall be binding on the Government:

Limited Rights Legend

This "Proprietary data," furnished under "Contract No. " with the U.S. Department of Energy may be duplicated and used by the Government with the express limitations that the "proprietary data" may not be disclosed outside the Government or be used for purposes of manufacture without prior permission of the Purchaser, except that further disclosure or use may be made solely for the following purposes:

(a) This "proprietary data" may be disclosed for evaluation purposes under the restriction that the "proprietary data" be retained in confidence and not be further disclosed;

(b) This "proprietary data" may be disclosed to contractors participating in the Government's program of which this contract is a part, for information or use in connection with the work performed under their contracts and under the restriction that the "proprietary data" be retained in confidence and not be further disclosed; or

(c) This "proprietary data" may be used by the Government or others on its behalf for emergency work under the restriction that the "proprietary data" be retained in confidence and not be further disclosed. This legend shall be marked on any reproduction of this data in whole or in part.

[FR Doc. 83-3113 Filed 2-3-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Register

**Friday
February 4, 1983**

Part V

Office of Management and Budget

Budget Rescissions and Deferrals

**OFFICE OF MANAGEMENT AND
BUDGET****Budget Rescissions and Deferrals**

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report nineteen rescission proposals of fiscal year 1983 funds totaling \$1,552.0 million.

In addition, I am reporting revisions to nine existing deferrals increasing the amount deferred by \$3,155.7 million, as well as thirty new deferrals of funds totaling \$8,795.9 million.

The rescission proposals affect Appalachian Regional Development programs, programs in the Department of Agriculture, Education Activities, the Departments of Housing and Urban Development, Interior, and Transportation, as well as the Corporation for Public Broadcasting and an off-budget entity in the Department of Agriculture.

The deferrals affect Appalachian Regional Development programs, International Security Assistance programs, and programs in the Departments of Agriculture, Commerce, Defense, Energy Activities, and the Departments of Health and Human Services, Housing and Urban Development, Interior, Justice, State, and Transportation, as well as the Railroad Retirement Board, Small Business Administration, Motor Carrier Rating Study Commission, Tennessee Valley Authority, the United States Information Agency, and the United States Railway Association.

The details of each rescission proposal and deferral are contained in the attached reports.

Ronald Reagan.

The White House,

February 1, 1983.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission #	Item	Budget Authority
R83-2	Funds Appropriated to the President Appalachian Regional Development Programs Appalachian regional development programs...	15,133
R83-3	Department of Agriculture Agricultural Research Service Buildings and facilities.....	1,927
R83-4	Soil Conservation Service Watershed and flood prevention operations...	68,995
R83-5	Resource conservation and development.....	5,600
R83-6	Agricultural Cooperative Service Salaries and expenses.....	779
R83-7	Education Activities Office of Elementary and Secondary Education Compensatory education for the disadvantaged School assistance in Federally affected areas	133,925
R83-8	Special programs and populations.....	5,000
R83-9	Indian education.....	56,639
R83-10	Office of Bilingual Education and Minority Languages Affairs Bilingual education.....	16,128
R83-11	Office of Postsecondary Education Guaranteed student loans.....	43,523
R83-12	Higher and continuing education.....	900,000
R83-13	Office of Educational Research and Improvement Educational research and statistics.....	68,941
R83-14	Department of Housing and Urban Development Housing Programs Payments for operation of low income housing projects.....	6,225
R83-15	Department of the Interior National Park Service Construction.....	69,000
R83-16	Department of Transportation Federal Highway Administration Federal-aid highways (Liquidation of Contract Authorization) (Trust fund).....	63,600
R83-17	Coast Guard National recreational boating safety and facilities improvement fund.....	23,200
R83-18	Other Independent Agencies Corporation for Public Broadcasting Public Broadcasting Fund.....	5,000
R83-19		45,000

OFF-BUDGET FEDERAL ENTITIES:

R83-20	Department of Agriculture Rural Electrification Administration Rural telephone bank.....	23,400
	Subtotal, rescission proposals.....	1,552,015
Deferral #	Item	Budget Authority
	Funds Appropriated to the President	
D83-40	Appalachian Regional Development Programs Appalachian regional development programs.....	10,000
D83-21A	International Security Assistance Foreign military sales credit.....	1,175,000
D83-22A	Economic support fund.....	1,901,850
D83-29A	Military assistance.....	233,000
	Department of Agriculture	
D83-41	Soil Conservation Service Watershed and flood prevention operations.....	10,329
D83-34A	Animal and Plant Health Inspection Service Salaries and expenses.....	6,200
D83-42	Forest Service National forest system.....	108,035
D83-2A	Forest Service permanent appropriations: Timber salvage sales.....	13,107
D83-43	Department of Commerce Economic Development Administration Economic development and assistance programs..	181,900
D83-44	International Trade Administration Operations and administration.....	20,100
D83-45	National Oceanic and Atmospheric Administration Construction.....	3,000
	Department of Defense--Military	
D83-46	Procurement Shipbuilding and conversion, Navy.....	2,400,000
D83-47	Department of Defense--Civil Corps of Engineers--Civil Construction, general.....	180,000
	Energy Activities	
D83-48	Energy Programs Energy supply, research and development activities, plant and capital equipment.....	91,107
D83-8A	Fossil energy research and development.....	5,000
D83-49	Fossil energy construction.....	20,000
D83-50	Strategic petroleum reserve.....	57,400
D83-51	Departmental administration, operating expenses.....	21,767
D83-52	Departmental administration, plant and capital equipment.....	12,693

SUMMARY OF SPECIAL MESSAGES
FOR FY 1983
(in thousands of dollars)

Deferral #	Item	Budget Authority
D83-53	Department of Health and Human Services Social Security Administration Limitation on administrative expenses.....	9,633
D83-54	Department of Housing and Urban Development Housing Programs Subsidized housing programs.....	3,081,153
D83-11A	Department of the Interior National Park Service Land acquisition and state assistance.....	33,000
D83-55	Office of Territorial Affairs Administration of Territories.....	3,188
D83-56	Department of Justice Interagency Law Enforcement Organized crime drug enforcement.....	13,656
D83-57	Department of State International Organizations and Conferences Contributions to international organizations..	8,111
D83-58	Other U.S. bilateral science and technology agreements.....	2,000
D83-59	Department of Transportation Administration Urban Mass Transportation Administration Mass transportation capital fund.....	229,000
D83-60	Federal Aviation Administration Construction, Metropolitan Washington Airports Facilities and equipment (Airport and airway trust fund).....	500 725,236
D83-61	Coast Guard National recreational boating safety and facilities improvement fund.....	40,000
D83-20A	Other Independent Agencies Railroad Retirement Board Milwaukee railroad restructuring, administration.....	490
D83-62	Small Business Administration Business loan and investment fund.....	143,000
D83-63	Surety bond guarantees revolving fund.....	3,000
D83-64	Pollution control equipment contract guarantee revolving fund.....	1,000
D83-65	Motor Carrier Rate-making Study Commission Salaries and expenses.....	282
D83-66	Tennessee Valley Authority Tennessee Valley Authority fund.....	47,271
D83-67	United States Information Agency Salaries and expenses (special currency program).....	1,344
D83-68	Acquisition and construction of radio facilities	12,437
D83-69	United States Railway Association Payments for purchase of Conrail securities...	84,000
	Subtotal, deferrals.....	10,888,789
	Total, rescission proposals and deferrals.....	12,440,804

Fifth special message	Rescissions	Deferrals
New items.....	1,552,015 1/	6,795,906
Change to amounts previously submitted.....	---	3,155,652
Effects of Fifth special message....	1,552,015	9,951,558
Amounts previously submitted that were changed by this message.....	---	932,231
Total, rescissions and deferrals.....	1,552,015	10,888,789 2/
Amounts previously submitted that were not changed by this message..	2,000	2,481,447
Total amount proposed to date in all special messages.....	1,554,015 1/	13,365,236 3/ 4/

1/ This amount includes \$73,400,000 in current budget authority for the rural telephone bank that is offset by a corresponding increase in permanent budget authority (R83-20).

2/ This amount is the sum of the individual deferrals reported and ties to the table of contents. It exceeds the above detail by \$5,000,000 because this table only counts increases to amounts previously submitted. Decreases are reported in the monthly cumulative report on releases. The \$5,000,000 is the downward adjusted amount remaining in a revised Energy deferral that is being reported for other reasons.

3/ All amounts listed represent budget authority except for \$14,446,000 in one general revenue sharing deferral of outlays only.

4/ This amount excludes the \$5,000,000 discussed in 2/ above to avoid a double count.

R83-2

Rescission Proposal No. R83-2

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 91-144

FUNDS APPROPRIATED TO THE PRESIDENT
Appalachian Regional Development Programs

Agency: Funds Appropriated to the President	New budget authority (P.L. 97-377)	\$ 155,132,646
Appropriation title & symbol	Other budgetary resources	31,361,153
Appalachian Regional Development Programs 1/	Total budgetary resources	196,493,799
11X0090	Amount proposed for rescission	\$ 15,132,646

Of the funds appropriated for the Appalachian Regional Development Programs under Section 101(f) of P.L. 97-377, \$15,132,646 are rescinded.

OMB Identification code: 1-0090-0-1-452	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (specify date) <input checked="" type="checkbox"/> Bi-year	

Justification: This program provides funds for construction of the Appalachian Development Highway System (ADHS) to improve access to and within Appalachia, and for grants for basic community services, job creation, and planning.

Last year, the Administration proposed termination of the Appalachian Regional Commission and Appalachian Regional Development Programs, and transfer of the ADHS to the Department of Transportation. This was part of the Administration's effort to redress responsibility for economic development programs to State and local governments where the responsibility for them lies. For 1983 appropriations of \$145 million, slightly below the 1982 level of \$150 million, were recommended by both the House and the Senate Appropriations Committees, but \$165 million was provided by the second Continuing Resolution (P.L. 97-377). This proposal would rescind the amount of budget authority provided in the Continuing Resolution in excess of above \$150 million.

Estimated Effects: Highway projects will be reduced by the amount of the rescission.

Outlay Effect: (In millions of dollars)

1983 Outlay Estimate	1983	1984	1985	1986
Without Rescission	253.0	253.0	4.0	5.0
With Rescission	253.0	253.0	4.0	5.0
Outlay Savings				2.6

1/ This account is also the subject of a FY 1983 deferral (D83-40).

R83-3

Oregon - \$750,000 was to be used for planning, engineering, preconstruction, and site preparation for the Forage Seed Production and Research Center.

Rescission Proposal No: R83-3

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Agriculture	Raw budget authority (P.L. 97-370)	\$ 1,927,000
Bureau Agricultural Research Service	Other budgetary resources	926,173
Appropriation title & symbol	Total budgetary resources	2,853,173
Buildings and Facilities 12X1401	Amount proposed for rescission	\$ 1,927,000

OMB identification code: 12-1401-0-1-352	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (specify date) <input checked="" type="checkbox"/> Bi-year	

Justification: The Congress provided a FY 1983 appropriation of \$1,927,000 to initiate/plan three construction items whose total cost is expected to require at least \$30 million. The FY 1983 appropriation is being proposed for rescission for the following reasons:

- o Two of the construction items--the Small Farm Experiment and Demonstration Station and the Forage Seed Production and Research Center--would add at least 15 scientist-years of research facility capacity to the Agricultural Research Service system, even though the research facility system has been operating at 82-83% capacity since 1978. It has been recommended in recent studies, including GAO reports, that the Department take strong action to make more effective use of existing research facilities and resist efforts to construct new research facilities.
- o The third item, for the Old West Veterinary School, is intended to assure that adequate numbers of food-animal veterinarians are trained and available in the Old West Region. Data show that there is an adequate national supply of veterinarians. However, the distribution of graduate veterinarians is predominately influenced by income level and work location. Constructing this facility, therefore, cannot be expected to remedy any shortage in the region and would be highly cost-inefficient.

Estimated Effects: The proposed rescission will eliminate planning, design and construction at three separate locations as follows:

Nebraska - \$827,000 was to be used to assist with engineering and design costs at the Old West Veterinary School.

Oklahoma - \$350,000 was to be used for the establishment of initial facilities for the Small Farm Experiment and Demonstration Station in Oklahoma.

Outlay Effect: (in Million of Dollars)

1983 Outlay Estimate Without Rescission	With Rescission	Outlay Savings 1983 1984 1985 1986
11.4	9.5	1.9 -- -- --

DEPARTMENT OF AGRICULTURE
Agricultural Research Service
Buildings and Facilities

Of the funds appropriated under this head in the Agriculture,
Rural Development, and Related Agencies Appropriations Act, 1983,
\$1,727,000 are rescinded.

Rescission Proposal No: R83-4

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-144

Agency U.S. Department of Agriculture	Per budget authority P.L. 93-370	\$ 194,925,000
Bureau Soil Conservation Service	Other budgetary resources	21,790,354
Appropriation title & symbol	Total budgetary resources	216,715,354
Watershed and Flood Prevention Operations / 12X1072	Amount proposed for rescission	\$ 68,995,000
DCS identification code: 12-1072-0-1-301		
Grant program	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of account or fund:		
<input type="checkbox"/> Annual		
<input type="checkbox"/> Multiple-year	(expiration date)	
<input checked="" type="checkbox"/> No-year		
Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other		
Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other		

Justification: The Watershed and Flood Prevention Operations Program provides technical and financial assistance to local organizations to install watershed protection, flood prevention, agricultural water management, recreation and fish and wildlife development, and other authorized features as specified in approved watershed projects and emergency measures necessary to safeguard lives and property as a result of natural occurrences.

The proposed rescission of \$69 million in excess of the President's Budget request (which provided adequate program levels) results from the need to curb Federal spending.

-- Investments in small watershed projects are delayable and their benefits are local in nature.

-- A substantial proportion of these projects provide recreation enhancement or offer the potential for increased crop production resulting from decreased flooding of agricultural lands. Neither one is a Federal budget priority of this administration.

In view of both the across-the-board reductions in Federal spending and selected tax increases that have been proposed, restraint in these types of construction programs is consistent with treatment being given to other Federal programs.

Estimated Effects: This rescission proposal will lengthen the construction time to complete ongoing work in existing projects.

Outlay Effects: (in millions of dollars)

1983 Outlay Estimate	Outlay Savings
Without	1983 1984 1985 1986
With	
Rescission	34.5 34.5
175.7	141.2

/ This account is also the subject of a FY 1983 deferral (D83-41).

R83-4

DEPARTMENT OF AGRICULTURE
Soil Conservation Service
Watershed and Flood Prevention Operations

Of the funds appropriated under this head in the Department of Agriculture, Rural Development, and Related Agencies Appropriations Act, 1983, \$68,995,000 are rescinded.

Rescission Proposal No. R83-5

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 91-344

Agency Department of Agriculture	New budget authority (P.L. 97-370)	\$ 25,744,000
Bureau Soil Conservation Service	Other budgetary resources	2,692,523
Appropriation title & symbol	Total budgetary resources	28,436,523
Resource Conservation and Development 12X1010	Amount proposed for rescission	\$ 5,600,000
OMB identification code: 12-1010-0-1-302	Legal authority (in addition to sec 1012):	<input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority:	<input checked="" type="checkbox"/> Appropriation
Type of account or fund:		<input type="checkbox"/> Contract authority
<input type="checkbox"/> Annual		<input type="checkbox"/> Other
<input type="checkbox"/> Multiple-year		
<input checked="" type="checkbox"/> No-year (expiration date)		

Justification: This program assists eligible units of government in authorized multicounty rural areas to improve economic opportunities, enhance the quality of the environment and improve the standard of living through the conservation and development of natural resources.

This program was implemented in FY 1962 to accelerate the installation of conservation measures, and to alleviate unemployment in rural areas through the accelerated conservation work. Reviews of the program conducted in previous years have not been able to demonstrate satisfactorily that statistically significant economic progress toward meeting program objectives has been made. After twenty years of being unable to demonstrate rigorously program effectiveness, this Administration believes that it is time to free up these resources for higher priority needs.

Estimated Effects: If approved, this rescission will start the phase-out of this program in FY 1983.

Outlay effect: (In Millions of Dollars)

1983 Outlay Estimate Without Rescission	1983	1984	1985	1986
26.9	25.7	1.2	4.4	--
25.7	--	--	--	--

R83-5

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Resource Conservation and Development

Of the funds appropriated under this head in the Department of Agriculture, Rural Development and Related Agencies Appropriations Act, 1983, \$5,600,000 are rescinded.

Rescission Proposal No: R-83-6

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-34

Agency	Department of Agriculture	New budget authority (P.L. 97-370)	\$ 4,639,000
Bureau	Agricultural Cooperative Service	Other budgetary resources	--
Appropriation title & symbol		Total budgetary resources	4,639,000
- Salaries and Expenses 1233000		Amount proposed for rescission	\$ 779,000
OMB identification codes: 12-3000-0-1-352			
Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other			
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Type of account or fund: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (specify date) <input type="checkbox"/> No-year			
Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other			

Justification: The Agricultural Cooperative Service conducts research on cooperative problems and issues, provides technical assistance and advice to existing and newly-emerging cooperative associations, collects and disseminates cooperative statistics, and prepares and distributes educational material on cooperatives.

Recent assessments of ACS indicate a need for less Federal support than in the past. Cooperatives had total revenues of \$57.88 in FY 1981. Based on a weighted index of prices paid and received by farmers, cooperatives experienced a 21.2% real growth over 1980. In addition, organizations such as the Farm Credit System's Bank for Cooperatives and the National Council of Farmer Cooperatives provide important technical, financial, and marketing assistance to cooperatives as well as represent cooperative interests in Washington and elsewhere.

The funds proposed for rescission were designated for projects to be initiated in FY 1983. No provision has been made to continue the projects during FY 1984. The rescission is being proposed because they are projects of low priority that should not be paid for with public funds, especially at a time of fiscal stringency and when alternative sources of assistance are available.

Estimated effects: This rescission proposal will restrain FY 1983 obligations to approximately the FY 1984 level proposed by the President and will eliminate the following programs: (a) \$500,000 provided for increased efforts to assist and encourage agricultural cooperatives in international marketing; (b) \$140,000 provided for development of criteria that cooperative managers can utilize in evaluating the financial performance of their cooperatives; and (c) \$139,000 for establishment of a Hawaiian cooperative development field office. Because these projects would be accomplished mostly by entering into cooperative agreements, the effect on the Agency's program is nominal.

General Provisions

Section 617

Section 617 of Public Law 97-370 is repealed.

R83-6

R 83-6

Outlay Effect (in millions of dollars):

Outlays would be reduced to approximately the proposed 1984 level.

1983 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1983	1984	1985	1986
\$4.8	\$4.1	.7	.1	--	--

DEPARTMENT OF AGRICULTURE
Agricultural Cooperative Service
Salaries and Expenses

Of the funds appropriated under this head in the Department of Agriculture, Rural Development, and Related Agencies Appropriation Act of 1983, \$779,000 are rescinded.

R83-7

Rescission Proposal No. R83-7

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 95-544

Agency Education Activities	
Bureau Office of Elementary and Secondary Ed.	New budget authority (P.L. 97-377) \$3,167,894,000
Appropriation title & symbol	Other budgetary resources 5,226,470
Compensatory Education for the Disadvantaged 913/40900	Total budgetary resources 3,173,120,470
9130900	Amount proposed for rescission \$ 133,925,000
912/30300**	
OMB identification code: 91-0900-0-1-501	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act
Type of account or fund: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (specify year) <input type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other

Justification: Grants for the Disadvantaged: Authorized under Chapter 1 of the Education Consolidation and Improvement Act of 1981, programs under this activity make financial assistance available to local educational agencies and to State agencies which provide supplementary compensatory education assistance to disadvantaged students. In addition, funds are also provided for State administration and program evaluation.

A rescission totaling \$126,425,000 is requested for programs under this activity. Even with this reduction, programs will be maintained at the 1982 appropriation level. A higher amount is not justifiable in view of the current need for fiscal stringency.

Migrant Education: Authorized under section 418 of the Higher Education Act, programs under this activity award grants to colleges and universities to: (1) provide education services to on-income migrant and seasonal farmworkers to help them gain a high school diploma or equivalency certificate and (2) offer special services such as tutoring and counseling as well as stipends to migrant students in their first year of college.

A rescission totaling \$7,500,000 is requested for this activity as part of the President's budget reduction plan.

Estimated Effect: Funds for Chapter 1 Grants to LEAs would be reduced from \$2,687,754,000 to \$2,562,753,000. Chapter 1 State administration would be reduced from \$33,014,000 to \$30,576,000. At the reduced level each State would receive an amount that is proportionate to its total Chapter 1 allocation but not less than \$225,000. At the same time funds within the Chapter 1 activity remaining after the rescission would be reprogrammed to increase the resources available for evaluation and studies from \$4,746,000 to \$5,760,000. Program activity would be approximately the same as the 1982 appropriation level.

Outlay Effect: (in millions of dollars)

1983 Outlay Estimate Without Rescission	With Rescission	1984	1985	1986	1987
\$3,031.4	\$3,023.6	\$7.9	\$105.8	\$19.0	\$1.3

Recission Proposal No. R83-8

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

Compensatory Education For The Disadvantaged

Notwithstanding the provisions of section 514(a)(2) of the Omnibus Education Reconciliation Act of 1981, \$126,425,000 of the amount provided for chapter 1 of the Education Consolidation and Improvement Act of 1981 and \$7,500,000 provided for section 418 of the Higher Education Act under "Compensatory Education for the Disadvantaged" for fiscal year 1983 in Public Law 97-377 making further continuing appropriations for fiscal year 1983 through September 30, 1983 are rescinded. Provided, That of the amounts remaining for chapter 1 of the Education Consolidation and Improvement Act, no funds shall be used for purposes of section 514(a)(1)(B), \$5,760,000 shall be available for purposes of section 535(d) to provide technical assistance and evaluate programs, \$215,744,000 shall be available for purposes of section 534(a)(2)(A), \$146,320,000 shall be available for purposes of section 534(a)(2)(B), \$32,616,000 shall be available for purposes of section 534(a)(2)(C), and \$30,576,000 shall be available for purposes of section 534(b)(1)(D). Provided further, That the criteria for poverty utilized by the Bureau of the Census in the 1980 Census shall be used as the basis for allocating funds under chapter 1 where applicable. Provided further, That notwithstanding the provisions of section 111(a) of the Elementary and Secondary Education Act as amended, no funds appropriated under chapter 1 shall be allocated on the basis of data taken from the 1975 Survey of Income and Education conducted by the Bureau of the Census.

Agency Education Activities		New budget authority (P.L. 97-377)	\$480,000,000
Bureau Office of Elementary and Secondary Education		Other budgetary resources	12,771,015
Appropriation title & symbol		Total budgetary resources	492,771,015
School Assistance in Federally Affected Areas		Amount proposed for rescission	\$ 5,000,000
OMB identification code: 91-0102-0-1-501		Legal authority (in addition to sec. 1012):	
Grant program		<input type="checkbox"/> Antideficiency Act	
Type of account or fund:		<input type="checkbox"/> Other	
<input checked="" type="checkbox"/> Annual		Type of budget authority:	
<input checked="" type="checkbox"/> Multiple-year September 30, 1983 (expiring date)		<input checked="" type="checkbox"/> Appropriation	
<input checked="" type="checkbox"/> No-year		<input type="checkbox"/> Contract authority	
		<input type="checkbox"/> Other	

Justification: Section 2, the Special Provisions activity of the Maintenance and Operations program, authorizes assistance to school districts having a partial loss of tax base as a result of Federal acquisition of real property (since 1938).

As part of the President's budget reduction plan, funds are proposed for rescission under this program. This degree of restraint is essential because of the general need for fiscal stringency.

Estimated Effects: Payments under Section 2 would be reduced from 74.5 percent of entitlement to 49 percent of entitlement. The appropriation for P. L. 81-874 (Sections 2, 3 and 7) would be reduced to the ceiling authorized by the Omnibus Budget Reconciliation Act of 1981.

Outlay Effects: (in millions of dollars)

1983 Outlay Estimate		Outlay Savings	
Without	1983	1984	1985
Rescission	1983	1984	1985
\$576.2	\$3.8	\$1.1	\$0.1
\$572.4			

*None of these funds is proposed for rescission.

R83-8

DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
School Assistance in Federally Affected Areas

Of the funds provided for "School Assistance in Federally Affected Areas" for fiscal year 1983 in Public Law 97-377, \$5,000,000 are rescinded from the amount available for section 2 of Public Law 91-874.

Rescission Proposal No. R83-9

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 91-544

Agency: Education Activities Bureau: Office of Elementary and Secondary Education	New budget authority (P.L. 97-377) \$ 534,500,000
Appropriation title & symbol Special Programs and Populations 912/31000*	Other budgetary resources 11,756,289
913/41000 (\$1,500,000)	Total budgetary resources 546,256,289
913/000 (\$55,139,000)	Amount proposed for rescission \$ 56,539,000
OMB identification codes: 91-1000-0-1-501	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other
Type of account or fund: <input checked="" type="checkbox"/> Annual September 30, 1983 <input checked="" type="checkbox"/> Multiple-year September 30, 1984 (expiration date) <input type="checkbox"/> No-year	

Justification: Within the Special Programs account, funds were appropriated for the State block grant (Chapter 2 of the Education Consolidation and Improvement Act), the Secretary's discretionary funds, and six categorical programs: States, territories and local school districts can use their block grant funds to support most of the activities authorized by the six separate categorical programs.

As part of the President's program to eliminate unnecessary government spending and direct Federal support to effective and priority programs, the following funds are proposed for rescission: funding for the Follow through program, training and advisory services, general aid to the Virgin Islands, territorial teacher training, and part of the funding for Women's educational equity, Ellender fellowships, and the Secretary's discretionary funds.

Estimated Effects: The Secretary's discretionary funds would be reduced by \$2,541,000 and the categorical programs would be reduced by \$54,098,000, resulting in a decrease of approximately 250 project grants.

Outlay Effect: (in millions of dollars)

1983 Outlay Estimate Without Rescission	1983	1984	1985	1986	1987
\$514.1	\$6.2	\$39.1	\$10.7	\$0.6	---

* None of these funds is proposed for rescission.

883-9

DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
Special Programs

Of the funds provided for "Special Programs" for fiscal year 1983 in P. L. 97-377, \$56,639,000 are rescinded: Appropriations rescinded are as follows: \$2,541,000 from Chapter 2, subchapter D of the Education Consolidation and Improvement Act; \$5,738,000 from title IX, part C of the Elementary and Secondary Education Act; \$19,440,000 from the Follow Through Act; \$24,000,000 from title IV of the Civil Rights Act of 1964; \$1,920,000 from section 1524 and \$960,000 from section 1525 of the Education Amendments of 1978; and \$2,040,000 from Public Law 92-506.

Recission Proposal No: 883-10

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 95-144

Agency Education Activities		New budget authority (P.L. 97-377)	\$ 67,242,000
Bureau Office of Elementary and Secondary Education		Other budgetary resources	
Appropriation title & symbol		Total budgetary resources	67,242,000
Indian Education 9130101		Amount proposed for rescission	\$ 16,128,000
OMB identification code: 91-0101-0-1-501		Legal authority (in addition to sec. 1012):	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Antideficiency Act	
Type of account or fund: <input checked="" type="checkbox"/> Annual		<input type="checkbox"/> Other	
<input type="checkbox"/> Multiple-year (expiration date)		Type of budget authority:	
<input type="checkbox"/> No-year		<input checked="" type="checkbox"/> Appropriation	
		<input type="checkbox"/> Contract authority	
		<input type="checkbox"/> Other	

Justification: This appropriation includes all activities funded under the Indian Education Act, P. L. 92-318. These programs address the special educational and culturally-related academic needs of Indian children and adults. A total of \$16,128,000 is proposed for rescission under this account.

This low-priority program, which serves persons who are eligible for other compensatory education programs, is proposed for termination in 1984. The proposed rescission would begin the phase-out of program activities.

Estimated Effects: Under Part A, grants to local schools, the per pupil expenditure would decrease from \$183 to \$104. Under Part B, special programs for Indian students, about 2,300 fewer students would be served and 59 fewer fellowships would be awarded. Under Part C, special programs for Indian adults, 320 fewer adults will participate. As is noted above, these individuals are all eligible for other compensatory education programs.

Outlay Effect: (in millions of dollars)

1983 Outlay Estimate		Outlay Savings		
Without Rescission	With Rescission	1983	1984	1985
\$81.1	\$73.8	\$7.3	\$8.1	\$9.8

Rescission Proposal No. R83-11

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 91-344

R83-10

DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
Indian Education

Of the funds provided for "Indian Education" in Public Law 97-394, \$13,000,000 are rescinded for Part A, \$3,000,000 are rescinded for Part B, and \$128,000 are rescinded for Part C of the Indian Education Act.

Agency	Education Activities		New budget authority	\$ 138,057,000
Bureau	Office of Bilingual Education and Minority Languages Affairs		(PL 97-317)	3,666,116
Appropriation title & symbol	Bilingual Education		Other budgetary resources	141,723,116
9131300			Total budgetary resources	
912/31300*			Amount proposed for rescission	\$ 43,523,000
913/41300				
OMB identification code:	91-1300-0-1-501		Legal authority (in addition to sec. 1012):	
Grant program	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Antideficiency Act	
Type of account or fund:	<input checked="" type="checkbox"/> Annual		<input type="checkbox"/> Other	
	September 30, 1983		Type of budget authority:	
	September 30, 1984		<input checked="" type="checkbox"/> Appropriation	
	<input checked="" type="checkbox"/> Multiple-year		<input type="checkbox"/> Contract authority	
	<input type="checkbox"/> No-year		<input type="checkbox"/> Other	

Justification: The basic bilingual education program provides aid to local educational agencies for carrying out programs addressing the needs of children of limited English proficiency. Bilingual vocational training supports projects that serve out-of-school youth and adults. A rescission of \$42,361,000 is proposed from bilingual education, and \$1,162,000 from bilingual vocational training.

As part of the President's goal of eliminating unnecessary government spending, funds for this program are proposed for rescission. Reductions will be targeted on duplicative and less effective activities.

Estimated Effects: This rescission proposal would result in reductions in the numbers of new awards and in the numbers of teachers and students participating in most of the programs and activities supported. Two programs would not be funded - Bilingual desegregation grants, which are similar in operation to basic grants, and materials development, which will be consolidated into new comprehensive resource centers.

Outlay Effect: (in millions of dollars)

1983 Outlays Estimate	Outlay Savings			
	Without Rescission	With Rescission	1983	1984
\$141.0	\$139.3	\$1.7	\$31.8	\$10.0
			---	---

* None of these funds is proposed for rescission.

R83-11

DEPARTMENT OF EDUCATION
OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS
Bilingual Education

Of the funds provided for "Bilingual Education" for fiscal year 1983 in P. L. 97-377, \$43,523,000 are rescinded. Provided that no funds appropriated in Title III of P. L. 97-377 shall be used for section 751 of Title VII of the Elementary and Secondary Education Act.

Rescission Proposal No.: R83-12

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 95-344

Agency Education Activities		New budget authority (P.L. 97-377)	\$ 3,100,500,000
Bureau Office of Postsecondary Education		Other budgetary resources	217,172,000
Appropriation title & symbol		Total budgetary resources	3,317,672,000
Guaranteed Student Loans			
91X0230		Amount proposed for rescission	\$ 900,000,000
OMB identification code: 91-0230-0-1-502			
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Legal authority (in addition to sec. 1012):	
Type of account or fund:		<input checked="" type="checkbox"/> Antideficiency Act	
<input type="checkbox"/> Annual		<input type="checkbox"/> Other	
<input type="checkbox"/> Multiple-year	(expiration date)	Type of budget authority:	
<input checked="" type="checkbox"/> No-year		<input checked="" type="checkbox"/> Appropriation	
		<input type="checkbox"/> Contract authority	
		<input type="checkbox"/> Other	

Justification: The Guaranteed student loan program assists students and their parents in financing the costs of postsecondary education by encouraging the availability of low-interest loans through private lenders by providing loan guarantees and interest subsidies.

This rescission is proposed pursuant to the Antideficiency Act (31 U.S.C. 1512), as the funds provided by P. L. 97-377 are in excess of those needed to operate the program in 1983. The program cost estimate used in P. L. 97-377 is no longer valid because of the decline in interest rates and the smaller than expected guaranteed student loan volume in 1982.

Estimated Effect: The rescission will have no effect on program activities. The rescission will reduce the expected carryover of unused program funds from 1983 to 1984.

Outlay Effect: (in millions of dollars)

1983 Outlay Estimate		Outlay Savings	
Without	With	1984	1985
Rescission	Rescission	1983	1986
\$2,284	\$2,284	---	---

R83-12

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
Guaranteed Student Loans

Of the funds provided for fiscal year 1983 in Public Law 97-377, for expenses under title IV, Part B of the Higher Education Act \$900,000,000 are rescinded.

Rescission Proposal No: R83-13

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Education Activities		New budget authority (P.L. 97-276)		Total budgetary resources (unobligated balances)	
Bureau Office of Postsecondary Education		2,800,000		2,800,000	
Appropriation title & symbol		9,000,000		9,000,000	
Higher and continuing education		19,618,566		19,618,566	
9130201 (\$66,941,000)					
91X0201 (\$2,000,000)					
912/30201*					
913/50201*					
913/80201*					
OMB identification code:		Amount proposed for rescission		68,941,000	
91-0201-0-1-502		Legal authority (in addition to sec. 1012):			
Grant program		<input type="checkbox"/> Antidrafting Act			
Type of account or fund:		<input type="checkbox"/> Other			
<input checked="" type="checkbox"/> Annual		Type of budget authority:			
September 30, 1983		<input checked="" type="checkbox"/> Appropriation			
September 30, 1985		<input type="checkbox"/> Contract authority			
<input checked="" type="checkbox"/> Multiple-year		<input type="checkbox"/> Other			
September 30, 1988					
(expiration date)					

Justification: This appropriation includes a wide variety of postsecondary educational programs primarily providing aid to institutions. A total of \$68,941,000 is proposed for rescission under this account: \$29,556,000 for Special Programs for the Disadvantaged, \$3,000,000 for Veterans' Cost of Instruction, \$5,710,000 for the Fund for the Improvement of Postsecondary Education, \$14,400,000 for Cooperative Education, \$10,000,000 for Fellowships for Graduate and Professional Study, \$1,920,000 for Public Service Fellowships, \$2,000,000 for the Carl Albert Congressional Research and Studies Center, \$750,000 for the Robert A. Taft Institute of Government, \$1,000,000 for Legal Training for the Disadvantaged, and \$605,000 for Law School Clinical Experience.

These funds are proposed for rescission under the Higher and continuing education account to eliminate unnecessary government spending by reducing or eliminating funding for low priority programs. The activities financed by these funds either duplicate other services, have a low priority, or are not necessary.

Estimated Effects: This rescission proposal would reduce the number of grant awards made to institutions of higher education, community colleges, and other organizations under Special Programs for the Disadvantaged and the Fund for the Improvement of Postsecondary Education. In addition, the rescission would eliminate the following programs: Veterans' Cost of Instruction, Cooperative Education, Fellowships for Graduate and Professional Study, Public Service Fellowships, Carl Albert Congressional Research and Studies Center, Robert A. Taft Institute of Government, Legal Training for the Disadvantaged, and Law School Clinical Experience. As is noted above, all of these activities duplicate other services, have a low priority, or are not necessary.

* None of the funds in these accounts is proposed for rescission.

** A small amount of funds in this account provides grants to State and local governments; however, none of these funds is proposed for rescission.

R83-13

DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION
Higher and Continuing Education

Of the funds provided for "Higher and Continuing Education" in Public Law 97-377, \$68,941,000 are rescinded for title VIII, title IX, parts B, D, and E; title XI, and sections 417 and 420 of the Higher Education Act; title XIII, part B, subpart I of the Education Amendments of 1980; and H. R. 3598 as passed the House on November 4, 1981.

R83-13

Outlay Effect: (in millions of dollars)

1983 Outlay Estimate		Outlay Savings	
Without Rescission	With Rescission	1983	1985
\$429.7	\$424.2	\$5.5	\$13.8
			\$1.4

R83-14

Rescission Proposal No. R83-14

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 91-344

Agency Education Activities Bureau Office of Educational Research and Improvement	New budget authority (P.L. 91-344) \$ 64,203,000 Other budgetary resources ---
Appropriation title & symbol Educational Research and Statistics 9131100	Total budgetary resources 64,203,000
	Amount proposed for rescission \$ 6,225,000
OMB identification code: 91-1100-0-1-503	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other
Type of account or fund: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input type="checkbox"/> No-year	

Justification: This account consists of the National Institute of Education and the National Center for Education Statistics, which are the chief research and statistical agencies in the Department of Education. The purpose of these programs is to identify and understand factors contributing to major educational problems, national trends, and policy issues.

As part of the President's budget reduction plan, \$6,225,000 of the funds for this account are proposed for rescission. These are lower priority activities that cannot be financed in a period of extreme fiscal stringency.

Estimated Effect: Within this account, a portion of the funds available for the National Institute of Education are proposed for rescission, resulting in a decrease in funds available for new activities. The revised estimate for the Institute's fiscal year 1983 budget authority is \$49,389,000.

Outlay Effect: (in millions of dollars)

	Outlay Savings		
	1983	1984	1985
1983 Outlay Estimate Without Rescission	\$101.3	\$97.9	\$97.9
With Rescission	\$3.5	\$2.5	\$0.2

DEPARTMENT OF EDUCATION
OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT
Educational Research and Statistics

Of the funds provided "Educational Research and Statistics" for fiscal year 1981 in Public Law 97-377, \$6,225,000 are rescinded from the amounts available for the National Institute of Education.

Rescission Proposal No. R83-15

R83-15

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Housing and Urban Development	New budget authority	\$ 1,350,000,000
Bureau Housing Programs	(P.L. 97-272)	
Appropriation title & symbol	Other budgetary resources	597,489
Payments for Operation of Low Income Housing Projects	Total budgetary resources	1,350,597,489
Grant program 8650163	Amount proposed for rescission	\$ 69,000,000

OMB Identification code: 86-0163-0-1-604

Legal authority (in addition to sec. 1012):
☐ Antideficiency Act☐ Other

Type of budget authority:

☒ Appropriation☐ Contract authority☐ Other

Type of account or fund:

☒ Annual☐ Multiple-year☐ No-year

(expiration date)

Justification: This appropriation is used by the Department of Housing and Urban Development (HUD) to make operating subsidy payments to public housing agencies (PHA's). Operating subsidies are necessary because rental income and other revenues are insufficient to cover the costs of operating low rent public housing projects. Subsidies are calculated and distributed on the basis of formula which projects the costs of operating a PHA's housing units. Subsidies for a fiscal year are largely distributed during the corresponding calendar year.

On October 29, 1982, the FY 1983 appropriation was apportioned to make \$1.2 billion available for obligation and to defer \$150 million. Apportionment action has now been taken to release this deferral and to withhold \$69 million as a proposed rescission.

Total program requirements for the FY 1983 are estimated at \$1,281.6 million. This estimate is below the full \$1,350 million level appropriated by Congress primarily for 3 reasons:

- 1) Public housing agencies are expected to be able to generate increased revenues from implementation of the rent increases enacted in the Omnibus Budget Reconciliation Act of 1981 and from interest income.
- 2) A recent regulatory change will switch the basis for estimating projected utility consumption levels to lower levels actually experienced in recent years as a result of improved energy conservation efforts.
- 3) The rate of inflation in non-utility expenses is now expected to be lower than that used in earlier program estimates.

Estimated Effects: This rescission is expected to have no effect upon the operations of public housing agencies as federal subsidies are expected to be reduced only to the extent that operating costs are lower than earlier estimated and other revenue sources are available.

Outlay Effect: (in millions of dollars)

1983 Outlay Estimates		Outlay Savings		
Without Rescission	With Rescission	1983	1984	1985
1,582	1,551	31	38	--
				--

R83-15

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Housing Programs
Payments for Operation of Low-Income Housing Projects

Of the amount appropriated under this head in the Department of Housing and Urban Development -- Independent Agencies Appropriation Act, 1983, \$89,000,000 are rescinded.

Rescission Proposal No: R83-16

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency	Department of the Interior	New budget authority	97-394	\$ 161,096,000
Bureau	National Park Service	(P.L. 97-377)	97-257	91,664,081
Appropriation title & symbol		Other budgetary resources		252,760,081
Construction		Total budgetary resources		
14X1039		Amount proposed for rescission		\$ 63,600,000
OMB identification code:		Legal authority (in addition to sec. 1012):		
14-1039-0-1-303		<input type="checkbox"/> Antideficiency Act		
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other		
Type of account or fund:		Type of budget authority:		
<input type="checkbox"/> Annual		<input checked="" type="checkbox"/> Appropriation		
<input type="checkbox"/> Multiple-year	(expiration date)	<input type="checkbox"/> Contract authority		
<input checked="" type="checkbox"/> No-year		<input type="checkbox"/> Other		

Justification: This appropriation account funds, among other items, construction and major improvement of the approximately 10,000 miles of roads within the 333 units of the national park system. The \$63.6 million proposed for rescission would otherwise fund road projects included in the 1983 National Park Service construction appropriation. This proposal results from a change in the principal funding source for these projects. The Highway Improvement Act of 1982 (P.L. 97-424) appropriated funds from the Highway Trust Fund for Park Service public road projects in 1983-1986, thereby making the funding from the National Park Service account duplicative.

Estimated Effects: The effects on the Park Service road construction program will be negligible, since the 1982 Highway Improvement Act provides \$75 million in contract authority to the Department of Transportation's newly authorized Federal Lands Highway Program for Park Service public road projects in 1983.

Outlay Effect: (In millions of dollars)

1983 Outlay Estimate	Outlay Savings		
	Without Rescission	With Rescission	
182.0	166.1	15.9	47.7
		1983	1984 1985 1986

R83-16

DEPARTMENT OF THE INTERIOR

National Park Service

Construction

Of the amounts appropriated under Public Law 97-257 and 97-394 for Construction, \$63,600,000 is rescinded.

Rescission Proposal No. R83-17

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Transportation	Res budget authority (P.L. 97-424)	\$ 12,660,402,905
Bureau Federal Highway Administration	Other budgetary resources	398,151,912
Appropriation title & symbol	Total budgetary resources	13,058,554,817
Federal-Aid Highways (Trust Fund)	Amount proposed for rescission	\$ 23,200,000
20X8102		
OMB identification code: 20-8102-0-7-401	Legal authority (in addition to sec. 1012):	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Antideficiency Act	
Type of account or fund:	<input type="checkbox"/> Other	
<input type="checkbox"/> Annual	Type of budget authority:	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Appropriation	
<input checked="" type="checkbox"/> No-year	<input checked="" type="checkbox"/> Contract authority	
	<input type="checkbox"/> Other	

Justification: The Federal-aid highways program provides financial and technical assistance to States for planning, designing, and constructing highway and highway safety projects.

This rescission proposal would delete contract authority for a highway project that was duplicatively funded by authority contained in both the second Continuing Resolution (P.L. 97-377) and the Highway Improvement Act of 1982 (P.L. 97-424). The Dodge Island Bridge demonstration project, a project to show how downtown congestion can be relieved by the construction of a high level bridge over an intercoastal waterway, was authorized by both the second Continuing Resolution and the recent Highway Bill. The Administration is proposing to rescind the amount provided under the Continuing Resolution.

Estimated Effects: This rescission has no practical effect on the program because the project will be carried out with the authority in the recent Highway Act. This rescission would only eliminate duplicative authority.

Outlay Effect (in millions of dollars):

	1983	1984	1985	1986
1983 Outlay Estimate Without Rescission	\$8,412
Outlay Savings

R83-17

**Federal-Aid Highways
Liquidation of Contract Authorization
Trust Fund**

\$23,200,000 in additional authority to execute contracts as provided in section 142(b) of P.L. 97-377 is hereby rescinded.

Rescission Proposal No.: R83-18

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L. 97-369) \$ 5,000,000
Bureau Coast Guard	Other budgetary resources 45,000,000
Appropriation title & symbol National Recreational Boating Safety and Facilities Improvement Fund 1/ 6945171	Total budgetary resources 50,000,000
	Amount proposed for rescission \$ 5,000,000
OMB identification code: 69-5171-0-2-403	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input checked="" type="checkbox"/> Contract authority <input type="checkbox"/> Other

Justification: This fund provides grants to States to help facilitate their boating safety-related activities. The Surface Transportation Assistance Act of 1982 (P.L. 97-424, 1/6/83) provided contract authority for this program in 1983 that effectively replaced the \$5,000,000 appropriated for this account by the Department of Transportation Appropriations Act for FY 1983 (P.L. 97-369, 12/17/82). Accordingly, a supplemental budget request has been made for \$5,000,000 of liquidating cash under the contract authority. This rescission of the appropriations is proposed to avoid duplicative funding. These actions are consistent with agreements between the Administration and Congress made during the FY 1983 Congressional appropriations process on the appropriate level of funding for this program.

Estimated effects: This action is a technical adjustment that will have no programmatic impact, but is necessary to avoid duplicative spending.

Outlay effects: The offsetting nature of this rescission proposal and the related supplemental request for liquidating cash will result in no net changes to 1983 outlays.

1983 Outlay Estimate		Outlay Savings		
Without Rescission	With Rescission	1983	1984	1985
5.0	5.0	--	--	--

1/ This account is also the subject of a FY-1983 deferral (D83-61).

R83-18

DEPARTMENT OF TRANSPORTATION

Coast Guard

National Recreational Boating Safety and Facilities
Improvement Fund

The \$5,000,000 provided by P.L. 97-369 under this heading is
hereby rescinded.

Rescission Proposal No. R83-19

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Bureau Corporation for Public Broadcasting	New budget authority (P.L. 97-377)	\$ 130,000,000
Appropriation title & symbol Public Broadcasting Fund 2030151	Other budgetary resources	---
	Total budgetary resources	130,000,000
	Amount proposed for rescission	\$ 45,000,000
OMB identification code: 20-0151-0-1-503	Legal authority (in addition to sec. 1012): <input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input checked="" type="checkbox"/> Annual (1983 advanced appropriation) <input type="checkbox"/> Multiple-year (expiration date) <input type="checkbox"/> No-year		

Justification: The Corporation for Public Broadcasting (CPB) provides Federal assistance to the 230 radio and 170 television stations which comprise the non-commercial broadcasting system. It is the Administration's policy to encourage user and private support whenever possible. The Administration believes that public broadcasting can and should be supported by its audience and through private donations, allowing for the continued reduction of Federal support. The 2-year advance notice provided by this rescission proposal should permit time to plan for the ensuing reductions in Federal funding.

Estimated Effects: The allocation of the CPB's appropriation among its programs is mandated by the Omnibus Reconciliation Act of 1981. Therefore, the \$45 million proposed rescission would be similarly distributed. This distribution would allow approximately \$60 million for Community Service Grants, \$15 million for direct program production and \$10 million for the remaining costs and expenses of the Corporation.

Outlay Effect: (\$ in millions)

1985 Outlay Estimates		Outlay Savings		
Without Rescission	With Rescission	1983	1984	1985 1986
\$130	\$85	--	--	\$45 --

R83-19

Rescission Proposal No: R 93-20

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Corporation for Public Broadcasting

Of the funds provided for "the Corporation for Public Broadcasting" for fiscal year 1985 in Public Law 97-377, \$45,000,000 are rescinded.

Agency Department of Agriculture		New budget authority (P.L. 97-216)	\$ 30,000,000
Bureau Rural Electrification Administration		Other budgetary resources	--
Appropriation title & symbol		Total budgetary resources	30,000,000
Rural Telephone Bank 1244231		Amount proposed for rescission	\$ 23,400,000
OMB Identification code: 12-4231-0-3-452		Legal authority (in addition to sec. 1012):	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Antideficiency Act	
Type of account or fund:		<input type="checkbox"/> Other	
<input type="checkbox"/> Annual		Type of budget authority:	
<input type="checkbox"/> Multiple-year (expiration date)		<input type="checkbox"/> Appropriation	
<input checked="" type="checkbox"/> No-year		<input type="checkbox"/> Contract authority	
		<input type="checkbox"/> Other	

Justification: A rescission of \$23.4 million in Federal Investment of Class A stock of the Rural Telephone Bank is proposed for fiscal year 1983, because the Bank already has sufficient resources to carry out its FY 1983 program.

-- The Federal Government has already satisfied the \$300 million capitalization requirement authorized in the original statute establishing the Bank.

-- The Bank has the authority to raise funds in private credit markets on the \$300 million capital base provided by the Federal Government.

-- The Bank can also borrow from the Treasury at the Treasury's cost-of-money interest rate.

-- These Federal funds are provided to the Bank at a 2% interest rate. Rural telephone systems do not need access to funds at 2% interest.

-- Even with this rescission, Rural telephone borrowers will continue to enjoy low-cost money. The Bank will be reducing its 1983 interest rate from 11.5% to 11% -- well below the current market rate of interest.

Estimated Effects: This proposal will have no effect on the Bank's programs because the funds proposed for rescission are in excess of FY 1983 program needs.

Outlay Effect: (In Millions of Dollars)

1983 Outlay Estimates		Outlay Savings		
Without	With	1983	1984	1985
Rescission	Rescission			
144.9	144.9	--	--	--

R83-20

DEPARTMENT OF AGRICULTURE
Rural Electrification Administration
Rural Telephone Bank

Of the funds appropriated under this head in the Department of Agriculture, Rural Development, and Related Agencies Appropriations Act, 1981, \$23,400,000 are rescinded.

Deferral No: D83-40

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority	\$ 165,132,646
Bureau Appalachian Regional Development	(P.L. 97-377)	
Programs	Other budgetary resources	31,161,153
Appropriation title & symbol	Total budgetary resources	196,493,799
Appalachian Regional Development	Amount to be deferred:	
Programs	Part of year	10,000,000
11x0090 1/	Entire year	
OMB identification code:	Legal authority (in addition to sec. 1013):	
11-0090-0-1-452	<input type="checkbox"/> Antideficiency Act	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other	
Type of account or fund:	Type of budget authority:	
<input type="checkbox"/> Annual	<input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority	
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other	

Justification: This appropriation provides funds for the Appalachian Regional Commission's highway, area development, and research and local development district support activities. The President has proposed that the Commission be terminated on September 30, 1983. Funds associated with non-highway activities will be deferred to pay the termination costs for this account.

Estimated Effect: This deferral action will provide for costs associated with closing down the Appalachian Regional Commission.

Outlay Effect: This deferral has no effect on FY 1981 outlays.

☒ This account was the subject of a similar deferral in FY 1982 (D82-1A) and is also the subject of an FY 1983 rescission (R83-2).

D83-21A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D83-21 transmitted to Congress on December 7, 1982.

This revision to a deferral of Funds Appropriated to the President for Foreign Military Sales Credit increases the amount previously deferred from \$165,000,000 to \$1,175,000,000. This net increase of \$1,010,000,000 results from an increase in budgetary resources made available by the act making further continuing appropriations for 1983 (Public Law 97-377).

Deferral No: D83-21A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Funds Appropriated to the President Bureau International Security Assistance	New budget authority (P.L. 97-377)	\$1,175,000,000*
Appropriation title & symbol Foreign Military Sales Credit 1/ 1131082	Other budgetary resources	
	Total budgetary resources	1,175,000,000*
	Amount to be deferred:	
	Part of year	1,175,000,000*
	Entire year	
OMB identification code: 11-1082-0-1-152	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other	
Type of account or fund: <input checked="" type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority	
<input type="checkbox"/> No-year	<input type="checkbox"/> Other	

JUSTIFICATION: Pursuant to the Arms Export Control Act, the President is authorized to sell or finance by credits or loans to friendly countries defense services for friendly countries. Public Law 97-377 makes continuing appropriations of \$1,175,000,000 for fiscal year 1983 to enable the President to exercise these authorities under section 2 of the Arms Export Control Act, the Section of State, and general direction of sales made under the Act, including determining whether there shall be a sale to a country and the amount thereof. Executive Order 11958 of January 18, 1977, delegated certain of the State and concurrence of the Secretary of Defense and the Secretary of State regarding standards and criteria for credit and guaranty transactions that are based upon national security and financial policies.

These funds have been deferred pending approval of specific loans to eligible countries by the Departments of State, Defense and the Treasury. Consultation among these Departments will ensure that each approved program is consistent with the foreign, national security and financial policies of the United States and will not exceed the limits of available funds.

ESTIMATED EFFECTS: - This deferral will have no programmatic or budgetary impact.

OUTLAY EFFECT: - There is no outlay effect from this deferral because funds will be released as loans are approved.

1/ This account was the subject of a similar deferral in FY 1982 (D82-222).

Deferral No.: D83-22A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Funds Appropriated to the President (AID)	
Bureau International Security Assistance	New budget authority (P.L. 97-377) \$2,661,000,000
Appropriation title & symbol	Other budgetary resources
Economic Support Fund 1/	Total budgetary resources 2,661,000,000*
1131037	Amount to be deferred:
	Part of year 1,901,850,000*
	Entire year
OMB identification code:	
11-1037-0-1-152	Legal authority (in addition to sec. 1013):
Grant program -- <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Antideficiency Act
Type of account or fund:	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Annual	Type of budget authority:
<input type="checkbox"/> Multiple-year (expiration date)	<input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> No-year	<input type="checkbox"/> Contract authority
	<input type="checkbox"/> Other

Justification: Pursuant to the Foreign Assistance Act of 1961, as amended, the President is authorized to furnish assistance to promote economic or political stability in foreign countries on BL-97-377 provides continuing appropriations of \$2,661,000,000 of grant and loan Economic Support Funds to enable the President to carry out those authorities. Under Part II, Chapter 4, of the Foreign Assistance Act, the Secretary of State is responsible for policy decisions and the President is responsible for the execution of those decisions. The President's responsibilities under Chapter 4 to the Secretary of State are limited to the countries and amounts to be provided. Executive Order No. 12163 of September 29, 1979 further delegates the President's responsibilities under Chapter 4 to the Secretary of State. The President's responsibilities under Chapter 4 to the Secretary of State are limited to the countries and amounts to be provided. Justifications for economic support programs and functions will be exercised in cooperation with the Administrator of the Agency for International Development.

The funds are deferred pending approval of specific loans and grants to eligible countries by the Secretary of State. This will insure that each approved program is consistent with the foreign, national security, and financial policies of the U.S. and will not exceed the limits of available funds.

Estimated Effects: This deferral will have no programmatic or budgetary impact.

Outlay Effect: There is no outlay effect from this deferral because funds will be released as loans and grants are approved.

* Revised from previous report: 1/ This account was the subject of a similar deferral in FY 1982 (D82-219).

D83-22A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D83-22, transmitted to the Congress on December 7, 1982.

This revision to a deferral of Agency for International Development economic support funds increases the amount previously deferred from \$554,720,000 to \$1,901,850,000. This net increase of \$1,347,130,000 in amounts deferred reflects new budget authority provided in the Act making further continuing appropriations for 1983 (Public Law 97-377).

Deferral No: D83-29A

DEFERRAL OF BUDGET AUTHORITY Report Pursuant to Section 1013 of P.L. 93-344

Agency	Funds Appropriated to the President	New budget authority (P.L. 97-377)	\$290,000,000*
Bureau	International Security Assistance	Other budgetary resources	4,200,000*
Appropriation title & symbol		Total budgetary resources	294,200,000*
Military Assistance: 1/		Amount to be deferred:	
113/41080		Part of year	233,000,000*
		Entire year	
OMB identification code:		Legal authority (in addition to sec. 1013):	
11-1080-0-1-152		<input type="checkbox"/> Antideficiency Act	
Grant program	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other	
Type of account or fund:		Type of budget authority:	
<input type="checkbox"/> Annual		<input checked="" type="checkbox"/> Appropriation	
<input checked="" type="checkbox"/> Multiple-year September 30, 1984 (expiration date)		<input type="checkbox"/> Contract authority	
<input type="checkbox"/> No-year		<input type="checkbox"/> Other	

Justification: Pursuant to the Foreign Assistance Act (FAA) of 1961, as amended, the President is authorized to furnish grant military assistance to any friendly country or international organization if he finds that it will strengthen the security of the United States or promote world peace. Public Law 97-377 makes continuing appropriations of \$290,000,000 of grant Military Assistance (MAP) funds for fiscal year 1983 to enable the President to carry out this authority. Executive Order No. 12163 of September 29, 1979, as amended, delegates certain of the President's functions under the FAA to the Secretaries of State and Defense. Of the total available, \$233,000,000 is being deferred pending approval of specific country programs by the Departments of State, Treasury, and Defense. Consultation among these Departments will ensure that each approved program is consistent with the foreign, national security and financial policies of the United States and will not exceed the limit of available funds.

Estimated Effects: - This deferral will have no programmatic or budgetary impact.

Outlay Effect: - There is no outlay effect from this deferral because the funds will be released as country programs are approved.

1/ Revised from previous report
This account was the subject of a similar deferral in FY 1982 (D82-223).

D-83-29A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D83-29 transmitted to Congress on December 7, 1982.

The amount deferred for Military Assistance under Funds Appropriated to the President is \$233,000,000. Funds totaling \$11,650,000 from the previous deferral were made available for obligation prior to enactment of P.L. 97-377, making further continuing appropriations for FY 1983. The amount deferred, a net increase of \$21,350,000 over the amount originally reported as deferred, results from an increase in budgetary resources made available by P.L. 97-377.

D83-344

Deferral No: D83-41

DEFERRAL OF BUDGET AUTHORITY Report Pursuant to Section 1013 of P.L. 93-344

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of
Public Law 93-344

This report updates Deferral Report No. D83-34, transmitted to the Congress on
December 16, 1982.

This revision to a deferral of Animal and Plant Health Inspection Service funds in the
Department of Agriculture increases the amount deferred from \$2,134,000 to \$6,200,000. The
increase of \$4,066,000 is due to increased resources provided by P.L. 97-370, the Agriculture,
Rural Development and Related Agencies Appropriations Act, 1983.

Agency Department of Agriculture	New budget authority (P.L. 97-370)	\$ 194,925,000
Bureau Soil Conservation Service	Other budgetary resources	21,790,354
Appropriation title & symbol Watershed and Flood Prevention Operations 1/ 12X1072	Total budgetary resources	216,715,354
	Amount to be deferred: Part of year	10,329,000
	Entire year	
OMB identification code: 12-1072-0-1-301	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation	
Type of account or fund: <input type="checkbox"/> Annual	<input type="checkbox"/> Contract authority	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Other	
<input checked="" type="checkbox"/> No-year		

Justification: This program provides technical and financial assistance to sponsors
of projects authorized under P.L. 566 and P.L. 534 in carrying out planned works of
improvement to protect, develop and utilize the land and water resources in small
watersheds (under 250,000 acres) and in the sub-watersheds of the eleven authorized
river basins.

The deferral is made to withhold these funds pending Congressional action on the
proposal to transfer them to other accounts of the Soil Conservation Service to be
used to help defray increased pay costs.

Estimated Effects: This deferral will not reduce the level of technical and
financial assistance for new construction starts that Congress directed the Soil
Conservation Service to initiate in the FY 1983 Appropriation Act. It will affect
the technical and financial assistance to projects already under construction in
FY 1983.

Outlay Effect: This deferral action will have no net effect on FY 1983 outlays
since all funds proposed for transfer will be used to help defray Department of
Agriculture pay costs.

☒ This account was the subject of a deferral in FY 1982 (D82-244) and a rescission
in FY 1983 (R83-4).

Deferral No: D83-344

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 92-370)	\$267,915,000
Bureau Forest Service	Other budgetary resources	8,719,000
Appropriation title & symbol	Total budgetary resources	276,634,000
Animal and Plant Health Inspection Service Salaries and Expenses 1231600	Amount to be deferred: Part of year	6,200,000
	Entire year	
OMB identification code: 12-1600-0-1-352	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input type="checkbox"/> No-year		

Justification: The Animal and Plant Health Inspection Service protects the animal and plant resources of the nation from destructive pests and diseases. The purpose of the deferral of these funds is to establish a contingency reserve for unappropriated emergency activities should additional funding be needed. This action will eliminate the need to transfer funds from the Commodity Credit Corporation unless funds needed for emergency purposes exceed \$6.2 million. This deferral is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: This deferral action will restrain obligations for the brucellosis program and set aside funding to meet unforeseen and unappropriated commitments associated with mandates for the Animal and Plant Health Inspection Service.

Outlay Effect: This deferral action has no outlay effect on the Animal and Plant Health Inspection Service account since funds will be obligated as contingencies arise.

Deferral No: D83-42

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 97-394)	\$182,500,000
Bureau Forest Service	Other budgetary resources	108,685,000
Appropriation title & symbol	Total budgetary resources	291,185,000
National Forest System, 1/ 123/41106	Amount to be deferred: Part of year	
	Entire year	108,035,000
OMB identification code: 12-1106-0-1-302	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year September 30, 1984 (expiration date) <input type="checkbox"/> No-year		

Justification: Funds appropriated for Reforestation and Timber Stand Improvement, \$108,035,000 for FY 1983, are being deferred due to the activation of the Reforestation Trust Fund established pursuant to Public Law 96-451 (16 U.S.C. 1606a), 94 Stat. 1991 (The Act) dated October 14, 1980.

Funds totaling \$108,035,000 will be transferred from the Reforestation Trust Fund to finance this activity. Accordingly, a corresponding amount from this account is being deferred as excess to program needs in FY 1983. The deferred funds will be obligated in FY 1984 for purposes specified by Interior Appropriations Act, 1983 (P.L. 97-394). This deferral action is taken pursuant to the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: There are no programmatic or budgetary effects resulting from this deferral action.

Outlay Effect: This deferral action will have no effect on FY 1983 outlays.

Y This account was the subject of a FY 1982 deferral (D82-180).

D83-2A

1 SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of Public
Law 93-344

This report updates Deferral No. D83-2 transmitted to the Congress on October 1, 1982.

This revision to a deferral in the Timber Salvage Sales account in the Department of Agriculture's Forest Service increases the amount deferred from \$10,002,000 to \$13,107,416. This increase of \$3,105,416 is attributable to a corresponding increase in the amount of unobligated balances brought forward into FY 1983.

Deferral No: D83-2A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Agriculture	Has budget authority	\$ 7,900,000
Bureau Forest Service	(P.L. 93-588)	13,107,416
Appropriation title & symbol	Other budgetary resources	
Forest Service Permanent Appropriations 1/ - 125204 - Timber Salvage Sales	Total budgetary resources	21,007,416
	Amount to be deferred:	
	Part of year	13,107,416
	Entire year	
OMB identification code: 12-9922-0-2-302	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

JUSTIFICATION: The National Forest Management Act of 1976 authorized the Secretary of Agriculture to require purchasers of sales involving dead, damaged, insect infested, or down timber to make monetary deposits into a designated fund to cover the costs associated with such sales.

This deferral is necessary because of the time lag between the deposit of receipts from salvage sales and the expenditures of funds to cover costs associated with making additional sales on that National Forest.

The collections becoming available in the current year are estimated and the related salvage sale operations may not necessarily be planned in the same year. Efficient program planning and accomplishment is facilitated by administering a stable program well within the funds available in any one year for this purpose.

An apportionment of \$7,900,000 has been made for this program in the current fiscal year compared with \$12,389,000 in fiscal year 1982, which was the fifth full year of operation of this program.

The amount deferred is in excess of planned program requirements and is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

1/ This account was the subject of a deferral in FY 1982 (D82-2A).

Deferral No: D83-43

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-144

Agency	Department of Commerce	New budget authority (P.L. 97-377)	\$ 168,500,000
Bureau	Economic Development Administration	Other budgetary resources	30,400,000
Appropriation title & symbol	Economic Development Assistance Programs	Total budgetary resources	198,900,000
1332050		Amount to be deferred:	
		Part of year	181,900,000
		Entire year	
OMB Identification code:	13-2050-0-1-452	Legal authority (in addition to sec. 1013):	
Grant program	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Antideficiency Act	
Type of account or fund:	<input checked="" type="checkbox"/> Annual	<input type="checkbox"/> Other	
	<input type="checkbox"/> Multiple-year (expiration date)	Type of budget authority:	
	<input type="checkbox"/> No-year	<input checked="" type="checkbox"/> Appropriation	
		<input type="checkbox"/> Contract authority	
		<input type="checkbox"/> Other	

Justification: The objectives of the Economic Development Administration (EDA) are to assist economically distressed areas and to deal with problems of economic adjustment. Aid provided includes grants, loans and loan guarantees.

Consistent with the Administration's objective to restrain Federal expenditures, this deferral action is being taken pending Congressional action on a proposed supplemental to transfer \$168,500,000 to the Small Business Administration to honor commitments to purchase defaulted guaranteed loans made in previous years and to transfer \$23,400,000 to the Economic Development Revolving Fund for defaults, interest payments to the Treasury and care and protection of collateral.

EDA's programs have not been effective in creating net new development and jobs, and consequently EDA funds are being recommended for transfer to meet higher priority needs.

Estimated Effects: EDA activities would be phased out as soon as possible in 1983 and there would be sufficient resources available to fund the few projects currently in its pipeline if Congress approved the proposed transfer.

Outlay Effect: This deferral action will have no effect on FY 1983 outlays. The subsequent transfer of funds out of this account will reduce FY 1983 and FY 1984 outlays by \$26.9 million and \$57.6 million respectively, and will reduce outlays in the outyears by \$97.4 million.

D83-2A

Estimated Effects: There are no programmatic or budgetary effects that result from this deferral action. Rather, the reserve reflects the resources that are not currently required for obligational authority in meeting current year's program requirements.

Any emergency funding needed to meet the necessary obligations to sell material as a result of a catastrophe must come from the available funds with the present reserve.

Outlay Effect: There will be no outlay effect from this deferral action since the remaining funds are adequate to carry out the planned program.

Deferral No: D83-44

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce Bureau International Trade Administration	New budget authority (P.L. 93-377) Other budgetary resources	\$ 166,426,000 11,558,929
Appropriation title & symbol Operations and Administration 13X1250	Total budgetary resources	177,984,929
	Amount to be deferred:	20,100,000
	Part of year	
	Entire year	
OMB identification code: 13-1250-0-1-376		
Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act		
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year		

Justification: The 1983 appropriation included \$27,500,000 for Trade Adjustment Assistance (TAA) to firms. This program provides technical assistance grants, direct loans, and loan guarantees to firms that have been injured by imports. The Administration has determined that this program should be terminated because it has for the most part failed to achieve its objective of facilitating adjustment. The TAA program has consistently suffered from a high default rate because many of the beneficiary firms go bankrupt shortly after receiving assistance.

The President's Budget proposes that \$20,100,000 (the uncommitted balance of the 1983 appropriation for TAA) be transferred from this account to the Small Business Administration via supplemental appropriation. The transfer would enable SBA to honor commitments made in previous years to purchase defaulted guaranteed loans. This deferral would preserve these funds pending Congressional action on the proposed transfer.

Estimated Effects: This deferral will suspend new TAA commitments pending Congressional action on the proposed transfer. If Congress approves the transfer, TAA to firms will be terminated.

Outlay Effect: This deferral is not expected to affect 1983 outlays, although some outlay slippage could result from delayed Congressional action on the proposed transfer. If Congress approves the transfer, outlays in this account will be reduced by \$7,640,000 in 1983, \$9,260,000 in 1984, and \$3,200,000 in 1985.

Deferral No: D83-45

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce Bureau National Oceanic and Atmospheric Administration	New budget authority (P.L. 93-377) Other budgetary resources	\$ 18,810,910 18,810,910
Appropriation title & symbol Construction 13X1452 1/	Total budgetary resources	18,810,910
	Amount to be deferred:	2,000,000
	Part of year	
	Entire year	1,000,000
OMB identification code: 13-1452-0-1-306		
Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act (\$1,000,000)		
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year		

Justification: This account provides for the planning and construction of administrative and research facilities (Western Regional Center (WRC)) at Sand Point, Seattle, Washington. A total of \$3,000,000 is being deferred because construction costs for the WRC have been less than anticipated. NOAA proposes to transfer \$2,000,000 to the Operations, Research and Facilities appropriation to offset pay costs during FY 1983. These funds are being deferred to preserve them until Congress acts on the request to transfer them. In addition, construction of the WRC will not be completed in FY 1983 and an additional \$1,000,000 is being deferred until FY 1984. This deferral is consistent with Congressional intent to provide no-year funding for this project and is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects:

This deferral action will not affect the construction of the WRC during FY 1983.

Outlay Effect: This deferral action will have no effect on FY 1983 outlays.

☒ This account was the subject of a similar deferral in FY 1982 (D82-58), and is the subject of a proposed rescission in FY 1983 (D83-1).

Deferral No: D83-46

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Defense- Military	New budget authority (P.L. 97-377)	\$16,076,700.00
Bureau	Procurement	Other budgetary resources	37,000.00
Appropriation title & symbol	Shipbuilding and Conversion, Navy 1/ 17 3/7 1611	Total budgetary resources	16,113,700.00
		Amount to be deferred: Part of year	\$
		Entire year	2,400,000.00
OMB identification code: 17-1611-0-1-051		Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation	
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year September 30, 1987 (expiration date)		<input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification: This appropriation provides for construction, acquisition or conversion of naval vessels. Due to the long period of time required to build ships, the Congress makes appropriations available for five-year periods. Since these funds are, by law, made available beyond the current year, they are not fully apportioned in the current year until program plans have fully developed. The unapportioned amount is withheld and released as the program develops and additional funds are required.

Prudent financial management requires the deferral of those funds that could not be used effectively even if made available for obligation.

The above multi-year funds are currently being deferred under provisions of the Antideficiency Act (31 U.S.C. 1512) that authorize the establishment of reserves for contingencies.

Estimated Effects: Deferral of \$2,400,000,000 will have no programmatic or budgetary effect since the funds could not be obligated at this time if made available.

Outlay Effects: This deferral action has no effect on outlays.

1/ This account was the subject of a similar deferral in fiscal year 1982 (D82-227).

Deferral No: D83-47

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Defense - Civil	New budget authority (P.L. 97-377)	\$1,421,405,000
Bureau	Corps of Engineers - Civil	Other budgetary resources	372,455,395
Appropriation title & symbol	Construction, General 1/ 96X3122	Total budgetary resources	1,793,860,395
		Amount to be deferred: Part of year	\$ 180,000,000
		Entire year	
OMB identification code: 96-3122-0-1-301		Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation	
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year (expiration date)		<input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification: This account funds the continuing construction of water resource development projects. Funds totaling \$140M are deferred pending Congressional action on proposals to transfer \$110,000,000 to the Operation and Maintenance, General Account and \$30,000,000 to the Flood Control, Mississippi River and Tributaries Account. The remaining \$40M is deferred to finance part of the FY 1984 construction program. The transfer proposals are intended to remedy the problems of appropriations far in excess of requirements to continue project construction on schedule and insufficient funds to conduct a normal maintenance program.

Estimated Effect: This deferral will have no programmatic effect as construction projects will be maintained on schedule.

Outlay Effect: This deferral has no effect on FY 1983 since funds would not be obligated in this account if made available.

1/ This account was the subject of a deferral in FY 1982 (D82-39).

D83-8A

Deferral No: D83-48

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency	Energy Activities	New budget authority (P.L. 97-377)	\$ 361,722,000
Bureau	Energy Programs	Other budgetary resources	35,034,058
Appropriation title & symbol	Energy Supply Research and Development Activities Plant and Capital Equipment, 990225 1/	Total budgetary resources	396,756,058
OMB identification code:	89-0225-0-1-271	Amount to be deferred: Part of year	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Entire year	91,107,000
Type of account or fund:	<input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year <input checked="" type="checkbox"/> No-year	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other	
Type of budget authority:	<input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other		

JUSTIFICATION: This appropriation provides plant and capital equipment support for research and development of energy technologies.

The FY 1983 level of appropriations for this account in the Act Making Further Continuing Appropriations FY 1983 (P.L. 97-377) is based upon the FY 1982 current rate of operations. The Conference Report directed the Department of Energy to follow the program recommendations of the Appropriation Committees contained in the House and Senate Reports accompanying the 1983 appropriations bills. The Department of Energy has, therefore, prepared a program plan for Energy Supply R&D activities in accordance with this expression of Congressional intent. As a result, use of the entire amount provided under the Continuing Resolution is not expected to be needed in FY 1983. Accordingly, the excess is being deferred. This deferral is being taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: This deferral will not have any identifiable programmatic effects since the funds deferred are in excess of the amount required to satisfy Congressional directives.

Outlay Effects: This deferral will have no effect on FY 1983 outlays.

1/ This account was the subject of a deferral in FY 1982 (D82-104).

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(C) of P.L. 93-344

This report updates Deferral No. D83-8, transmitted to the Congress on October 1, 1982.

This revision to a deferral of Energy Activities Fossil Energy Research and Development decreases the amount previously reported as deferred from \$20,136,000 to \$5,000,000. The decrease of \$15,136,000 reflects a change from a part of year deferral to an entire year deferral of funds.

Deferral No: D83-8A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Energy Activities	(P.L. 93-344) 2,000,000*
Bureau Energy Programs	(P.L. 93-344) \$ 215,214,000*
Appropriation title & symbol	Other budgetary resources 136,637,249 *
	Total budgetary resources 354,151,249 *
Fossil Energy Research and Development 1/	
89X0213	
Amount to be deferred:	
Part of year	*
Entire year	5,000,000*
OMB identification code:	
89-0213-0-1-271*	Legal authority (in addition to sec. 1013):
Grant program	<input type="checkbox"/> Antideficiency Act
	<input type="checkbox"/> Other
Type of account or fund:	
<input type="checkbox"/> Annual	Type of budget authority:
<input type="checkbox"/> Multiple-year	<input checked="" type="checkbox"/> Appropriation
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Contract authority
	<input type="checkbox"/> Other

Justification: The Fossil energy research and development program conducts research and development in the areas of coal, petroleum and gas. The development and demonstration of near term technologies, supported in the past by this program, are no longer being funded by the Federal government. This reauthorization permits the deferral of excess funds for the entire year resulting in a reduction in the FY 1984 appropriation request.

Estimated effects: This deferral has no programmatic impact.

Outlay Effects: This deferral action will shift \$5,000,000 in outlays from FY 1983 to FY 1984.

* Revised from previous report.

1/ This account was the subject of a deferral in FY 1982 (D82-236).

Deferral No: D83-49

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Energy Activities	New budget authority (P.L. 93-344) \$
Bureau Energy Programs	Other budgetary resources 51,041,891
Appropriation title & symbol	Total budgetary resources 51,041,891
Fossil Energy Construction 1/	
89X0214	
Amount to be deferred:	
Part of year	\$ 20,000,000
Entire year	
OMB identification code:	
89-0214-0-1-271	Legal authority (in addition to sec. 1013):
Grant program	<input checked="" type="checkbox"/> Antideficiency Act
	<input type="checkbox"/> Other
Type of account or fund:	
<input type="checkbox"/> Annual	Type of budget authority:
<input type="checkbox"/> Multiple-year	<input checked="" type="checkbox"/> Appropriation
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Contract authority
	<input type="checkbox"/> Other

Justification: The Fossil Energy Program conducts research and development in the areas of coal, petroleum, and gas. Development and demonstration of near term technologies supported in the past by this program are no longer funded by the Federal government. This reauthorization permits the deferral of excess funds for the entire year resulting in a reduction in the FY 1984 appropriation request. This deferral action is taken under provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated effects: This deferral has no programmatic impact.

Outlay Effects: This deferral action will shift \$20,000,000 in outlays from FY 1983 into FY 1984.

1/ This account was the subject of a deferral in FY 1982 (D82-9).

Deferral No: D83-50

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Energy Activities	New budget authority (P.L. 97-376)	\$ 242,118,000
Bureau Energy Programs	Other budgetary resources	77,999,115
Appropriation title & symbol Strategic Petroleum Reserve 89X0218 1/-	Total budgetary resources	320,117,115
	Amount to be deferred: Part of year	\$
	Entire year	57,400,000
OMB identification code: 89-0218-0-1-274	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification: Funds appropriated to this account are used for storage facility development, planning and administration of a 750 million barrel (MB) Strategic Petroleum Reserve (SPR).

Phase III of the Reserve, which will provide a storage increment of 201 MB (to 750 MB), is currently under development. The Department currently plans to complete detailed design and site acquisition activities for Phase III, but initiate construction for only a portion of Phase III at this time. Specifically, construction of 140 MB of storage capacity at the Big Hill, Texas site and 10 MB of capacity at West Hackberry, Louisiana will not be initiated this year. FY 1983 and prior year funds for Phase III construction activities not being initiated are being deferred. These funds will be used to offset funding requests for FY 1984 Phase III development at the Bryan Mound, Texas and West Hackberry sites.

Estimated Effects: This deferral action delays construction-related activities associated with a portion of Phase III of the Reserve. The remaining portion of Phase III construction will be unaffected. The overall development schedule for Phase III will be reanalyzed and a new schedule developed next year. This deferral will result in some delay in the completion of the 750 MB Reserve. However, this delay will have no effect on U.S. emergency preparedness capabilities in the near term, and in particular, the level of storage capacity and oil fill in 1983 and 1984 will be unchanged.

Outlay Effects: This deferral shifts \$50.5 million of FY 1983 outlays into FY 1984.

17 This account was the subject of a deferral in FY 1982 (D82-10A).

Deferral No: D83-51

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Energy Activities	New budget authority (P.L. 97-377)	\$ 200,468,000
Bureau Departmental Administration	Other budgetary resources	184,003,892
Appropriation title & symbol Departmental Administration, Operating Expenses, 89X0228	Total budgetary resources	384,471,892
	Amount to be deferred: Part of year	\$
	Entire year	21,767,000
OMB identification code: 89-0228-0-1-276	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification: This account includes funds for an array of policy development and analysis activities, institutional and public liaison functions, and other program support requirements necessary to ensure effective departmental operation and management. The FY 1983 level of appropriations for this account under the Act making further continuing appropriations, FY 1983 (P.L. 97-377) is based upon the FY 1982 current rate of operations. The Conference Report directed the Department of Energy to follow the program recommendations of the Appropriations Committee contained in the House and Senate Reports accompanying the 1983 appropriations bills. The Department of Energy has, therefore, prepared a program plan for Departmental Administration, Operating Expenses activities in accordance with this expression of Congressional intent. As a result, use of the entire amount provided under the Continuing Resolution is not expected to be needed in FY 1983. Accordingly, the excess is being deferred. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: This deferral will not have any identifiable programmatic effects since the funds deferred are in excess of the amount required to satisfy Congressional directives.

Outlay Effects: This deferral will have no effect on FY 1983 outlays.

Deferral No: D83-52

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Energy Activities	New budget authority (P.L. 97-377)	\$ 32,593,000
Bureau Departmental Administration	Other budgetary resources	3,748,167
Appropriation title & symbol	Total budgetary resources	\$6,341,167
Departmental Administration, Plant and Capital Equipment, 85X0229	Amount to be deferred: Part of year	\$
	Entire year	12,693,000
OMB identification code: 89-0229-0-1-276	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year		

Justification: This account includes funds for program support and agency conservation requirements that support effective departmental operation and management. The FY 1983 level of appropriations for this account under the Act making further appropriations, FY 1983 (P.L. 97-377) is based upon the FY 1982 current rate of operations. The Conference Report directed the Department of Energy to follow the program recommendations of the Appropriations Committee contained in the House and Senate Reports accompanying the 1983 appropriations bill. The Department of Energy has, therefore, prepared a program plan for Departmental Administration, Plant and Capital Equipment activities in accordance with this expression of Congressional intent. As a result, use of the entire amount provided under the Continuing Resolution is not expected to be needed in FY 1983. Accordingly, the excess is being deferred. This deferral is being taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: This deferral will not have any identifiable programmatic effects since the funds deferred are in excess of the amount required to satisfy Congressional directives.

Outlay Effects: This deferral will have no effect on FY 1983 outlays.

Deferral No: D83-53

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 97-377)	\$ 47,026,000
Bureau Social Security Administration	Other budgetary resources	20,489,367
Appropriation title & symbol	Total budgetary resources	67,515,367
Limitation on Administrative Expenses 1/ 75X8704	Amount to be deferred: Part of year	
	Entire year	9,633,000
OMB identification code: 75-8704-0-7-601	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year		

Justification: This account provides funding for construction and renovation of the Social Security Administration's headquarters and field office buildings. During FY 1983, the Social Security Administration (SSA) expects to continue construction of several new district office buildings and to expand offices that have become overcrowded. In reviewing plans for FY 1983, SSA identified \$9,633,000 in funds available from prior years that cannot be obligated in FY 1983 because of the time-consuming nature of the construction process. Consequently, these funds are being deferred. This deferral action of the no-year funds is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: There is no programmatic or budgetary effect from this deferral.

Outlay Effects: This deferral has no effect on FY 1983 outlays because these funds could not be obligated if made available.

1/ This account was the subject of a deferral in FY 1982 (D82-237A).

D83-54

Deferral No: D83-54

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 97-344

Agency/Department of Housing & Urban Development	New budget authority (P.L. 97-377)	\$ 9,651,475,689
Bureau Housing Programs	Other budgetary resources	7,297,016,198
Appropriation title & symbol	Total budgetary resources	15,948,491,887
Subsidized Housing Programs 1/ 86X0139	Amount to be deferred:	
	Part of year	\$ 3,081,152,796
	Entire year	
OMB identification code: 86-0139-0-1-604	Legal authority (in addition to sec. 1013):	
	<input type="checkbox"/> Antideficiency Act	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Type of budget authority:	
Type of account or fund:	<input type="checkbox"/> Appropriation	
<input type="checkbox"/> Annual	<input checked="" type="checkbox"/> Contract authority	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Other	
<input checked="" type="checkbox"/> No-year		

Justification: This account provides budget authority to enter into long-term subsidy contracts for the Lower Income Housing Assistance Payments program (Section 8), the Public Housing Production program, and the Public Housing Modernization program. These programs are carried out, in part, through grants to State and local authorities.

Budget authority made available in FY 1983 from the recovery of prior year reservations, is proposed for deferral for the entire year. This money is being deferred in order to ensure that sufficient budget authority is available to complete the conversion of long-term subsidy commitments from the Rent Supplement and Rental Housing Assistance programs to the Section 8 program.

Currently, neither the Rent Supplement nor the Rental Housing Assistance programs have a mechanism for providing increases in the Federal subsidy to offset increases in the cost of operating units in these programs. The policy of conversion of 171,101 insured Rent Supplement and 13,000 Rental Housing Assistance units to Section 8, which has been in effect for the last two years, provides a long-term solution to the problem of annual adjustments to fund cost increases in these projects. The Section 8 contracts include a built-in reserve which can be used to provide these units with needed subsidy increases.

1/ This account was the subject of a deferral in FY 1982 (D82-182).

The conference reports accompanying P.L. 97-216 and P.L. 97-377 set-aside budget authority for the conversion of a total of 120,000 Rent Supplement and Rental Housing Assistance units. However, there remain 64,101 units which are to be converted but for which budget authority has not yet been set-aside. In order to assure the orderly completion of the entire 184,101 unit inventory of insured Rent Supplement and Rental Housing Assistance units, the Administration is deferring sufficient amounts of budget authority.

Estimated Program Effects: By providing the Rent Supplement and Rental Housing Assistance units a mechanism by which the increased costs can be defrayed without imposing intolerable burdens on existing tenants or raising vacancy rates, the probability of defaults and subsequent claims against the FHA Fund will be reduced.

Outlay Effects: This deferral action will delay the obligation of Section 8 budget authority by one year. This will reduce 1983 outlays by \$76 million and 1984 outlays by \$79 million.

D83-11A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1013 of Public Law 93-344

This report updates Deferral No. D83-11, transmitted to the Congress on October 1, 1982.

This revision to a deferral of National Park Service funds in the Department of Interior increases the amount deferred from \$30,000,000 to \$33,000,000. The increase of \$3,000,000 is attributable to the need to set aside part of the additional budgetary resources provided in P.L. 97-394, the Department of Interior and Related Agencies Appropriations Act, 1983, and prior-year appropriations acts to finance the cost of administering outdoor recreation grants to the States in FY 1984. In addition, this report reflects the merger of the Land and Water Conservation Fund and the Land Acquisition account within the National Park Service.

D83-11A

Deferral No:

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of the Interior	New budget authority (P.L. 97-394)	\$142,505,000 *
Bureau	National Park Service	Other budgetary resources	136,231,228 *
Appropriation title & symbol		Total budgetary resources	278,736,228 *
145005 Land Acquisition and State Assistance 1/		Amount to be deferred: Part of year	
		Entire year	33,000,000 *
OMB identification code: 14-5035-0-2-303 *		Legal authority (in addition to sec. 1013):	
		<input checked="" type="checkbox"/> Antideficiency Act (\$30,000,000)	
		<input type="checkbox"/> Other	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Type of budget authority:	
		<input checked="" type="checkbox"/> Appropriation	
		<input checked="" type="checkbox"/> Contract authority (\$30,000,000)	
		<input type="checkbox"/> Other	
Type of account or fund:			
<input type="checkbox"/> Annual			
<input type="checkbox"/> Multiple-year (expiration date)			
<input checked="" type="checkbox"/> No-year			

Justification: The Land and Water Conservation Fund (LWCF) finances grants to the States for outdoor recreation purposes (as authorized by 16 U.S.C. 4601-4). Funding for these grants is now contained in the National Park Service's land acquisition and state assistance appropriation account.

Under existing law, \$30 million of contract authority becomes available each fiscal year to the NPS in addition to regular appropriations. This authority is made available for use specifically as an anti-inflation measure in purchasing authorized Federal recreation lands. The authority was last used in 1969 and 1970, lapsing in fiscal years 1971-1981 and restricted by Congressional action for fiscal 1982. Deferral of these funds is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

The Administration proposes in the FY 1984 Budget to pay administrative expenses for prior-year grants to States from prior-year balances carried forward into 1984. Accordingly, \$1,300,000 of the Secretary's grant contingency fund for 1982 and prior-year balances and \$700,000 of Federal administrative expenses funding appropriated in 1983 are being deferred for the entire year. Appropriation language is proposed to make contingency grant funds available for administrative expenses in FY 1984.

Estimated effects: Funds available for outdoor recreation grants from the Secretary's contingency fund will be reduced by \$2,300,000. The exact impact

D83-11A

D83-55

Deferral No:

DEFERRAL OF BUDGET AUTHORITY Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of the Interior	New budget authority (P.L. 97-394)	\$ 72,011,000
Bureau	Office of Territorial Affairs	Other budgetary resources	6,364,028
Appropriation title & symbol	Administration of Territories 1/ 14X0412	Total budgetary resources	78,375,028
		Amount to be deferred: Part of year	3,188,000
		Entire year	
NS Identification code: 14-0412-0-1-806		Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual		Type of budget authority: <input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Multiple-year (expiration date)		<input type="checkbox"/> Contract authority	
<input checked="" type="checkbox"/> No-year		<input type="checkbox"/> Other	

Justification: The program affected by this deferral is the construction of a hospital in the Northern Mariana Islands. \$10 million was appropriated for FY 1983. The anticipated U.S. contribution will total \$15 million. All new budget authority will not be required in the current year. The funds deferred will be made available during the fourth quarter of FY 1983 for the annual guaranteed inflation adjustment of the Northern Marianas Covenant grant, as required in P.L. 94-241. This deferral action is taken under provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated effect: This deferral action will restrict the obligation of Federal funds prior to the need for the cash draw down of such funds. Additionally, deferring the money until later in the year for the annual inflation payment will eliminate the need for supplemental appropriations.

Outlay effect: The effect of this deferral and realignment of funds will be to increase outlays in the current year by approximately \$2 million. Funds would not be drawn down for hospital construction during the current year, but payment of the inflation adjustment in the fourth quarter will result in outlays of approximately \$2 million.

☒ This account was the subject of a deferral in FY 1982 (D82-55).

on services to the public will depend on the availability of other resources at the State level to offset this reduction. The \$700,000 for administrative expenses are deferred without reducing the 1983 operating program level by using other available resources. Deferral of the contract authority will have no programmatic or budgetary effect, as it is expected to be made available for obligation only in unforeseeable circumstances.

Outlay effect: This deferral action will shift \$700,000 in Federal administrative outlays and \$2,300,00 in FY 1983-1986 grant outlays into 1984.

☒ This account was the subject of a deferral in FY 1982 (D82-14A).

* Revised from previous report.

Deferral No: D83-56

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Justice	New budget authority (P.L. 93-377)	\$ 18,000,000
Bureau Interagency Law Enforcement	Other budgetary resources	
Appropriation title & symbol Organized Crime Drug Enforcement 150323	Total budgetary resources	18,000,000
	Amount to be deferred: Part of year	\$ 13,656,000
	Entire year	
OMB identification code: 15-0323-0-1-751	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification: This appropriation reimburses the Federal Prison System for constructing, remodeling and equipping necessary buildings and facilities at existing penal and correctional institutions. Projects are undertaken to reduce overcrowding and provide a safe and humane environment for staff and inmates. Due to the time required for planning, design efforts and selecting contractors, it is not possible to complete these projects during FY 1983. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Effect: There are no programmatic or budgetary effects from this deferral because the amount deferred for the entire year could not be economically used if made available in FY 1983.

Outlay Effect: This deferral has no effect on FY 1983 outlays.

Deferral No: D83-57

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of State	New budget authority (P.L. 97-377)	\$ 444,315,000
Bureau International Organizations and Conferences	Other budgetary resources	
Appropriation title & symbol Contributions to International Organizations	Total budgetary resources	444,315,000
1931126	Amount to be deferred: Part of year	8,111,000
	Entire year	
OMB identification code: 19-1126-0-1-153	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Type of account or fund: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification: This appropriation provides the United States' share of the costs of the United Nations and specialized agencies, Inter-American Organizations, Regional Organizations and other international organizations. The United States' membership in these organizations, which has been authorized by conventions, treaties or specific acts of Congress, constitutes an obligation for payment of its share of the assessed budgets.

Savings have been realized from new credits made available to the United States from prior year surpluses, lower tax reimbursement estimates, and exchange rate savings for several organizations. These funds are deferred pending transfer to the Salaries and expenses appropriation to partially offset pay act supplemental requirements. If the transfer is not approved by the Congress, these funds will be proposed for rescission. This deferral action is taken under provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: This deferral will preserve these funds pending Congressional action on the transfer request.

Outlays Effect: This deferral action will have no effect on outlays. The transfer request, if approved by the Congress, will reduce FY 1983 outlays in this account by \$8,111,000. The reduction will be offset by an outlay increase in the account receiving the funds if the Congress approves the transfer request.

Deferral No: D83-58

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of State Bureau	New budget authority (P.L. 97-377) \$ 1,700,000 Other budgetary resources 2,000,000 Total budgetary resources 3,700,000
Appropriation title & symbol United States Bilateral Science and Technology Agreements 1/ 19X1151	Amount to be deferred: Part of year \$ 2,000,000 Entire year
OMB identification code: 19-1151-0-1-153	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year <input checked="" type="checkbox"/> No-year	Expiration date

Justification: This appropriation finances the United States share of expenses associated with funding selected science and technology projects through joint funds established with Yugoslavia and Poland. Projects selected by the managing United States-Yugoslavia Joint Board and the United States-Poland Joint Board are usually in the areas of agriculture, energy, ecology, technology, health, and transportation. In this appropriation, \$2,000,000 was planned for the first year funding of a five year S&T agreement with Poland. Negotiations on the agreement have been suspended since the Polish Government imposed martial law on December 13, 1981. These funds are deferred until such time as the President authorizes the lifting of sanctions against the Government of Poland. When satisfactory internal conditions exist in Poland, agreement negotiations can be speedily resumed in a manner which would signal U.S. support for the improved environment. The deferral was not reported earlier due to an administrative oversight.

Estimated effect: This deferral action will continue to delay obligations for the agreement with Poland.

Outlay effect: This deferral action will shift FY 1983 outlays to a later year when conditions improve in Poland.

1/ This account was the subject of a similar deferral during FY 1982.
(D82-230A)

Deferral No: D83-59

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Transportation Bureau Urban Mass Transportation Administration	New budget authority (P.L. 97-424) \$ 779,000,000 Other budgetary resources 779,000,000 Total budgetary resources 1,558,000,000
Appropriation title & symbol Mass Transportation Capital Fund 69X8013	Amount to be deferred: Part of year \$ Entire year 229,000,000
OMB identification code: 69-8013-0-7-401	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Type of budget authority: <input type="checkbox"/> Appropriation <input checked="" type="checkbox"/> Contract authority <input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year <input checked="" type="checkbox"/> No-year	Expiration date

Justification: The Federal Public Transportation Act of 1982 provides contract authority of \$779 million for Fiscal Year 1983 to be funded from the newly established Mass Transit Account of the Highway Trust Fund. This funding is to be distributed to both urban and non-urban areas in accordance with various legislatively determined formulas for eligible capital projects.

This deferral action withholds from obligation \$229 million of the \$779 million authorization pending Congressional action on the proposed \$550 million limitation on obligations in the President's Fiscal Year 1984 Budget.

A program level of \$550 million would be more consistent with revenue of \$536 million that is estimated to be deposited in the Mass Transit Account during Fiscal Year 1983. Further, the \$550 million in trust fund authority, together with general fund appropriations contained in Department of Transportation Appropriations Act for 1983, will still provide a program level of almost \$4,200 million, an increase of more than \$330 million over Fiscal Year 1982 obligations. This program level will more than meet estimated transit needs in Fiscal Year 1983.

Estimated Effects: Since funding for this program is distributed on a formula basis, urban and non-urban areas will receive 29 percent less obligation authority under the deferral than under the full \$779 million authorization. However, total mass transportation financial assistance in Fiscal Year 1983 for all programs will still be higher than in Fiscal Year 1982.

Outlay Effect: This deferral of \$229 million in fiscal year 1983 will shift \$23 million of Fiscal Year 1983 outlays into Fiscal Year 1984 and \$46 million of Fiscal Year 1984 outlays into Fiscal Year 1985.

D83-14A

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014 (c) of Public Law 93-344

Deferral No: D83-60

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Transportation	New budget authority (P.L. 93-369)	\$ 11,000,000
Bureau	Federal Aviation Administration	Other budgetary resources	13,988,705
Appropriation title & symbol	Construction, Metropolitan Washington Airports - 1/	Total budgetary resources	25,068,705
692/41333		Amount to be deferred:	
691/31333		Part of year	500,000
693/51333		Entire year	
XB identification code:		Legal authority (in addition to sec. 1013):	
69-1333-0-1-402		<input type="checkbox"/> Antideficiency Act	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other	
Type of account or fund:		Type of budget authority:	
<input type="checkbox"/> Annual	September 30, 1983	<input checked="" type="checkbox"/> Appropriation	
<input checked="" type="checkbox"/> Multiple-year	September 30, 1984	<input type="checkbox"/> Contract authority	
<input type="checkbox"/> No-year	(expiration date)	<input type="checkbox"/> Other	

Justification: This appropriation finances construction of major improvements and expansion of facilities at Washington National and Dulles International Airports. Projects are undertaken to insure the capability of these airports to adequately, safely, and efficiently meet air travel needs of the public, and to promote development of aviation.

Estimated Effect: Construction of Section Five of the Access Highway was begun in the fall of 1981 and is scheduled for completion in the fall of 1983. Based on the contracts awarded to date and anticipated additional costs to be incurred, the amount deferred is surplus to the needs of this project and is being withheld pending congressional action on a proposed transfer of the deferred amount from this appropriation to the FY 1983 Operation and Maintenance, Metropolitan Washington Airports appropriation.

Outlay Effects: This deferral will have no effect on FY 1983 outlays.

1/ The deferral affects this appropriation.

This report updates Deferral No. D83-14 transmitted to Congress on October 1, 1982.

This revision to a deferral of the Federal Aviation Administration, Facilities and Equipment (airport and airway trust fund) increases the amount previously deferred from \$158,484,611 to \$725,236,426. This increase of \$566,751,815 results from an increase in budgetary resources made available by the Department of Transportation Appropriation Act for 1983.

D83-14A

Deferral No: D83-14A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L. 93-369)	\$512,550,000*
Bureau Federal Aviation Administration	Other budgetary resources	477,377,426*
Appropriation title & symbol Facilities and Equipment (Airport and Airway Trust Fund), FAA 17-1-1	Total budgetary resources	1,094,927,426*
69X8107 691/58107	Amount to be deferred:	
699/38107** 692/68107	Part of year	
690/48107 693/78107*	Entire year	725,235,426*
NS Identification code: 69-8107-0-7-402	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual September 30, 1983 <input checked="" type="checkbox"/> Multiple-year September 30, 1984 September 30, 1985 September 30, 1986 <input checked="" type="checkbox"/> No-year (expiration date) September 30, 1987*	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification: Funds from this account are used to procure specific congressionally approved facilities and equipment for the expansion and modernization of the National Airspace System. Projects financed from this account include construction of buildings and purchase of new equipment for new or improved air traffic control towers, automation of the en route airway control system and expansion and improvement in the navigational and landing aid systems. These funds were appropriated in the Department of Transportation and Related Agencies Appropriation Acts of 1983 and prior years. The estimated total cost for each project is included in the budget submission and appropriation for the year in which it is requested. Because of the lengthy procurement and construction time for interrelated new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consistent with the Congressional intent to provide multi-year funding for the total costs of these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 1512).

1/ This account was the subject of a similar deferral in FY 1982 (D82-21B).

* Revised from previous report.

** None of these funds is deferred.

Estimated Effect: This deferral action is consistent with normal operation of this program. The amount deferred could not be economically used if made available in FY 1983 because of the planned multi-year procurement, construction, and installation cycle.

Outlay Effect: This deferred has no outlay effect because the funds could not be used if made available.

D83-20A

Deferral No: D83-61

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Supplemental Report
Report Pursuant to Section 1014(c) of P.L. 93-344

Agency	Department of Transportation	New budget authority (P.L. 97-369)	\$ 5,000,000
Bureau	Coast Guard	Other budgetary resources (P.L. 97-324)	45,000,000
Appropriation title & symbol	National Recreational Boating Safety and Facilities Improvement Fund 1/ 69X5171	Total budgetary resources	50,000,000
		Amount to be deferred: Part of year	
		Entire year	40,000,000
OMB identification code:	69-5171-0-2-403	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input checked="" type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund:	<input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year		

Justification: This fund provides grants to States to help facilitate their boating safety-related activities. Only \$5,000,000 is needed in 1983 for this program consistent with agreements between the Administration and Congress made during the FY 1983 Congressional appropriations process on the appropriate level of funding for this program. The balance is either deferred or proposed for rescission to limit 1983 obligations to \$5,000,000 solely for boating safety.

Estimated Effects: This action will have no programmatic impact, and is necessary to keep spending at agreed upon levels in 1983.

Outlay Effect: The deferral will permit outlays to remain at the planned level of \$5,000,000. Without the deferral, outlays in 1983 would rise to \$25,000,000.

☒ This account is also the subject of a FY 1983 rescission (R 83-18).

This report updates deferral No. D83-20, transmitted to the Congress on October 1, 1982.

This revision to a deferral of the Railroad Retirement Board, Milwaukee Railroad Restructuring Administration increases the amount previously deferred from \$240,000 to \$490,000. This increase of \$250,000 reflects increased budgetary resources provided in P.L. 97-377, the Act Making Further Continuing Appropriations for FY 1983, not required for obligation in FY 1983.

Deferral No: D83-20A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Railroad Retirement Board	New budget authority (P.L. 97-377) \$ 250,000*
Bureau	Other budgetary resources 431,102
Appropriation title & symbol	Total budgetary resources 681,102*
— Milwaukee Railroad Restructuring Administration 60X0108 1/	Amount to be deferred:
	Part of year
	Entire year 490,000*
OMB identification code: 60-0108-0-1-603	Legal authority (in addition to sec. 1013):
Grant program	<input type="checkbox"/> Antideficiency Act
	<input type="checkbox"/> Other
Type of account or fund:	Type of budget authority:
<input type="checkbox"/> Annual	<input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other

Justification: This account funds administrative expenses incurred by the Board in disbursing benefit payments under the Milwaukee Railroad Restructuring Act. The Board estimates that only \$191,102 in administrative expenses will be charged to this account in fiscal year 1983, and that \$490,000 will be carried forward into fiscal year 1984. This deferral represents amounts not required for obligation in fiscal year 1983. The amount deferred is being reserved for contingencies under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: There will be no effect upon the operation of the program, as the funds are not needed in this fiscal year.

Outlay Effect: This deferral has no effect on FY 1983 outlays.

* Revised from previous report.

1/ This account was the subject of a similar deferral in FY 1982 (D82-250).

Deferral No: D83-62

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Small Business Administration	New budget authority (P.L. 97-377) \$ 338,700,000
Bureau	Other budgetary resources 536,926,310
Appropriation title & symbol	Total budgetary resources 935,626,310
Business Loan & Investment Fund 1/ 73X4154	Amount to be deferred:
	Part of year
	Entire year \$ 143,000,000
OMB identification code: 73-4154-0-3-376	Legal authority (in addition to sec. 1013):
Grant program	<input type="checkbox"/> Antideficiency Act
	<input type="checkbox"/> Other
Type of account or fund:	Type of budget authority:
<input type="checkbox"/> Annual	<input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other

Justification: The Continuing Resolution (P.L. 97-377) provided \$338.7 million as a capital appropriation for the Business Loan and Investment Fund for FY 1983. The amount provided for \$210 million in direct lending and \$3 billion in guaranty lending. A total of \$143 million has been deferred (\$137 million for direct lending and \$6 million for guaranty lending—first year purchases of 1/2 x \$600 million program reduction). This action is being taken to preserve 1983 direct loan funds pending congressional action on a proposed change in the FY 1983 Continuing Resolution language. Such funds would be used for the purchase of defaulted guaranteed loans, without requesting additions to already appropriated levels. It is estimated that the demand for SBA to purchase guaranteed loans will be in the \$700 million range, exceeding original projections made last year by \$300 million.

Estimated Effects: This deferral will reduce the direct and guaranty lending for each of the credit assistance programs under Section 7(a) of the Small Business Act to \$73 million in direct lending and \$2.4 billion in guaranty lending, levels consistent with the President's budget. Funds made available through this action will help ensure that SBA is able to meet its commitment to purchase guaranteed loans without adding to the deficit.

Outlay Effect: This deferral has no outlay effect. However, if Congress accepts the proposed language change, FY 1983 outlays will be increased by \$68.5 million.

1/ This account was the subject of a similar deferral in FY 1982 (D82-233A).

Deferral No: D82-63

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Small Business Administration	New budget authority (P.L.)	\$	---
Bureau	Other budgetary resources		37,719,470
Appropriation title & symbol	Total budgetary resources		37,719,470
--- Survey Bond Guarantees Revolving Fund 1/	Amount to be deferred: Part of year		
734156	Entire year		3,000,000
OMB identification code: 73-4156-0-3-376	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act		
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation		
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority		
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other		

Justification: The Continuing Resolution (P.L. 97-377) provided for a program level of \$1.20 billion in surety bond guarantees by the Small Business Administration (SBA). Under this program, SBA will guarantee a portion of the losses sustained by a surety company as a result of the issuance of a bid, payment and/or performance bond to a small business concern. The deferral of \$3 million in FY 1983 represents the provision for anticipated losses that is associated with a reduction in surety bond guarantees of \$120 million. The remaining resources will still enable the SBA to provide bond guarantees of \$1.08 billion in FY 1983. This limitation in guarantees should serve as an additional incentive to SBA to improve upon the operations of this program, so as to preclude the continuation of previously excessive losses.

Estimated Effects: The effect of this deferral is to reduce SBA's surety bond activity by ten percent. By targeting its available resources effectively, the Agency should feel only minimal effects on its ability to assist its most deserving clients.

Outlay Effect: This deferral action has a net effect of reducing outlays by \$1.4 million in FY 1983.

1/ This account was the subject of a deferral in FY 1982 (D82-234N).

Deferral No: D83-64

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Small Business Administration	New budget authority (P.L.)	\$	---
Bureau	Other budgetary resources		53,943,838
Appropriation title & symbol	Total budgetary resources		53,943,838
--- Pollution Control Equipment Contract	Amount to be deferred: Part of year		
Guarantees Revolving Fund 734147	Entire year		1,000,000
OMB identification code: 73-4147-0-3-376	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act		
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Type of account or fund: <input type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation		
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority		
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other		

Justification: The Continuing Resolution (P.L. 97-377) provided for a program level of \$50 million in pollution control bond guarantees by the Small Business Administration (SBA). Under this program, the SBA will guarantee the payment of rentals or other amounts due under qualified contracts for small business concerns who are at an operational or financial disadvantage with respect to the planning, design or installation of pollution control facilities. The deferral of \$1 million in FY 1983 represents the provision for anticipated losses that is associated with a reduction in pollution control guarantees of \$100 million. The remaining resources will still enable the SBA to provide bond guarantees in the amount of \$150 million in FY 1983.

Estimated Effects: The effect of this deferral is to reduce SBA's pollution control bond activity by forty percent.

Outlay Effect: This deferral action will result in an increase in FY 1983 outlays of \$6.4 million and an increase in FY 1984-88 outlays of \$1.5 million.

Deferral No: D83-65

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Motor Carrier Rate-making Study Commission	
Bureau	
Appropriation title & symbol	
Salaries and Expenses 482700	
New budget authority (P.L. 97-369)	\$ 552,099
Other budgetary resources	
Total budgetary resources	552,099
Amount to be deferred: Part of year	
Entire year	282,199
OMB identification code: 48-2700 -0-1-401	
Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	
Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification: The Motor Carrier Rate-making Study Commission was authorized to study the collective rate-making process for all rates of motor common carriers. The Department of Transportation Appropriations Act for FY 1983 (P.L. 97-369) provided for a \$1,000,000 transfer to the Motor Carrier Rate-making Study Commission from the Office of the Secretary of Transportation for completion of the Commission's activities by its termination date, July 1, 1984. This amount provides necessary funding for FY 1983, thereby permitting these funds to be deferred until needed in FY 1984. This deferral is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: This deferral has no programmatic effects as the funds could not be used if made available. Funds will be available for Commission activities in FY 1984.

Outlay Effect: This deferral has no effect on FY 1983 outlays.

Deferral No: D83-66

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Tennessee Valley Authority	
Bureau	
Appropriation title & symbol	
Tennessee Valley Authority Fund 1/ 64X4110	
New budget authority (P.L. 97-377)	\$ 176,433,000
Other budgetary resources	155,603,046
Total budgetary resources	332,036,046
Amount to be deferred: Part of year	
Entire year	47,271,000
OMB identification code: 64-4110-0-3-999	
Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	
Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification: The Tennessee Valley Authority was created in 1933 as a Government-owned corporation for the unified development of the Tennessee River Basin. The agency administers programs for the conservation and development of natural resources, economic and community resources, agricultural resources and development of natural resources. The President's budget requests \$122,500,000 in funds to be made available to TVA for fiscal year 1984. Of this amount, \$75,229,000 reflects appropriations requested for 1984. As stated in the appendix to the President's budget, the remaining \$47,271,000 would be made available from funds deferred for the remainder of FY 1983.

This deferral action is taken to avoid the need for higher appropriations.

Estimated Effect: This deferral action will restrain the level of FY 1983 appropriations that otherwise would be available for obligation to that enacted in FY 1982. There will be no programmatic effects from this deferral because the excess resources are not required to achieve planned FY 1983 objectives.

Outlay Effect: This deferral will have no outlay effect.

1/ This account was the subject of a deferral in FY 1982 (D82-157).

D83-67

Deferral No: D83-67

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 95-344

Agency United States Information Agency		New budget authority (P.L. 97-377)	\$ 10,327,000
Bureau		Other budgetary resources	2,803,700
Appropriation title & symbol		Total budgetary resources	13,130,700
Salaries and Expenses Special Foreign Currency Program 67X0205		Amount to be deferred: Part of year	\$
		Entire year	1,344,200
OMB identification code: 67-0205-0-1-154		Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year		Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification: The United States Information Agency (USIA) is authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, et. seq.), the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451, et. seq.), Executive Order 11034 of June 25, 1962, as amended, and Reorganization Plan No. 2 of 1977 to carry out international communication, cultural and education exchange programs.

The Act Making Further Continuing Appropriations for FY 1983 (Public Law 97-377) appropriated \$10,327,000 to remain available until expended for the Salaries and Expenses (Special Foreign Currency Program) account. The account is used to pay USIA local program expenses in U.S.-owned foreign currencies in those countries where the Department of Treasury determines that the supply of local currency is in excess of the normal requirement of the United States Government. In fiscal year 1983, the "excess currency" countries are Burma, Guinea, India and Pakistan.

As a result of exchange rate savings and recoveries of prior year obligations realized during fiscal year 1982, available budgetary resources exceed amounts required under current program plans. Accordingly, these funds are reserved for use in succeeding years.

This deferral action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: This deferral has no programmatic effects because the amount deferred could not be obligated before fiscal year 1984 if made available.

Outlay Effect: This deferral has no effect on FY 1983 outlays.

Deferral No: D83-68

D83-68

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 95-144

This deferral action is taken accordance with the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: This deferral has no programmatic effects because the amount deferred could not be obligated before fiscal year 1984 if made available.

Outlay Effect: This deferral has no effect on FY 1983 outlays.

Agency United States Information Agency	New budget authority \$25,000,000
Bureau	(P.L. 97-377)
Appropriation title & symbol	Other budgetary resources 33,822,132
Acquisition and Construction of Radio Facilities	Total budgetary resources 58,822,132
67X0204	Amount to be deferred:
	Part of year
	Entire year 12,437,000
OMB identification code: 67-0204-0-1-154	Legal authority (in addition to sec. 1013):
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Antideficiency Act
Type of account or fund:	<input type="checkbox"/> Other
<input type="checkbox"/> Annual	Type of budget authority:
<input type="checkbox"/> Multiple-year (expiration date)	<input checked="" type="checkbox"/> Appropriation
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Contract authority
	<input type="checkbox"/> Other

Justification: The United States Information Agency (USIA) is authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, et. seq.), the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451, et. seq.), Executive Order 11034 of June 25, 1962, as amended, and Reorganization Plan No. 2 of 1977 to carry out international communication, cultural and education exchange programs.

The Act Making Further Continuing Appropriations for FY 1983 (Public Law 97-377) appropriated \$25,000,000 to remain available until expended for the Acquisition and Construction of Radio Facilities account primarily to expand the transmitter capacity of the Voice of America's world-wide broadcasting system.

These funds together with funds available from prior year appropriations, will maintain existing VOA facilities and modernize and expand transmitter facilities in East Asia, Africa and the Near East. Delays in these planned projects resulting primarily from the need to conduct further engineering and technical studies, however, permit the deferral of \$12,437,000 for the Philippines, Liberia, Botswana and Sri Lanka projects. These funds will be used in succeeding years.

Deferral No: 082-59

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 95-344

Agency: United States Railway Association	New budget authority (P.L.)	\$ 84,000,000
Bureau:	Other budgetary resources	84,000,000
Appropriation title & symbol	Total budgetary resources	84,000,000
Payments for Purchase of Conrail Securities	Amount to be deferred:	
98X0111 1/	Part of year	\$ 84,000,000
	Entire year	84,000,000
OMB identification code: 98-0111-0-1-401	Legal authority (in addition to sec. 1013):	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Antideficiency Act	
Type of account or fund:	Type of budget authority:	
<input type="checkbox"/> Annual	<input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority	
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other	

Justification: This appropriation is used to purchase securities issued by the Consolidated Rail Corporation (Conrail) so that the Corporation will have funds to rehabilitate its plant and equipment and for working capital. Revenues from operations have been sufficient to cover the Corporation's costs for the past 18 months and are expected to meet its anticipated capital needs for fiscal year 1983. The deferral represents amounts which neither Conrail nor its Federally-funded banker, the U.S. Railway Association, believes should be expended in 1983. This deferral action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512). It was not reported earlier due to an administrative oversight.

Estimated Effects: This deferral will not affect the Corporation's capital investment program.

Outlay Effect: This deferral action has no effect on fiscal 1983 outlays.

☒ This account was the subject of a deferral in FY 1982 (082-235).

[FR Doc. 83-3089 Filed 2-3-83; 8:45 am]

BILLING CODE 3110-01-C

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Friday, February 4, 1983

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication

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

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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