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Tuesday  
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# Federal Register



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# Rules and Regulations

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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 week.

## DEPARTMENT OF AGRICULTURE

### Farmers Home Administration

#### 7 CFR Parts 1922, 1944, and 1951

#### Section 502 Rural Housing Loan Policies, Procedures and Authorizations

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Farmers Home Administration (FmHA) amends its regulation regarding section 502 Rural Housing (RH) loans. This action is taken to implement cost containment measures for the effective administration of the program. The intended effect of this action is to reduce the cost of housing to the borrower, thereby enabling a greater number of very low income persons to obtain adequate, modest houses, and to reduce the overall cost of the program to the government.

**EFFECTIVE DATE:** May 14, 1987

#### FOR FURTHER INFORMATION CONTACT:

Nancy Monesson, Senior Loan Specialist, Single Family Housing, Processing Division, Farmers Home Administration, USDA, Room 5344, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250, Telephone: (202) 382-1474.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 which implements Executive Order 12291, and has been determined "nonmajor." It will not result in an annual effect on the economy of \$100 million or more; or major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or significant

adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action requires no increase in costs to the Government. There is no impact on proposed budget levels and funding allocations will not be affected because of this action. There will be no increase in the reporting requirements of the public. The Agency has determined that this regulation maximizes net benefit to society at the lowest net cost.

#### Background

A proposed rule published in the Federal Register (51 FR 26258) on July 22, 1986, invited the public to submit written comments for the Agency to consider with regard to the development of the final rule. One hundred and nineteen comments were received from interested persons representing Housing Development Corporations, Housing Authorities, builders, realtors, city and state officials and FmHA employees.

#### Discussion of Comments

1. Five respondents requested change or elimination of the definition of "extended family." Three respondents objected to including a definition of the word "family." Other comments were that: "resale" should not be overemphasized; the definition of "extended family" should include other members of the household besides adults, and; avoid the word "family" in the definition.

The Agency has fully considered these comments and has expanded the definition of "extended family" by inserting the phrase "with the other members of the household" between the phrases "live together" and "for reasons." No other changes were made in the definition because the word "resale" was not part of the definition and the word "family" is not avoided because it is necessary for clarity.

2. Twenty-three respondents expressed concern regarding the proposed size of house lots both on scattered sites and in subdivisions.

The Agency has made changes as a result of those comments which will acknowledge the need for larger lots in subdivisions without central water and sewer facilities, will "grandfather" in lots in formerly approved subdivisions,

will permit 1 acre or less as opposed to less than 1 acre on scattered sites, and will permit exceptions to be made by the District Director rather than the State Director.

3. Seventy-one respondents expressed opposition to the proposed limits on square footage, number of bedrooms and number of baths.

The Agency carefully considered all comments in the light of program objectives and has modified the proposed limitations. There was general opposition from many respondents to overall size reductions supported by reasons relating to the needs of a young growing family, problems in selling, problems in reselling, appearance, and the acceptability of various styles of homes.

Certain increases in size and amenities were well supported and resulted in a regulation change. With the primary objective of providing housing for low- and very low-income families, the overall size must be reduced in order to reduce cost and enable such applicants to be able to afford adequate housing.

A respondent suggested that the 2 columns for maximum sq. ft. shown in the proposed rule be combined into 1 column. This suggestion was adopted.

4. Twenty-eight respondents were concerned that the proposed method of calculating living area would eliminate split-foyer and Cape Cod designs.

The Agency has modified its regulation so that split-foyer and Cape Cod design homes can remain in the program to serve applicants needing all rooms designed as living area, fully finished.

5. Ten respondents opposed § 1944.16(d), "Building designs and materials," as written.

The Agency has rewritten this paragraph for clarification, and to permit dwelling designs and materials to exceed "fair quality" when costs are comparable or less.

6. Seventy-eight respondents opposed the elimination of garages.

The Agency has reconsidered its position regarding newly constructed garages and has modified the regulation to permit construction of garages of a stipulated size in areas where houses without garages are not acceptable to community standards.

7. Twenty respondents opposed restriction on fencing. All of the

comments regarding fencing came from one state where privacy fences are an integral part of single family dwellings.

The Agency has modified its regulation to permit backyard privacy fences on lots not exceeding 6,000 square feet where use of privacy fences is customary.

8. Twenty-one respondents opposed restricting applicants to a choice of carport or basement and tying that feature to the square footage of the dwelling.

The Agency has modified its regulation so that a choice of garage/carport or basement is no longer connected to the size of the dwelling, and a garage in addition to a basement is permitted when a garage can be incorporated into the basement area.

9. Seventeen respondents opposed the District Director's review of older houses and the required inspections and certifications of certain items.

The Agency has reconsidered its position in light of the comments, and removed the requirement of oversight by the District Director; however, it believes the requirement for inspections and certifications of adequacy of major items such as plumbing, electrical, etc., is necessary for the protection of both applicant and government. A change has been made to permit the cost of such inspections and certifications to be negotiated and set forth in the sales agreement.

10. Seventeen respondents opposed the proposed reduction in size of existing dwellings.

The Agency has modified its regulation in response to those comments, and is permitting loans for existing dwellings of 1300 square feet or less for households of 2 or more persons.

11. Ten respondents opposed limiting kitchen cabinets, etc. to Marshall and Swift "fair" quality.

The Agency has modified its regulation in response to those comments to permit the selection of items such as kitchen cabinets to exceed "fair" quality provided the cost is comparable or less.

12. Eight respondents opposed restrictions on financing sliding glass or atrium doors.

The Agency has modified its position regarding these types of doors permitting them in areas where they are customary for modest houses and when it has been determined by the State Director that these types of doors will not increase the cost of the house, and are otherwise practical for low income persons to maintain.

13. Seven respondents objected to restrictions regarding one or more of the

following amenities: porches and decks, air conditioning systems, cathedral ceilings.

The Agency has modified the regulation regarding each of these items.

14. One respondent objected to the requirement that Form FmHA 431-3, "Financial Statement & Household Budget" be completed to determine eligibility.

The Agency believes this form is valuable in determining repayment ability for all those cases where a subsidy will be granted. Therefore, no change is made.

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.410.

For the reasons set forth in the Final Rule related notice to 7 CFR Part 3015, Subpart V 48 FR 29115, June 24, 1983, this program/activity is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

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

#### List of Subjects in 7 CFR Part 1944

Home improvement, Loan programs—Housing and community development, Low and moderate income housing—Rental, Mobile home, Mortgages, Rural housing, Subsidies.

Therefore, Chapter XVIII, Title 7 Code of Federal Regulations is amended as follows:

#### PART 1922—APPRAISAL

1. The authority citation for Part 1922 continues to read as follows:

Authority: 42 U.S.C. 1480(i); 7 CFR 2.23; 2.70.

#### Subpart C—Appraisal of Single Family Residential Property

##### § 1922.104 [Amended]

2. Section 1922.104 is amended by changing the reference in paragraph (a) (12) from "§ 1944.16(a)(4)" to "§ 1944.16(g)(2)."

#### PART 1944—HOUSING

3. The authority citation for Part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70.

#### Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

4. Section 1944.2 is amended by revising paragraphs (f) and (j) to read as follows:

##### § 1944.2 Definitions.

(f) *Extended family*. A double family unit comprised of adult relatives who live together with the other members of the household, for reasons of physical dependency, economics, and/or social custom, who, under other circumstances, could maintain separate households. A typical example is: parents living with their adult children.

(j) *Household or family*. The applicant, co-applicant, and all other persons who will make the applicant's dwelling their primary residence for all or part of the next 12 months (excluding foster children and live-in aides).

5. Section 1944.11 is amended by revising its title, revising paragraph (c), redesignating current paragraph (d) as paragraph (e), and adding a new paragraph (d) to read as follows:

##### § 1944.11 Site requirements.

(c) A nonfarm tract on which a loan is to be made may not be larger than a minimum adequate site, which is the smallest area sufficient for the dwelling, an adequate water and/or waste disposal system, other related facilities, and a yard. Minimum adequate sites are:

- (1) Scattered sites of 1 acre or less.
- (2) House sites of 1 acre or less within a subdivision environment without central water and sewer facilities.
- (3) House lots will not exceed one-fourth acre within a subdivision environment having central water and sewer, except that some variation in individual lot size may be permitted to accommodate cul-de-sacs, cluster housing concepts, or other subdivision designs which maximize good land usage.

(d) Sites which exceed the size limits set forth in paragraph (c) of this section may be authorized by the District Director when:

- (1) The County Supervisor determines that minimum adequate sites are not available in the area, that the value of the total site is comparable to the value

of a minimum adequate site in the area, and that the extra land does not qualify as a minimum adequate site.

(2) Zoning ordinances which require lots in excess of the limits set forth in paragraph (c) of this section were established because the additional land is needed to protect the water supply and/or provide an adequate waste disposal system, or the zoning complies with either an established State or National environmental plan or a State law, or

(3) The scattered site or subdivision was approved before the effective date of this amendment.

6. Section 1944.16 is revised to read as follows:

No. of occupants	Maximum No. of bedrooms	Maximum No. of baths	Maximum sq. ft. <sup>1</sup>
1	2	1	864
2-3	3	1	1008
4-5	3	1½	1104
6	4	2	1248

<sup>1</sup> Additional bedroom(s) may be added (not to exceed 120 sq. ft. per bedroom) when justified by composition of current family members, special needs, or for large families for which a 4-bedroom, 1248 sq. ft. house is inadequate.

(c) *Living area.* Living area or gross floor area is the square footage measured from the outside walls of the dwelling. Living area will be determined as follows:

(1) *Ranch on slab, crawl space, or basement.* First floor excluding garage carport, without deduction for any of the contained space.

(2) *Split foyer, bi-level, raised ranch, etc.* All space, without deduction for any of the contained space within that area, except for a basement garage and that portion of the lower level designed and used for utility and storage. Split foyer, bi-level, or raised ranch designs may be used only when:

(i) Site configuration lends itself to that design (sloped site);

(ii) The storage, utility, in the lower level will be below ground;

(iii) All rooms, including those in the lower level designed as living area, will be needed by the applicant in accordance with paragraph (b) of this section, and will be finished at the time of loan closing.

(3) *Cape Cod.* All of the first floor, and all of the second floor area measured to the outside of the stud knee wall, excluding below-ground basements. All rooms designed for living will be needed by the applicant in accordance with paragraph (b) of this section, and finished at the time of loan closing.

#### § 1944.16 Dwelling requirements.

(a) *Modest house.* Applicants will be counseled that dwellings financed must provide decent, safe and sanitary housing, be modest in size, design, and cost, and not exceed the housing needs of the applicant. Housing needs will be determined by the County Supervisor, based on the number and composition of the household, along with consideration of special needs, such as facilities for the elderly, disabled, or handicapped.

(b) *Characteristics of new dwellings.* The construction or purchase of a new house shall not exceed what is typical for the current needs of low and moderate income persons in the area or the following, whichever is smaller:

(4) *Two-story townhouses—zero lot-line.* The area, center to center of party walls, and outside of all exterior walls of all floors, excluding below ground basements.

(d) *Dwelling designs and materials.* FmHA officials shall not require the use of any building designs and/or building materials which exceed the applicable development standards for new houses or new construction, or the fair quality for site-built and modular houses and average quality for manufactured houses as described in Marshall and Swift Residential Cost handbook, or other similar cost guide. However, such designs and/or materials may be permitted when the costs are comparable to or less than the cost of fair quality material.

(e) *Prohibited features.* The following design features will not be permitted when financing construction of a dwelling or purchase of a new dwelling:

(1) Garage or carport in addition to a basement. A garage may be incorporated into a basement where the site configuration lends itself for that design (i.e., sloped site);

(2) Garages or carports if not customary in the area;

(3) Garages or carports exceeding 320 square feet;

(4) Nonliving areas such as balconies, decks, and patios;

(5) Dwelling designs which are incompatible with existing site conditions; i.e., raised ranch or split foyer on flat sites, or basements in wet areas;

(6) Den/recreation room;

(7) Central air conditioning systems separate and apart from heat pumps unless authorized by the State Director. Authorization must be based on known operating costs which compare favorably to heat pumps;

(8) Fireplaces.

(f) *Prohibited amenities.* (1) Bay or bow windows;

(2) Components of the house, such as kitchen cabinets, bathroom fixtures, light fixtures, etc., which exceed "fair-quality" as described in Marshall and Swift Residential Cost Handbook or some other similar cost guide, unless the cost of the selected component is comparable to or less than one of "fair quality".

(3) Fences, except:

(i) When needed to provide protection from a potentially dangerous situation; or

(ii) When customary in the area on zero lot lines, townhouse properties, or on house lots of 6,000 sq. ft. or less, to afford privacy;

(4) Decorative iron work which is not needed as a safety measure;

(5) Dishwashers, garbage disposers, or other luxury kitchen appliances;

(6) Sliding glass or atrium doors unless:

(i) The State Director determines that these types of doors are customary in other modest homes in the area;

(ii) They will not increase the cost of the house;

(7) Vaulted ceilings unless they will not increase the cost of the house;

(8) Skylights and cathedral ceilings.

(g) *Permitted features.* (1) Special design features necessary to accommodate the needs of elderly, disabled, or handicapped persons may be included.

(2) Energy saving measures which exceed FmHA requirements and cost more than 1 percent of the market value of the property, and cost effective solar energy systems may be used only after approval by the State Architect/Engineer and authorization by the State Director. Complex systems, such as active solar space heating or cooling, geothermal, hydropower, wind and photovoltaic, that could be considered unconventional, must be submitted to the National Office for concurrence prior to authorization by the State Director.

(3) Solid fuel burning devices may be authorized only if the loan approval

official determines and documents that a dependable and economical fuel supply is available. All solid fuel burning devices must comply with Exhibit D, paragraph IV D 2 of Part 1924, Subpart A. To assure compliance and to remove uncertainties regarding safety and efficiency, solid fuel burning devices are authorized only after approval by a local fire official, State Architect/Engineer and subsequent authorization by the State Director.

(4) A dwelling for extended families as defined in § 1944.2(f) of this subpart may include bedroom area with an exterior entrance and an additional bathroom. This area should be designed in a manner that will not adversely affect the home's potential for resale.

(h) *Existing dwellings.* Applicants should be counseled regarding the type of housing necessary to meet their current needs. Consideration should be given to the purchase of an existing adequate but modest dwelling. In most cases, the cost of an existing dwelling, including necessary repair and renovation, is less than the cost of new construction; however, the cost advantage should not be offset by the cost of utilities and maintenance. Loans will not be made on an existing manufactured home unless it is already financed with a Section 502 rural housing loan, or is being sold from FmHA inventory. Existing dwellings must:

(1) Be structurally sound, functionally adequate, be in good repair or placed in good repair with loan funds, and meet the general requirements in Guide 2, Subpart A, Part 1924 of this chapter.

(2) Be consistent with program objectives to provide only housing that is modest in size, design, and cost.

(3) Meet the thermal standards required in Exhibit D, paragraph IV B, Subpart A, Part 1924 of this chapter.

(4) Be inspected and certified for adequacy of electrical, plumbing, heat, water, sewage disposal systems, and termite infestation. The responsibility for these inspections and certifications will be identified in the sales agreement, or in case of FmHA inventory, will be provided by FmHA.

(5) Contain no more than 1,300 sq. ft. of living area for households of 2 or more persons, measured in accordance with paragraph (c) of this section, or not more than 1,008 sq. ft. of living area for 1 member households, unless:

(i) A larger house is necessary to meet the needs of the family in accordance with paragraph (b) of this section; or,

(ii) The house is being transferred with assumption of a 502 loan, or a credit sale is being made, and the County Supervisor determines, in either

case, that the house is typical of modest homes in the area. In all cases, every effort will be made to provide housing which does not exceed the needs of the applicant/borrower.

(i) *Design features/amenities in existing dwellings.* Existing dwellings with design features which add significantly to the value of the dwelling (such as those listed in paragraph (e) of this section) will not be financed unless the cost of the dwelling is no more than the cost of a new dwelling, and the dwelling with such a feature is determined by the County Supervisor to be modest. Amenities such as those outlined in paragraph (f) of this section may be included in existing dwellings unless the County Supervisor determines that a combination of those amenities causes the dwelling to be above modest.

(j) *Repairs.* Any dwelling repaired with RH funds must be structurally sound, functionally adequate, and be placed in good repair with loan funds. If the loan is not more than \$7,500 and is scheduled for repayment in not more than 15 years from the date of the note, the dwelling may lack some equipment or features such as a complete bath, kitchen cabinets, closet, or completely finished interior in some rooms. Such dwellings must meet the housing needs of the applicant and provide decent, safe, and sanitary living conditions when the improvements financed with the loan are completed. Manufactured homes will not be repaired unless authorized in § 1944.40 of Exhibit F paragraph IV (d) of this subpart.

(k) *Improvements.* Improvements financed with loan funds must be on land, which after loan closing, is part of a tract owned by the borrower in accordance with § 1944.15(a) of this subpart, or on an easement appurtenant to such a tract.

(l) *Manufactured homes.* Exhibit F of this subpart contains supplemental information concerning building requirements for manufactured homes.

7 Section 1944.26 is amended by revising the introductory text of paragraphs (a)(2) and (f)(2) to read as follows:

#### § 1944.26 Application processing.

(a) *Application forms.*

(2) Form FmHA 431-3, "Household Financial Statement and Budget," will be completed prior to loan approved for each low- or very low-income applicant for a Section 502 loan, transfer with assumption, or credit sale. The form will be used to determine repayment ability. When preparing Form FmHA 431-3, the following will be considered:

(f) *Determining eligibility.*

(2) Repayment ability as outlined in § 1944.8(a)(2), will be evaluated on the circumstances surrounding the individual case including possible eligibility for interest credits as provided in § 1944.34 of this subpart. Form FmHA 431-3 will be completed by the applicant and the County Supervisor as set forth in paragraph (a)(2) of this section. Under no condition(s) will arbitrary guidelines or "rules of thumb" be used. If the applicant(s) can verify payment of a comparable or greater amount for housing costs (rent, utilities, and insurance, etc., as compared to real estate taxes, property insurance, utilities, maintenance, and scheduled FmHA payments for the previous 12 months), the applicant will be presumed to have repayment ability for the requested loan unless:

8. Section 1944.34 is amended by revising paragraph (h)(2) to read as follows:

#### § 1944.34 Interest credit.

(h)

(2) *Correction of Interest Credit Agreement.* When an error by an FmHA employee results in too little interest credit being granted, a corrected agreement will be prepared effective the date of the error, if the error results in the granting of \$5 or more per month, or \$60 or more per year less interest credit than the borrower was eligible to receive. In such cases, a Form FmHA 1944-6 showing the proper amount of interest credit which the borrower is entitled to receive, together with written authorization from the State Director to reapply any affected payments, will be submitted to the Finance Office to replace the incorrect agreement. The effective date of the corrected agreement will be the same as the agreement in error. The notation "Corrected in accordance with § 1944.34" will be entered on the face of the form. The Finance Office will cancel the incorrect Interest Credit Agreement as of its effective date. Payments made under the previous agreement will be reapplied at the adjusted interest rate of the new Interest Credit Agreement.

#### Subpart J—Section 504 Rural Housing Loans and Grants

##### § 1944.456 [Amended]

9. Section 1944.456 is amended by changing the reference in the penultimate sentence of the introductory



text, from "§ 1944.16 (a) and (b)" to "§ 1944.16."

## PART 1951—SERVICING AND COLLECTIONS

10. The authority citation for Part 1951 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

### Subpart M—Servicing Cases Where Unauthorized Loans or Other Financial Assistance Was Received—Single Family Housing

#### § 1951.604 [Amended]

11. Section 1951.604 is amended by changing the reference in paragraph (a)(1)(iv)(B) from "§ 1944.16 (a) and (b) or" to "§ 1944.16 of."

Dated: March 4, 1987.

Kathleen W. Lawrence,  
*Acting Under Secretary for Small Community and Rural Development.*

[FR Doc. 87-8316 Filed 4-13-87; 8:45 am]

BILLING CODE 3410-07-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 86-NM-221-AD; Amdt. 39-5605]

### Airworthiness Directives; Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of Lockheed-California Company Model L-1011-385 series airplanes by individual telegrams. This AD requires ultrasonic inspection of the wing rear spar web at intervals not to exceed 300 landings. This inspection is required to ensure timely detection of fatigue cracks. Failure to detect a fatigue crack before it grows to critical size can result in failure of the wing rear spar.

**DATES:** Effective May 1, 1987. This AD was effective earlier to all recipients of telegraphic AD T86-23-52, dated November 20, 1986, and telegraphic AD T86-23-52-R1, dated December 18, 1986.

**ADDRESSES:** The applicable service information may be obtained from Lockheed-California Company, P.O. Box

551, Burbank, California 91520, Attention: Commercial Order Administration, Dept. 85-33, U-33, B-1. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Augusto Coe, Aerospace Engineer, Airframe Branch, ANM-121L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6319.

#### SUPPLEMENTARY INFORMATION:

On November 20, 1986, the FAA issued telegraphic AD AD T86-23-52, applicable to L-1011-385 series airplanes, which requires visual inspections of the wing rear spar web. The AD was prompted by the failure of an L-1011 wing rear spar inboard of the main landing gear due to a fatigue crack. On December 18, 1986, the FAA issued amended telegraphic AD T86-23-52-R1 to require the use of an ultrasonic inspection procedure to ensure more timely detection of cracks. The ultrasonic inspections are to be accomplished in accordance with procedures described in Lockheed Service Bulletin 093-57-A181, Revision 3, dated December 11, 1986.

The AD, as published herein, has been revised to include only the requirement for ultrasonic inspections (which were provided by the amended telegraphic AD), since the requirements for visual inspections no longer apply.

Since a situation existed, and still exists, that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket

(otherwise, an evaluation is not required).

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

#### PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. By adding the following new airworthiness directive:

**Lockheed-California Company.**—Applies to Lockheed Model L-1011-385 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent wing rear spar failure due to fatigue cracking, accomplish the following:

A. Within 40 landings after the effective date of this AD, or prior to accumulation of 6,000 landings, whichever occurs later, unless already accomplished within the last 260 landings, and thereafter at intervals not to exceed 300 landings, inspect the wing rear spar in accordance with the ultrasonic inspection procedures specified in Section 2, Accomplishment Instructions of Lockheed Service Bulletin 093-57-A181, Revision 3, dated December 11, 1986, or later FAA-approved revision. Ultrasonic inspections accomplished in accordance with Lockheed Service Bulletin 093-57-A181, Revision 1, dated November 20, 1986, or Revision 2, dated November 26, 1986, prior to receipt of telegraphic AD T86-23-52 R1, satisfies the initial ultrasonic inspection requirements of this paragraph.

B. If a crack is found, repair before further flight in a manner approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA Northwest Mountain Region.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer, may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Order Administration, Dept. 85-33, U-33, B-1. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway

South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective May 1, 1987 as to all persons, except those persons to whom it was made immediately effective by telegraphic AD T86-23-52-R1, issued December 18, 1986.

Issued in Seattle, Washington, on April 7, 1987

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-8223 Filed 4-13-87; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 86-NM-27-AD; Amdt. 39-5499]

#### Airworthiness Directives; McDonnell Douglas Model DC-6, -6A, -6B, R6D, and C-118 (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

**SUMMARY:** This action corrects an error in Airworthiness Directive (AD) 80-12-02 R1, Amendment 39-5499 (51 FR 46602; December 24, 1986), applicable to McDonnell Douglas DC-6, -6A, -6B, R6D, and C-118 (Military) series airplanes, which currently requires inspection and repairs, if necessary, of wing lower fittings, stringers, and skin. The number of hours time-in-service of those airplanes which are affected by the requirements of the AD was not included in the applicability statement. This correction is necessary to identify properly the affected airplanes.

**DATES:** Effective April 21, 1987

**ADDRESSES:** The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

**FOR FURTHER INFORMATION CONTACT:** Mr. William Roberts, Aerospace Engineer, Airframe Branch, ANM-121L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90308; telephone (213) 514-6819.

**SUPPLEMENTARY INFORMATION:** On December 17, 1986, the FAA issued AD 80-12-02 R1, Amendment 39-5499 (51 FR 46602; December 24, 1986), which

revised AD 80-12-02 to define a more accurate X-ray technique and to add a larger visual inspection area. The original version of AD 80-12-02 applied only to airplanes with 30,000 hours or more time-in-service, and the revision to the AD was to have applied only to those airplanes as well. However, the revision, as published, was made applicable to all Model DC-6, -6A, -6B, -R6D, and C-118 (Military) airplanes by omission of the words "with 30,000 hours or more time-in-service" from the applicability statement. Therefore, action is taken herein to make this correction.

Since this amendment only corrects an omission, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary and the correction may be made effective in less than 30 days.

The FAA has determined that this document involves an action that only corrects an omission and does not impose any additional burden on any person. This action is, therefore, not major under Executive Order 12291 (46 FR 13193; February 19, 1981) and not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. For these reasons, I certify that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Correction

#### PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration corrects § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. By correcting the applicability statement of AD 80-12-02 R1, Amendment 39-5499, (51 FR 46602; December 24, 1986); FR Document 86-28879, as follows:

McDonnell Douglas.—Applies to McDonnell Douglas Model DC-6, -6A, -6B, R6D, and C-118 (Military) series airplanes, certificated in any category, with 30,000

hours or more total time-in-service.

Compliance required as indicated, unless previously accomplished.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This action corrects Amendment 39-5499 (51 FR 46602; December 24, 1986).

This correction becomes effective April 21, 1987.

Issued in Seattle, Washington, on April 7, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-8225 Filed 4-13-87; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 86-NM-198-AD; Amdt. 39-5606]

#### Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and C-9 (Military) Series Airplanes, Fuselage Numbers 1 Through 619

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas DC-9 series airplanes, which requires inspections for cracks and installation of stiffeners on 11 rubber ribs located aft of the rudder front spar. This AD is prompted by reports of cracks in the rib flanges and rudder skins. If this condition is not corrected, outer skin cracks may develop and progress to a point where the structural integrity of the rudder is affected.

**DATE:** Effective May 21, 1987

**ADDRESSES:** The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South,

Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael N. Asahara, Airframe Branch, ANM-122L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6319.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) which requires repetitive inspection for cracks on the rudder ribs on certain McDonnell Douglas DC-9-80 series airplanes, was published in the Federal Register on November 12, 1986 (51 FR 40985). The comment period for the proposal closed January 5, 1987.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment which was received.

The commenter questioned the need for the proposed rule. The commenter advised that operator inspections have yet to reveal any findings of rudder rib cracks, and requested that the FAA review its justification for the proposed rule. The FAA disagrees with the commenter, and considers the rule to be appropriate based on the various reported cases of cracked rudder ribs and the unsafe condition created by such cracks.

The commenter also suggested that the compliance time for the final rule be extended to 3,000 cycles (equivalent to "C checks" for most operators), and that repetitive inspections be extended to 6,000 cycles (equivalent to "D checks"). The FAA does not concur. The FAA has determined that the compliance time is appropriate, based on the fact that cracks in the rudder rib flanges have occurred on airplanes having logged as few as 5,000 flight hours. Safety considerations, as well as recommendations by the manufacturer, necessitate that the compliance time and repetitive inspection interval remain as proposed.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the following rule.

It is estimated that 619 airplanes of U.S. registry will be affected by this AD, that it will take approximately 85 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$2,104,600.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because few, if any, Model DC-9-80 series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

#### PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. By adding the following new airworthiness directive:

"McDonnell Douglas.—Applies to McDonnell Douglas Model DC-9-10, -20, -30, -40, and C-9 (Military) series airplanes, Fuselage Numbers 1 through 619, certificated in any category. Compliance required as indicated, unless previously accomplished."

To prevent outer skin cracks of the rudder and subsequent damage to adjacent structure, within 1,800 landings, or 9 months, after the effective date of this AD, whichever occurs earlier, accomplish the following, unless already accomplished within the last 1,200 landings:

A. Radiographically inspect rudder ribs for cracks, in accordance with McDonnell Douglas DC-9 Service Bulletin 55-23, Revision 4, dated September 8, 1986, hereinafter referred to as S/B 55-23, or later FAA-approved revisions, and accomplish the following:

1. If no cracks are found, accomplish repetitive inspections at intervals not to exceed 3,000 landings, until such time as the requirements of paragraph A.3., below, are accomplished.

2. If cracks are found, accomplish one of the following, as applicable:

a. For cracks in rudder ribs only:

(1) If one rib is found cracked and the total length of crack does not exceed one-half the length of the cracked rib, perform repetitive inspections for rudder skin crack(s) in accordance with S/B 55-23, at intervals not to exceed 150 landings, until such time as the

requirements of paragraph A.3., below, are accomplished.

(a) If the rib crack exceeds one-half the length of the cracked rib, accomplish the requirements of paragraph A.2.b.(1), below.

(b) If skin crack(s) are found, accomplish the requirements of paragraph A.2.b., below.

(2) If two adjacent ribs are found cracked and the total length of cracks for each rib does not exceed 6.0 inches, perform repetitive inspections for rudder skin cracks in accordance with S/B 55-23, at intervals not to exceed 150 landings, until such time as the requirements of paragraph A.3., below, are accomplished.

(a) If the rib crack exceeds 6.0 inches, accomplish the requirements of paragraph A.2.b.(1), below.

(b) If a skin crack(s) is found, accomplish the requirements of paragraph A.2.b., below.

(3) If two alternate ribs are found cracked, and the total length of the cracks does not exceed 16.0 inches, perform repetitive inspections for rudder skin cracks in accordance with S/B 55-23, at intervals not to exceed 150 landings until such time as the requirements of paragraph A.3., below, are accomplished.

(a) If the rib cracks exceed 16.0 inches, accomplish the requirements of paragraph A.2.b.(1), below.

(b) If a skin crack is found, accomplish the requirements of paragraph A.2.b., below.

(4) If more than two ribs are found cracked, notwithstanding the crack lengths, accomplish the requirements of paragraph 2.b.(1), below.

b. For cracks found in the rudder skin, or rudder rib and skin, accomplish the following:

(1) Before further flight, accomplish repairs to cracked rib(s) in accordance with S/B 55-23, or later FAA-approved revisions.

(2) Upon completing repairs to cracked rib(s), accomplish skin repair in accordance with McDonnell Douglas DC-9 Structural Repair Manual, Section 55-03.

3. Installation of rib stiffeners in accordance with S/B 55-23, or replacement of all affected ribs with new production .040-inch thick 2024-T42 aluminum ribs, constitutes terminating action for the repetitive inspections required by this AD.

B. Alternate means of compliance which provides an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Upon the request of an operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes with rudder rib cracks only (within the limits of this AD) to a base in order to comply with the requirements of this AD. For airplanes with rudder skin cracks, the rudder must be repaired or replaced prior to next flight.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective May 21, 1987.

Issued in Seattle, Washington, on April 7, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-8224 Filed 4-13-87; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 510 and 558

#### Animal Drugs, Feeds, and Related Products; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to remove those portions of the regulations reflecting approval of a new animal drug application (NADA) held by Farmers Union Grain Terminal Association. The NADA provides for use of a Type A article containing 0.4 gram or 10 grams of tylosin per pound for making Type C swine feeds. FDA is also amending the regulations to remove the firm from the list of sponsors of approved NADA's. Elsewhere in this issue of the Federal Register, FDA is withdrawing approval of the NADA.

**EFFECTIVE DATE:** April 24, 1987

**FOR FURTHER INFORMATION CONTACT:**

Mohammad I. Sharar, Center for Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857 301-443-3184.

**SUPPLEMENTARY INFORMATION:** In a notice published elsewhere in this issue of the Federal Register, FDA is withdrawing approval of Farmers Union Grain Terminal Association's NADA 96-160. The NADA provides for use of a 0.4- or 10-gram-per-pound tylosin (as tylosin phosphate) Type A article for making

Type C swine feeds. This document removes 21 CFR 558.625(b)(7) that reflects approval of the NADA. Additionally, since the firm is no longer sponsor of any approved NADA's, 21 CFR 510.600(c) (1) and (2) is amended to remove the firm from the list of sponsors of approved NADA's.

#### List of Subjects

##### 21 Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

##### 21 Part 558

Animal drugs, Animal feeds. Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Parts 510 and 558 are amended as follows:

#### PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR Part 510 continues to read as follows:

Authority: Sec. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a)); 21 CFR 5.10 and 5.83.

##### § 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in paragraph (c)(1) by removing the entry for "Farmers Union Grain Terminal Association," and in paragraph (c)(2) by removing the entry for "017162."

#### PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

3. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

##### § 558.625 [Amended]

4. Section 558.625 *Tylosin* is amended by removing paragraph (b)(7) and reserving it for future use.

Dated: April 8, 1987.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 87-8231 Filed 4-13-87; 8:45 am]

BILLING CODE 4160-01-M

#### 21 CFR Part 520

#### Oral Dosage Form New Animal Drugs Not Subject To Certification; Cefadroxil Tablets

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 supplemental new animal drug application (NADA) filed by Bristol Laboratories providing for safe and effective use of a 1 gram cefadroxil tablet for treating certain genitourinary tract and skin and soft tissue infections of dogs.

**EFFECTIVE DATE:** April 14, 1987

**FOR FURTHER INFORMATION CONTACT:**

Sandra K. Woods, Center for Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857 301-443-3420.

**SUPPLEMENTARY INFORMATION:** Bristol Laboratories, Division of Bristol-Meyers Co., P.O. Box 4755, Syracuse, NY 13221-4755, filed supplemental NADA 119-688 providing for safe and effective oral use of 1 gram tablets in addition to the currently approved 50-, 100-, and 200-milligram cefadroxil tablets in dogs for the treatment of certain genitourinary tract and skin and soft tissue infections caused by cefadroxil-susceptible organisms. The supplemental NADA is approved and 21 CFR 520.314(a) is amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

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 agency has determined under 21 CFR 25.24(d)(1)(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

#### List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 520 is amended as follows:

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

1. The authority citation for 21 CFR Part 520 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. Section 520.314 is amended by revising paragraph (a) to read as follows:

### § 520.314 Cefadroxil tablets.

(a) *Specifications.* 50- 100- and 200-milligram tablets for dogs and cats; 1 gram tablet for dogs.

Dated: April 7, 1987

Richard A. Carnevale,

Acting Associate Director for Scientific Evaluation, Center for Veterinary Medicine.

[FR Doc. 87-8233 Filed 4-13-87; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

### 31 CFR Part 1

### Privacy Act; Disclosure of Records

**AGENCY:** Department of the Treasury.

**ACTION:** Notice of final rulemaking; technical amendments.

**SUMMARY:** This document amends certain sections of the Department of the Treasury's regulations, Notice of Exempt Systems, relating to the Privacy Act of 1974. Since § 1.36 of the Department's regulation has not been updated since 1977 there are numerous corrections which are being made. These include: editorial changes; name changes to some exempt systems; deleting those systems that are obsolete and those that have been incorporated with other systems; and, updating names of offices and titles within the regulation to conform with reorganizations within the Department.

**EFFECTIVE DATE:** April 14, 1987

**FOR FURTHER INFORMATION CONTACT:** Phyllis De Piazza, Departmental Disclosure Officer, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, Telephone: (202) 566-2789.

**SUPPLEMENTARY INFORMATION:** The Department of the Treasury has completed an extensive review of all its Privacy Act systems of records. The updated systems were published at 49 FR 48628, December 13, 1984 (Office of the Secretary); 50 FR 29816, July 22, 1985 (IRS); 50 FR 30048, July 23, 1985 (U.S. Customs Service); and 50 FR 30334, July

25, 1985 (Comptroller of the Currency; Bureau of Alcohol, Tobacco, and Firearms; U.S. Secret Service; Bureau of Engraving and Printing; Federal Law Enforcement Training Center; Financial Management Service; Bureau of Public Debt; U.S. Savings Bonds Division; U.S. Mint). As a result of this review and earlier reviews that had never resulted in publication of the systems of records listed in this regulation, Notice of Exempt Systems is being updated to reflect name changes, renumbering, deletions, consolidations, and reorganizations. These changes appear as amendments to § 1.36 and are described herein.

On May 21, 1982, the Secretary of the Treasury's Order 150-97 transferred the Director of Practice from Office of the Secretary to Internal Revenue Service. As a result, eleven systems of records under Director of Practice were transferred from the Departmental Offices to the Internal Revenue Service. Seven of those systems are exempt systems and have a new number prefix as set forth below:

OS.161 now 37.002—Applicant Appeal Files  
OS.162 now 37.003—Closed files containing Derogatory Information about Individuals' Practice before Internal Revenue Service and files of attorneys and certified public accountants formerly enrolled to practice  
OS.163 now 37.004—Derogatory information (no action)  
OS.164 now 37.005—Present Suspensions and Disbarments Resulting from Administrative Proceeding  
OS.166 now 37.007—Inventory  
OS.168 now 37.009—Resigned Enrolled Agents (action pursuant to 31 CFR, Section 10.55(b))  
OS.170 now 37.011—Present Suspensions from Practice before the Internal Revenue Service

Two Departmental Offices systems of records under the heading Assistant Secretary (Enforcement, Operations, and Tariff Affairs), were transferred to the Department of Justice. The systems are: Treasury/OS 00.101—International Criminal Police Organization (INTERPOL) Criminal Investigative Records (46 FR 16473), and Treasury/OS 00.102—Treasury Enforcement Communications system (TECS) (46 FR 16473). The information in Treasury OS 00.101 is now maintained by the United States National Central Bureau (USNCB) of the Department of Justice and is entitled "Criminal Investigative Records System—Justice/DAG-007" published at 45 FR 13847. The information in Treasury/OS 00.102 is duplicative of Treasury/Customs 00.244—Treasury Enforcement Communications System (TECS) published at 50 FR 30112.

There have been 26 IRS systems of records deleted since this regulation was last updated. Some of these records are obsolete and some have been included in other systems of records. They include:

42.009—Strike Force  
42.015—Open and Closed Narcotics Traffickers File  
46.006—Information Gathering and Retrieval System  
46.007—Information Indexing System  
46.010—Joint Compliance Program  
46.012—National Register  
46.013—Project Files  
46.014—Project Personnel  
46.018—Strike Force Disclosure Authorization List  
46.019—Tax Practitioner File  
46.020—Tax Termination File  
22.005—Audit Underreporter Case File  
22.012—Collection Case File  
22.014—Discriminant Function File (DIF)  
22.040—Multiple Refund Files  
22.057—Taxpayers Delinquent Investigation Notice File  
26.002—Adjustment and Payment Tracer Files  
26.003—Collateral Files  
26.015—Records being Maintained at the Request of Congressional Committees  
26.017—Seized Property Records  
26.018—Tax Collection Waiver Form 900 Files  
42.024—Coordinated Examinations of Large Cases Program  
46.008—Information and Correspondence  
48.002—Disclosure to Executive Departments and Congressional Committees  
48.003—Testimony of IRS employees in non-tax matters  
36.006—Personnel Investigation Records

The U.S. Customs Service has also deleted a number of exempt systems of records. These corrections have not previously been reflected in the Notice of Exempt Systems. There also was a name change of the "Currency and Monetary Instruments Reporting File (Treasury/Customs .067)" to the "Bank Secrecy Act Reports File (Treasury/Customs .067)". This had been erroneously reported as a proposed rule and should instead be a technical change (48 FR 35904, August 8, 1983). The systems deleted by the U.S. Customs Service were either obsolete or consolidated with other systems of records and are included herein:

00.016—Aircraft Ownership File  
00.017—Aircraft Registers  
00.034—Boarding Report  
00.038—CARNET Information System  
00.047—Claims Files (Region VIII)  
00.048—Claims for Automobile Accidents  
00.266—Collection File  
00.062—Court Case Files (Region VIII)  
00.063—Court Docket Records System  
00.070—Customhouse Brokers, Records (Headquarters)  
00.071—Customhouse Brokers Records



00.072—Customhouse Brokers Records (Headquarters)  
 00.073—Customs Fugitive Program  
 00.074—Customs Licensing and Identification Program (Proposed)  
 00.080—Disclosure of Information Request Files (Region VIII)  
 00.087—Equal Employment Opportunity Program  
 00.089—Equal Opportunity Discrimination Complaint Case File  
 00.094/00.267—Federal Tort Claims Act File (Two systems of same name)  
 00.097—Fines, Penalties, and Forfeitures (Supplemental Petitions)  
 00.101—Fines, Penalty and Forfeiture (FP & F) Record System  
 00.104—Florida Boat Registration File  
 00.117—Information and Investigative Reports from other Federal agencies  
 00.118—Information Received File (Patrol File)  
 00.119/00.120—Information Received File (Patrol Division—New Orleans, LA) (Two systems of same name.)  
 00.121—Information Received (MOIR) File (San Diego DD)  
 00.131—Justice Court Case File (Two systems of the same name.)  
 00.176—Patrol Information Data System  
 00.179—Patrol Officers Case File  
 00.183—Personal Search Negative  
 00.184—Personal Search (Negative Results)  
 00.185—Personal Search—Negative (District Director—Mobile, AL)  
 00.187—Personal Search File  
 00.188—Personal Search File  
 00.189—Personnel Action Records System  
 00.192—Personnel Case Files (Region VIII)  
 00.197—Private Aircraft/Vessel Inspection Reporting System  
 00.198—Private Yacht Inspection Reporting System  
 00.218—Seventy-two Hour Archives Search System  
 00.221—Suspect File  
 00.225—Telephone Analysts Program (TELAN)  
 00.229—Theft Information System (TIS)  
 00.237—Tort Claims Records System  
 00.245—Treasury Enforcement Communications System Card File (TECS)  
 00.254—Vessel Identification Report  
 00.255—Vessel Violation Profile System  
 00.257—Violators File

### Regulatory Impact Analysis

As required by Executive Order 12291, it has been determined that this rule is not a "major" rule and therefore does not require a Regulatory Impact Analysis.

### Regulatory Flexibility Analysis

Because no notice of proposed rulemaking is required for this final rule, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

### Paperwork Reduction Act

Because no additional information collection requirements are imposed by this final rule, it is not subject to the

Paperwork Reduction Act (44 U.S.C. 3502 *et seq.*).

### Notice and Comment

The Department of the Treasury has determined that a notice of proposed rulemaking pursuant to 5 U.S.C. 553(b) is not required because these regulatory amendments do not change the legal effect of the current regulations nor do they have any impact on those regulated. As previously mentioned, the amendments update name changes to some existing exempt systems, eliminate systems that have been previously deleted or incorporated with other exempt systems, and reflect reorganizations within the Department.

### List of Subjects in 31 CFR Part 1

#### Privacy.

Dated: April 9, 1987.

John F.W. Rogers,

Assistant Secretary of the Treasury (Management).

For the reasons set out in the Preamble, Part 1 of Subchapter A of Title 31, Code of Federal Regulations is amended as follows:

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

Authority: 5 U.S.C. 301, 552, as amended, Subpart C also issued under 5 U.S.C. 552a.

#### § 1.36 [Amended]

2. Section 1.36 is amended as follows: By removing the center headings reading "Director of Practice" and "Assistant Secretary (Enforcement, Operations, and Tariff Affairs)" and all text under those headings.

2a. By revising the systems of records listed in paragraph (a)(1), (b)(1), and (e)(1) under the center heading "Internal Revenue Service" to read as follows:

#### The Internal Revenue Service

Name of system	No.
Case Management and Time Reporting System, Criminal Investigation Division	48.002
Confidential Informants, Criminal Investigation Division	48.003
Electronic Surveillance Files, Criminal Investigation Division	48.005
Centralized Evaluation and Processing of Information Items (CEPIs), Criminal Investigation Division	48.009
Relocated Witnesses, Criminal Investigation Division	48.015
Secret Service Details, Criminal Investigation Division	48.018
Treasury Enforcement Communications System (TECS)	48.022
Assault and Threat Investigation Files	60.001
Bribery Investigation Files	60.002
Disclosure Investigation Files	60.004
Chief Counsel Criminal Tax Case Files	90.001

(b)  
(1)

Name of system	No.
Wage and Information Returns Processing (IRP)	22.061
Acquired Property Records	26.001
Form 2209, Courtesy Investigations	26.008
IRS and Treasury Employee Delinquency	26.008
Litigation Case Files	26.011
Offer in Compromise (OIC) Files	26.012
One-hundred Per Cent Penalty Cases	26.013
Returns Compliance Programs (RCP)	26.016
TDA (Taxpayer Delinquent Accounts)	26.019
TDI (Taxpayer Delinquency Investigations) Files	26.020
Transferee Files	26.021
Delinquency Prevention Programs	26.022
Applicant Appeal Files	37.002
Closed Files containing Derogatory Information about individuals' practice before the IRS and Files of attorneys and certified public accountants formerly enrolled to Practice	37.003
Derogatory Information (No Action)	37.004
Present Suspensions and Disbarments Resulting from Administrative Proceeding	37.005
Inventory	37.007
Resigned Enrolled Agents (action pursuant to 31 CFR Section 10.55(b))	37.009
Present Suspensions from Practice Before the Internal Revenue Service	37.011
Examination Administrative File	42.001
Audit Information Management System (AIMS)	42.008
Classification and Examination Selection Files	42.016
Compliance Programs and Projects Files	42.021
International Enforcement Program Files	42.017
Combined Case Control Files	42.012
Audit Underreporter Case Files	42.029
Discriminant Function File (DIF)	42.030
Appeals Case Files	44.001
Disclosure Records	48.001
Collateral and Information Requests System	48.001
Component Authority and Index Card Microfilm Retrieval System	48.002
Overseas Compliance Projects System	48.007
Conduct Investigation Files	60.003
Enrollee Charge Investigation Files	60.006
Miscellaneous Information File	60.007
Special Inquiry Investigation Files	60.009
Chief Counsel Disclosure Litigation Division Case Files	90.002
Chief Counsel General Legal Services Case Files	90.004
Chief Counsel General Litigation Case Files	90.005
Chief Counsel Tax Litigation Case Files	90.009
File Digest Room Files containing briefs, Legal opinions, Digests of Documents generated internally or by the Department of Justice relating to the Administration of the Revenue Laws	90.010
Legal Case Files of the Chief Counsel, Deputy Chief Counsel, Associate Chief Counsels (Litigation) and (Technical)	90.013
Reports and Information Retrieval Activity Computer and Microfilm Records	90.018
Correspondence File—Inquiries about Enforcement Activities	90.002

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

Name of system	No.
Recruiting, Examining and Placement Records	38.008
Security, Background, and Character Investigations Files	60.008
Chief Counsel General Administrative Systems	90.003
Employee Recruiting Files Maintained by the Operations Division	90.011
Management Files Maintained by Operations Division and the Deputy Chief Counsel other than the Office of Personnel Management's Official Personnel Files	90.014

3. Under the center heading "United States Customs Service" by revising the listing in paragraph a.1 and b.1 to read as follows:

#### United States Customs Service

a.  
1.

00.285—Automated Index to Central Enforcement Files  
 00.270—Background—Record File of Non-Customs Employees  
 00.037—Cargo Security Record System  
 00.053—Confidential Source Identification File  
 00.067—Bank Secrecy Act Reports File  
 00.287—Customs Automated Licensing Information System (CALIS) [Proposed]  
 00.127—Internal Security Records System  
 00.129—Investigations Record System  
 00.244—Treasury Enforcement Communications System (TECS)  
 \* \*  
 b.  
 1. \*  
 00.014—Advice Requests (Legal) (Pacific Region)  
 00.021—Arrest/Seizure/Search Report and Notice of Penalty File  
 00.022—Attorney Case File  
 00.285—Automated Index to Central Enforcement Files  
 00.270—Background—Record File of Non-Customs Employees  
 00.037—Cargo Security File  
 00.271—Cargo Security Record System  
 00.041—Cartmen or Lightermen  
 00.043—Case Files (Regional Counsel—South Central Region)  
 00.046—Claims Case File  
 00.053—Confidential Source Identification File  
 00.057—Container Station Operator Files  
 00.058—Cooperating Individual Files  
 00.061—Court Case File  
 00.067—Bank Secrecy Act Reports File  
 00.069—Customhouse Brokers File (Chief Counsel)  
 00.287—Customs Automated Licensing Information System (CALIS)  
 00.077—Disciplinary Action and Resulting Grievances or Appeal Case Files  
 00.078—Disclosure of Information File  
 00.098—Fines, Penalties, and Forfeitures Records  
 00.099—Fines, Penalties, and Forfeiture Files (Supplemental Petitions)  
 00.100—Fines, Penalties, and Forfeiture Records (Headquarters)  
 00.122—Information Received File  
 00.125—Intelligence Log  
 00.127—Internal Security Records System  
 00.129—Investigations Record System  
 00.133—Justice Department Case File  
 00.138—Litigation Issue Files  
 00.140—Lookout Notice  
 00.155—Narcotics Suspect File  
 00.159—Notification of Personnel Management Division when an employee is placed under investigation by the Office of Internal Affairs.  
 00.182—Penalty Case File  
 00.186—Personal Search  
 00.190—Personal Case File  
 00.197—Private Aircraft/Vessel Inspection Reporting System  
 00.206—Regulatory Audits of Customhouse Brokers  
 00.212—Search/Arrest/Seizure Report  
 00.214—Seizure File  
 00.224—Suspect Persons Index  
 00.232—Tort Claims Act File  
 00.244—Treasury Enforcement Communications System (TECS)

00.258—Violator's Case Files  
 00.260—Warehouse Proprietor Files  
 \* \* \* \* \*  
 [FR Doc. 87-8242 Filed 4-13-87; 8:45 am]  
 BILLING CODE 4810-25-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1052

[Ex Parte No. MC-42]

#### Motor Carriers; Handling of C.O.D. Shipments

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is revising 49 CFR 1052.3 to allow each motor common carrier of property to publish its own nondiscriminatory tariff provisions governing the collection and remittance of funds for cash-on-delivery (c.o.d.) shipments. The separate recordkeeping requirements for c.o.d. shipments (49 CFR 1052.4) are repealed. The previous recordkeeping requirements were burdensome, time-consuming and costly, and may have discouraged carriers from providing c.o.d. service.

**EFFECTIVE DATE:** May 14, 1987

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Barry (202) 275-7540 or Mark S. Shaffer (202) 275-7805.

**SUPPLEMENTARY INFORMATION:** Proposed rules in this proceeding were published at 46 FR 1927 March 30, 1981 and 51 FR 23562, June 30, 1986.

Additional information is contained in the Commission's decision. To purchase a copy of the decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357 in the DC Metropolitan area or (800) 424-5403, toll-free, outside the DC area.

#### Energy and Environmental Considerations

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

#### Regulatory Flexibility Analysis

The Commission certifies that adoption of the amendments will not have a significant economic impact on a substantial number of small entities because the amendments do not mandate that any action be taken, but they allow more flexible and individualized procedures.

## List of Subjects in 49 CFR Part 1052

Motor carriers.

Decided: March 26, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Vice Chairman Lamboley and Commissioner Simmons dissented with separate expressions.

Noreta R. McGee,

Secretary.

### PART 1052—[AMENDED]

Title 49 of the Code of Federal Regulations, Part 1052, is amended as follows:

1. The authority citation for 49 CFR Part 1052 is revised to read as follows:

Authority: 49 U.S.C. 10101, 10321, 10922, 10762, and 11101, and 5 U.S.C. 553.

2. The heading and text of § 1052.3 is revised to read as follows:

#### § 1052.3 Collection and remittance.

Every common carrier of property subject to the Interstate Commerce Act, except as otherwise provided in § 1052.1, which provides any c.o.d. service must publish and maintain or cause to be published and maintained for its account a tariff or tariffs which set forth nondiscriminatory rules governing the collection and remittance of c.o.d. funds.

#### § 1052.4 [Removed]

3. Section 1052.4 is removed.

[FR Doc. 87-8328 Filed 4-13-87; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 672

[Docket No. 61220-7033]

#### Fishery Conservation and Management; Groundfish of the Gulf of Alaska

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

**ACTION:** Notice of closure.

**SUMMARY:** The Director, Alaska Region, NMFS (Regional Director), has determined that the share of the sablefish target quota (TQ) allocated to hook-and-line gear in the Southeast Outside/East Yakutat District of the Eastern Regulatory Area of the Gulf of Alaska will be achieved on April 9, 1987. The Secretary of Commerce is prohibiting retention of sablefish in this district by persons using hook-and-line

gear after 12:00 noon on April 9, 1987 through December 31, 1987

**EFFECTIVE DATE:** From 12:00 noon April 9, 1987 Alaska Daylight Time (ADT), until midnight, Alaska Standard Time, December 31, 1987

**ADDRESS:** Comments should be addressed to Robert W. McVey, Director, Alaska Region (Regional Director), National Marine Fisheries Service, P.O. Box 021668, Juneau, Alaska 99802.

**FOR FURTHER INFORMATION CONTACT:** Ronald J. Berg, Fishery Management Biologist, NMFS, 907-586-7230.

**SUPPLEMENTARY INFORMATION:** The Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) governs the groundfish fishery in the exclusive economic zone in the Gulf of Alaska under the Magnuson Fishery Conservation and Management Act (Magnuson Act). Regulations implementing the FMP are at 50 CFR Part 672. Paragraph 672.20(a) of the regulations establishes an optimum yield range of 116,000-800,000 metric tons (mt) for all groundfish species in the Gulf of Alaska, which is further divided annually into target quotas (TQs) for each groundfish species. For 1987 TQs were established for each of the groundfish species and apportioned among the regulatory areas and districts.

Section 672.2 of the regulations defines the Southeast Outside/East Yakutat District of the Eastern Regulatory Area in the Gulf of Alaska (Emergency interim rule, 52 FR 9171, March 23, 1987). The TQ for sablefish is 4,200 mt TQ in the combined Southeast Outside/East Yakutat District (52 FR 785, January 9, 1987). Under Amendment 15, § 672.24(b)(3)(ii) of current regulations provides a quota for hook-and-line gear in the Southeast Outside/East Yakutat District equal to 95 percent of the TQ, or 3,990 mt. When the quota is taken, further catches of sablefish by hook-and-line vessels must be treated as prohibited species and discarded at sea.

Prior to the April 1 season starting date, NMFS conducted an area registration program to better estimate numbers of vessels participating in the sablefish hook-and-line fishery in each district throughout the Gulf of Alaska. Based on results of the program, NMFS estimates that about 370 hook-and-line vessels are fishing sablefish in the combined Southeast Outside/East Yakutat Districts. This estimate is derived from the actual registered number of 342 increased by a factor of ten percent. Ten percent was used to account for vessels that are likely fishing but which are not registered and

is based on a similar non-registration percentage that the Alaska Department of Fish and Game has experienced in past sablefish vessel registration programs. About 1,120 mt have been landed through April 5. On the basis of the average catch rates experienced by the fleet through this date, NMFS estimates that the balance of the quota, or 2,870 mt, will be harvested by noon on April 9, 1987. Therefore, the Southeast Outside/East Yakutat District is closed to sablefish fishing by hook-and-line vessels at 12:00 noon, local time, on April 9, 1987. Further catches of sablefish by hook-and-line vessels must be treated as prohibited species and discarded at sea. This notice will be effective upon filing for public inspection with the Federal Register and after it has been publicized for 48 hours through procedures of the Alaska Department of Fish and Game under § 672.22(b). Public comments on this notice may be submitted to the Regional Director at the address above for 15 days following its effective date.

#### Classification

Overharvesting of sablefish, which would increase the risk of overfishing of this species, will result unless this notice takes effect promptly. NOAA therefore finds for good cause that prior opportunity for public comment on this notice is contrary to the public interest and its effective date should not be delayed. This action is taken under §§ 672.22 and 672.24 and is in compliance with Executive Order 12291.

#### List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Dated: April 9, 1987.

James E. Douglas, Jr.,  
Deputy Assistant Administrator For  
Fisheries, National Marine Fisheries Service.  
[FR Doc. 87-8249 Filed 4-9-87; 1:36 pm]

BILLING CODE 3510-22-M

#### 50 CFR Part 675

[Docket No. 61095-7046]

#### Groundfish of the Bering Sea and Aleutian Islands Area

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

**ACTION:** Final rule.

**SUMMARY:** NOAA issues a final rule that amends current regulations to provide authority (1) to prohibit domestic directed fishing for species for which the remaining total allowable catch (TAC) is necessary as bycatch in fisheries for

other groundfish species during the remainder of the year, (2) to require domestic fishermen to treat groundfish species for which the TAC has been reached in the same manner as prohibited species, and (3) to limit domestic fishing for groundfish by any method that will prevent overfishing of that species for which the TAC has been reached. In addition, the final rule clarifies the definition of "fishing year." The intended effect of this action is to promote the full utilization of all groundfish species without causing biological harm to any one species and without inhibiting the development of domestic fisheries and is intended as a conservation and management measure to make optimum use of groundfish stocks.

**EFFECTIVE DATE:** April 13, 1987

**ADDRESS:** Copies of documents supporting this rule may be requested from Robert W. McVey, Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, AK 99802.

**FOR FURTHER INFORMATION CONTACT:** Jay J.C. Ginter (Resource Management Specialist), 907-586-7230.

#### SUPPLEMENTARY INFORMATION:

##### Background

The domestic and foreign groundfish fishery in the exclusive economic zone of the Bering Sea and Aleutian Islands (BSAI) Area is managed under the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area (FMP). The FMP was developed by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and implemented January 1, 1982 (46 FR 63295, December 31, 1981). Implementing regulations affecting domestic fisheries in the BSAI area are at 50 CFR Part 675.

A description of the problem addressed by this action is given in the preamble to the emergency interim rule published in the Federal Register on October 22, 1986 (51 FR 37408). In summary, current § 675.20(a)(7) requires prohibition of fishing by U.S. vessels in the entire BSAI management area or applicable subarea when the combined catch of a species by foreign and U.S. vessels reaches the amount apportioned to the fishery for that species. That is, all fishing must cease when the total allowable catch (TAC) for a species is reached. This prohibition applies to any fishing that involves the taking of the species for which the TAC is fully harvested. Hence, in addition to preventing directed fishing for a species



for which the current TAC has been reached, this regulation also prohibits fishing for other species that may take incidental catches of the species for which the TAC has been reached.

The Council considered this problem with respect to sablefish during the March and June 1986 Council meetings. At its June meeting, the Council recommended that the Secretary immediately implement a combined interim emergency rule and permanent regulatory amendment to allow the Secretary to slow the rate of catch of any groundfish species by designating it for incidental or bycatch only when necessary to extend the harvest of that species until the end of the year. If the TAC of a groundfish species were reached, despite its status as bycatch only, prior to the end of the year, then the Council recommended that the Secretary prohibit further retention of this species in other groundfish fisheries. The overall intent of the Council's recommendation was to maintain fisheries for groundfish species for which the TAC has not been reached despite the bycatch of groundfish species for which the TAC has been (or soon will be) reached, providing that overfishing of the bycatch species would not occur.

This recommendation was implemented on an interim basis by the emergency rule of October 22, 1986 (51 FR 37408), and is made final by this action, by amending 50 CFR 675.20(a) to accommodate three conditions. First, directed fishing for a groundfish species can be prohibited during a fishing year when the Regional Director determines that the remaining amount of TAC of that species is necessary as bycatch in groundfish fisheries for other species during the remainder of the fishing year. This will allow incidental catches and retention of the species while fishing is directed to other groundfish species. It also will prevent wasting potentially large amounts of species whose quota has been reached, which would occur if they are treated as prohibited species without first slowing the catch by prohibiting directed fishing. Prohibiting directed fishing limits incidental catches of any one species to less than 20 percent of the total catch aboard a vessel any time by definition under § 675.2.

Second, if the TAC of a groundfish species is achieved before the end of a fishing year, then it must be treated in the same manner as a prohibited species. This means that catches of species for which the TAC has been reached must be avoided and cannot be retained. In addition to prohibiting

further directed fishing, this provision creates an incentive for fishermen to avoid high incidental catches of prohibited species since all such catches must be immediately sorted and returned to the sea.

Finally, fishing for groundfish other than the species for which a TAC has been achieved may be limited if the Regional Director determines that such fishing may lead to overfishing of the species for which a TAC has been achieved. This provision would be invoked only if significant incidental catches of a fully harvested species cannot be avoided by directed fishing for other groundfish species.

#### Public Comments

No public comments were received. In response to one comment from NOAA legal staff, a minor wording change was made in new § 675.20(a)(10) to allow fishing to "resume" as well as "continue" under this rule.

#### Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this regulatory amendment is necessary for the conservation and management of the groundfish fishery and that it is consistent with the Magnuson Act and other applicable law.

The Regional Director, NMFS, prepared an environmental assessment (EA) for this rule and concluded that no significant impact on the human environment would result from this rule. A regulatory impact review (RIR) and an initial regulatory flexibility analysis (IRFA) are combined with the EA as one document. Copies of the EA/RIR/IRFA may be requested from the Regional Director at the address listed above.

The Administrator of NOAA determined that this rule is not a major rule requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the EA/RIR/IRFA prepared by the Regional Director.

The Regional Director prepared a final regulatory flexibility analysis (FRFA) which describes the potential effects of this rule on small entities. The analysis contained in the FRFA is largely the same as that contained in the EA/RIR/IRFA which was summarized in the preamble of the proposed rule announcement at 51 FR 37408 (October 22, 1986). A copy of the FRFA may be requested from the Regional Director at the address listed above.

This rule contains a collection of information requirements subject to the Paperwork Reduction Act. The collection of this information has been approved by the Office of Management

and Budget, OMB Control Number 0648-0016.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Alaska. This determination has been submitted for review by the responsible State agency under section 307 of the Coastal Zone Management Act. The State agency failed to comment within the statutory time period.

Since this final rule allows the continued harvest of groundfish species even after the OYs for other species have been reached, thereby avoiding premature area closures, it relieves a restriction. Accordingly, it is being made effective immediately under section 553(d)(1) of the Administrative Procedures Act.

#### List of Subjects in 50 CFR Part 675

Fisheries.

Dated: April 8, 1987

William E. Evans,

Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

#### PART 675—[AMENDED]

For the reasons set forth in the preamble, 50 CFR Part 675 is amended as follows:

1. The authority citation for Part 675 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 675.2, a new definition is added in correct alphabetical order to read as follows:

#### § 675.2 Definitions.

*Fishing year* means the period of time beginning at 0901 GMT (0001 Alaska Standard Time) on January 1 and ending at 0900 GMT on January 1 (2400 Alaska Standard Time on December 31).

3. In § 675.20, paragraph (a) is amended by revising paragraph (a)(7) and adding new paragraphs (a)(8) through (a)(10) to read as follows:

#### § 675.20 General limitations.

(a)

(7) When the Regional Director determines that the amount of the TAC of any target species or of the "other species" category remaining during the fishing year is necessary for bycatch in fisheries for other groundfish species during the remaining fishing year, the Secretary will publish a notice in the *Federal Register* prohibiting directed fishing for that species or the "other

species" category for the remainder of the fishing year.

(8) When the Regional Director determines that the TAC of any target species or of the "other species" category has been achieved prior to the end of the fishing year, the Secretary will publish a notice in the Federal Register requiring that species or the "other species" category are to be treated in the same manner as prohibited species, as described in § 675.20(c) of this part, for the remainder of the fishing year.

(9) If the Regional Director determines that directed fishing for groundfish other than the species for which the TAC is

achieved, as determined under paragraph (a)(8) of this section, may lead to overfishing of this species, the Secretary will, in the notice required by that paragraph, also limit such directed fishing for other groundfish by any method, including area closures, gear restrictions or prohibition of directed fishing, that will prevent overfishing of the species for which the TAC is achieved.

(10) When making the determinations specified under paragraphs (a) (7), (8), and (9) of this section, the Regional Director will consider allowing fishing to continue or resume with certain gear

types or in certain areas and times based on findings of:

(i) The risk of biological harm to groundfish for which the TAC will be or has been achieved;

(ii) The risk of socioeconomic harm to authorized users of the groundfish for which the TAC will be or has been achieved; and

(iii) The negative effect of prohibitions or restrictions authorized under paragraphs (a) (7), (8), and (9) of this section on the socioeconomic well-being of other domestic fisheries.

\* \*

[FR Doc. 87-8268 Filed 4-13-87; 8:45 am]

BILLING CODE 3510-22-M

# Proposed Rules

Federal Register

Vol. 52, No. 71

Tuesday, April 14, 1987

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.

## FEDERAL LABOR RELATIONS AUTHORITY

### 5 CFR Part 2411

#### Freedom of Information Act Requests; Fees To Be Charged

**AGENCY:** Federal Labor Relations Authority.

**ACTION:** Proposed rules.

**SUMMARY:** The Federal Labor Relations Authority, the General Counsel of the Federal Labor Relations Authority, and the Federal Service Impasses Panel propose these rules to implement certain provisions of the Freedom of Information Reform Act of 1986, and the Office of Management and Budget's Uniform Freedom of Information Act Fee Schedule and Guidelines, 52 FR 10012 (March 27 1987).

**DATE:** Comments received on or before April 20, 1987, will be considered.

**ADDRESS:** Comments should be mailed to William E. Persina, Deputy Solicitor, Federal Labor Relations Authority, 500 C St., SW., Washington, DC 20424.

**FOR FURTHER INFORMATION CONTACT:** William E. Persina, Deputy Solicitor, Federal Labor Relations Authority, 202-382-0781.

**SUPPLEMENTARY INFORMATION:** The Freedom of Information Reform Act of 1986 (Act), Pub. L. 99-570, amended the Freedom of Information Act, 5 U.S.C. 552 (FOIA), by supplying new provisions relating to the charging of fees. The Freedom of Information Reform Act among other things permits agencies to charge for certain direct costs of responding to FOIA requests; creates several categories of FOIA requesters; and establishes different requirements of agencies in charging fees based on the category of the requester. For example, certain types of requesters are entitled to the first 100 pages of documents and two hours of search time without charge. The Office of Management and Budget's Uniform Freedom of Information Act Fee

Schedule and Guidelines, 52 FR 10112 (March 27 1987) (OMB Guidelines) implement the Freedom of Information Reform Act of 1986 and provide guidance to federal agencies in development of their own regulations implementing that Act, as required under the Act. The OMB Guidelines among other things provide definitions for the various categories of requesters established by the Act, and establish government-wide standards for agencies to follow in developing cost data for agency implementing regulations. The following proposed rules of the Authority, its General Counsel, and the Federal Service Impasses Panel implement the Act and the OMB Guidelines.

### PART 5—[AMENDED]

For the reasons set forth in the preamble, it is proposed to amend 5 CFR Part 2411 as follows:

1. By revising § 2411.6(b)(3) and (4) to read as follows:

#### § 2411.6 Time limits for processing requests.

(b)(3) If the request is expected to involve allowed charges in excess of \$250.00, the response shall specify or estimate the fee involved and shall require prepayment of any charges in accordance with the provisions of paragraph (g) of § 2411.10 before the request is processed further.

(4) Whenever possible, the response relating to a request for records that involves a fee of less than \$250.00 shall be accompanied by the requested records. Where this is not possible, the records shall be forwarded as soon as possible thereafter, consistent with other obligations of the Authority, the General Counsel or the Panel.

2. By revising § 2411.10 to read as follows:

#### § 2411.10 Fees.

(a) *Definitions.* For the purpose of this section:

(1) The term "direct costs" means those expenditures which the Authority, the General Counsel or the Panel actually incurs in searching for and duplicating (and in the case of commercial requesters, reviewing) documents to respond to a FOIA request. Direct costs include, for

example, the salary of the employee performing work (the basic rate of pay for the employee plus 16 percent of the rate to cover benefits) and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses such as costs of space, and heating or lighting the facility in which the records are stored.

(2) The term "search" includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. Searches may be done manually or by computer using existing programming.

(3) The term "duplication" refers to the process of making a copy of a document necessary to respond to a FOIA request. Such copies can take the form of paper copy, microfilm, audio-visual materials, or machine readable documentation (e.g., magnetic tape or disk), among others.

(4) The term "review" refers to the process of examining documents located in response to a commercial use request (see paragraph (a)(5) of this section to determine whether any portion of any document located is permitted to be withheld. It also includes processing any documents for disclosure, e.g., doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(5) The term "commercial use request" refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In determining whether a requester properly belongs in this category, the Authority, the General Counsel or the Panel will look first to the use to which a requester will put the document requested. Where the Authority, the General Counsel or the Panel has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, the Authority, the General Counsel or the Panel may seek additional clarification before assigning the request to a specific category.

(6) The term "educational institution" refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education,

an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research.

(7) The term "non-commercial scientific institution" refers to an institution that is not operated on a "commercial" basis as that term is referenced in paragraph (a)(5) of this section, and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(8) The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. These examples are not intended to be all-inclusive. In the case of "freelance" journalists, they may be regarded as working for a news organization if they demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but the Authority, the General Counsel or the Panel may also look to the past publication record of a requester in making this determination.

(b) *Exceptions to fee charges.* (1) With the exception of requesters seeking documents for a commercial use, the Authority, the General Counsel or the Panel will provide the first 100 pages of duplication and the first two hours of search time without charge. The word "pages" in this paragraph refers to paper copies of standard size, usually 8½ by 11" or their equivalent in microfiche or computer disks. The term "search time" in this paragraph is based on a manual search for records. In applying this term to searches made by computer, when the cost of the search as set forth in paragraph (d)(2) of this section equals the equivalent dollar amount of two hours of the salary of the person performing the search, the Authority, the General Counsel or the Panel will begin assessing charges for computer search.

(2) The Authority, the General Counsel, or the Panel will not charge fees to any requester, including

commercial use requesters, if the cost of collecting the fee would be equal to or greater than the fee itself.

(3) The Authority, the General Counsel or the Panel will provide documents without charge or at reduced charges if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(c) *Level of fees to be charged.* The level of fees to be charged by the Authority, the General Counsel or the Panel, in accordance with the schedule set forth in paragraph (d) of this section, depends on the category of the requester. The fee levels to be charged are as follows:

(1) A request for documents appearing to be for commercial use will be charged to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought.

(2) A request for documents from an educational or non-commercial scientific institution will be charged for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, requesters must show that the request is being made under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a non-commercial scientific institution) research.

(3) The Authority, the General Counsel or the Panel shall provide documents to requesters who are representatives of the news media for the cost of reproduction alone, excluding charges for the first 100 pages.

(4) The Authority, the General Counsel or the Panel shall charge requesters who do not fit into any of the categories above fees which recover the full direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge. Requests from record subjects for records about themselves filed in Authority, General Counsel, or Panel systems of records will continue to be treated under the fee provisions of the Privacy Act of 1974, which permits fees only for reproduction.

All requesters must reasonably describe the records sought.

(d) The following fees shall be charged in accordance with paragraph (c) of this section:

(1) *Manual searches for records.* The salary rate (i.e., basic pay plus 16 percent) of the employee(s) making the search. Search time under this paragraph and paragraph (d)(2) of this section may be charged for even if the Authority, the General Counsel or the Panel fails to locate records or if records located are determined to be exempt from disclosure.

(2) *Computer searches for records.* \$4.15 per quarter hour, which the Authority, the General Counsel and the Panel determined to be the actual direct cost of providing the service, including computer search time directly attributable to searching for records responsive to a FOIA request, runs, and operator salary apportionable to the search.

(3) *Review of records.* The salary rate (i.e., basic pay plus 16 per cent) of the employee(s) conducting the review. This charge applies only to requesters who are seeking documents for commercial use, and only to the review necessary at the initial administrative level to determine the applicability of any relevant FOIA exemptions, and not at the administrative appeal level of an exemption already applied.

(4) *Duplication of records.* Twenty-five cents per page for paper copy reproduction of documents, which the Authority, the General Counsel and the Panel determined is the reasonable direct cost of making such copies, taking into account the average salary of the operator and the cost of the reproduction machinery. For copies of records prepared by computer, such as tapes or printouts, the Authority, the General Counsel or the Panel shall charge the actual cost, including operator time, of production of the tape or printout.

(5) *Forwarding material to destination.* Postage, insurance and special fees will be charged on an actual cost basis.

(e) *Aggregating requests.* When the Authority, the General Counsel or the Panel reasonably believes that a requester or group of requesters is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, the Authority, the General Counsel or the Panel will aggregate any such requests and charge accordingly.

(f) *Charging interest.* Interest at the rate prescribed in 31 U.S.C. 3717 may be charged those requesters who fail to pay fees charged, beginning on the 30th day

following the billing date. Receipt of a fee by the Authority, the General Counsel or the Panel, whether processed or not, will stay the accrual of interest.

(g) *Advanced payments.* The Authority, the General Counsel or the Panel will not require a requester to make an advance payment, i.e., payment before work is commenced or continued on a request, unless:

(1) The Authority, the General Counsel or the Panel estimates or determines that allowable charges that a requester may be required to pay are likely to exceed \$250. Then the Authority, the General Counsel or the Panel will notify the requester of the likely cost and obtain satisfactory assurance of full payment where the requester has a history of prompt payment of FOIA fees, or require an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment; or

(2) A requester has previously failed to pay a fee charged in a timely fashion (i.e., within 30 days of the date of the billing), in which case the Authority, the General Counsel or the Panel require the requester to pay the full amount owed plus any applicable interest as provided above or demonstrate that he has, in fact, paid the fee, and to make an advance payment of the full amount of the estimated fee before the agency begins to process a new request or a pending request from that requester. When the Authority, the General Counsel or the Panel acts under paragraph (g)(1) or (2) of this section, the administrative time limits prescribed in subsection (a)(6) of the FOIA (i.e., 10 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denial, plus permissible extension of these time limits) will begin only after the Authority, the General Counsel or the Panel has received fee payments described above.

(h) Requests for copies of transcripts of hearings should be made to the official hearing reporter. However, a person may request a copy of a transcript of a hearing from the Authority, the Panel or the General Counsel, as appropriate. In such instances, the Authority, the General Counsel or the Panel, as appropriate, may, by agreement with the person making the request, make arrangements with commercial firms for required services to be charged directly to the requester.

(i) Payment of fees shall be made by check or money order payable to the U.S. Treasury.

Jerry L. Calhoun,  
*Chairman.*

Henry B. Frazier III,  
*Member.*

Jean McKee,  
*Member.*

John C. Miller,  
*General Counsel.*

Roy M. Brewer,  
*Chairman, FSIP*  
[FR Doc. 87-8379 Filed 4-13-87; 8:45 am]  
BILLING CODE 6727-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 29

[Docket No. 23485; Notice No. 86-13]

#### Rotorcraft Structural Fatigue and Damage Tolerance

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** This notice announces that the comment period for Notice of Proposed Rulemaking No. 86-13, Rotorcraft Structural Fatigue and Damage Tolerance (51 FR 33704), is being reopened to allow additional time for comment by the public.

**DATES:** The public comment period which closed on March 27, 1987 is reopened until May 4, 1987.

**ADDRESS:** Comments on the notice may be mailed to: Federal Aviation Administration, Attention: Rules Docket AGC-204, Docket No. 23485, 800 Independence Ave., SW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** R.T. Weaver, Regulations Program Management, ASW-111, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-5122.

**SUPPLEMENTARY INFORMATION:** Notice No. 86-13, Rotorcraft Structural Fatigue and Damage Tolerance, proposes to add damage tolerance requirements to the fatigue evaluation of rotorcraft structure. The original comment period was extended to April 3, 1987 (51 FR 45343). However, at a public meeting in Fort Worth, Texas, on March 5-6, 1987 several industry association groups requested additional time for submitting comments on this notice. The FAA has determined that the comment period

should be reopened to provide for full public participation.

Issued in Fort Worth, Texas, on April 7, 1987.

Roger G. Knight,

*Acting Director, Southwest Region.*

[FR Doc. 87-8228 Filed 4-13-87; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 87-NM-14-AD]

#### Airworthiness Directives; Fokker B.V. Model F28 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes to adopt an airworthiness directive (AD), applicable to certain Fokker Model F28 airplanes, that would require replacement of the horizontal stabilizer control units. This proposal is prompted by reports of fatigue failure of certain bolts within the horizontal stabilizer control unit. This condition, combined with a dual hydraulic failure, could result in uncontrolled movement of the horizontal stabilizer.

**DATES:** Comments must be received no later than June 6, 1987.

**ADDRESSES:** Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-14-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Fokker Aircraft, 2361 Jefferson Davis Highway, Arlington, Virginia 22202. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

**FOR FURTHER INFORMATION CONTACT:** Ms. Judy Golder, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

**Availability of NPRM**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-14-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**Discussion**

The Netherlands Civil Aviation Authority, Rijksluchtvaartdienst (RLD), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of a fatigue-related problem with the Fokker F28 aircraft horizontal stabilizer control unit bolts. Failure of the bolts, combined with a dual hydraulic failure, can result in an uncommanded movement of the horizontal stabilizer.

Fokker issued Service Bulletin F28/27-168, Revision 1, dated June 10, 1986, which describes replacement of the horizontal stabilizer control unit with a unit in which bolts of higher tensile strength and a higher torque range have been installed. The RLD issued an airworthiness directive, BLA No. 86-08, dated September 3, 1986, which requires compliance with the service bulletin.

This airplane model is manufactured in the Netherlands and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require

replacement of the horizontal stabilizer control unit in accordance with Fokker Service Bulletin F28/27-168, Revision 1, dated June 30, 1986.

It is estimated that 35 airplanes of U.S. registry would be affected by this AD, that it would take approximately 5 manhours per plane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. The cost of parts are estimated to be \$2,000 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$77,000.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane (\$2,200). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

**List of Subjects in 14 CFR Part 39**

Aviation safety, Aircraft.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

**§ 39.13 [Amended]**

1. The authority citation for Part 39 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new airworthiness directive:

**Fokker B.V.** Applies to Model F28 airplanes certificated in any category, serial numbers 11003 through 11195, 11991 and 11992. Compliance required as indicated. To prevent uncommanded movement of the horizontal stabilizer as a result of fatigue failure of certain bolts within the horizontal stabilizer control unit, accomplish the following within one year after the effective date of this AD, unless already accomplished:

A. Replace the horizontal stabilizer control unit in accordance with the Accomplishment Instructions in Fokker Service Bulletin No. F28/27-168, Revision 1, dated June 30, 1986.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modification required by this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to Fokker Aircraft, 2361 Jefferson Davis Highway, Arlington, Virginia 22202. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on April 7, 1987.

**Frederick M. Isaac,**

*Acting Director, Northwest Mountain Region.*  
[FR Doc. 87-8226 Filed 4-13-87; 8:45 am]

**BILLING CODE 4910-13-M**

**14 CFR Part 39**

[Docket No. 87-NM-27-AD]

**Airworthiness Directives; Short Brothers Model SD3-60 Series Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes an airworthiness directive (AD), applicable to certain Short Brothers Model SD3-60 series airplanes, that would require repetitive inspection of the spar webs of the horizontal stabilizer and repair if cracks are found. This proposal is prompted by results of extended fatigue testing by the manufacturer, which revealed cracks in the spar web of the horizontal stabilizers. This condition, if not corrected, could lead to loss of the structural integrity of the horizontal stabilizer.

**DATE:** Comments must be received no later than June 6, 1987

**ADDRESSES:** Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-27-AD, 17900 Pacific Highway South, C-68966, Seattle,



Washington 98168. The applicable service information may be obtained from Short Brothers Aircraft, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202-3702. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

**FOR FURTHER INFORMATION CONTACT:** Ms. Judy Golder, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

##### **Availability of NPRM**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-27-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

##### **Discussion**

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition which may exist on certain Short Brothers Model SD3-60 series airplanes. The manufacturer reported that cracks developed in the webs of the horizontal stabilizer during extended fatigue tests.

Short Brothers issued Service Bulletin SD360-55-11, Revision 1, dated May 1986, which describes procedures for inspecting the horizontal stabilizer spar webs for cracks. The CAA has classified this service bulletins as mandatory. Short Brothers issued Service Bulletin SD360-55-12, dated April 1986, which describes procedures for repair and modification of the horizontal stabilizer spar webs.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require inspection for cracks of the horizontal stabilizer spar webs, and modification if cracks are found, in accordance with the referenced service bulletins.

It is estimated that 33 airplanes of U.S. registry would be affected by this AD, that it would take approximately 5 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$6,600.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane (\$200). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

##### **List of Subjects in 14 CFR Part 39**

Aviation safety, Aircraft.

##### **The Proposed Amendment**

##### **PART 39—[AMENDED]**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

##### **§ 39.13 [Amended]**

2. By adding the following new airworthiness directive:

**Short Brothers PLC:** Applies to Model SD3-60 airplanes, serial numbers SH3601 through SD3691 and SH3694, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent loss of the structural integrity of the horizontal stabilizer accomplish the following:

A. Within the next 100 landings after the effective date of this AD, or prior to accumulating 8,000 landings, whichever occurs later, visually inspect the forward face of the rear spar web and the aft face of the front spar web for cracks between fuselage attach fitting at 12.5" left and right of the airplane center line, in accordance with Short Brothers Model SD3-60 Service Bulletin SD360-55-11, Revision 1, dated May 1986.

B. If cracks are found, modify prior to further flight by strengthening the horizontal stabilizer in accordance with Short Brothers Model SD3-60 Service Bulletin SD360-55-12, dated April 1986.

C. If cracks are not found, repeat the inspection specified in paragraph A., above, at intervals not to exceed 1,000 landings.

D. The repetitive inspections required by paragraph C., above, may be terminated following completion of the modification described in by Short Brothers Model SD3-60 Service Bulletin SD360-55-12, dated April 1986.

E. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to Short Brothers Aircraft, 2011 Crystal Drive Suite 713, Arlington, Virginia 22202. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on April 7, 1987

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-8227 Filed 4-13-87; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 75****[Airspace Docket No. 87-ACE-3]****Proposed Alteration of Jet Routes;  
Iowa****AGENCY:** Federal Aviation  
Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to realign Jet Routes J-10 and J-192 located in the vicinity of Iowa City, IA. These alterations would establish routes in areas where aircraft are normally vectored. This action would improve traffic flow in that area and reduce controller workload.

**DATES:** Comments must be received on or before May 28, 1987

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA, Central Region, Attention: Manager, Air Traffic Division, Docket No. 87-ACE-3, Federal Aviation Administration, 801 East 12th Street, Federal Building, Kansas City, MO 64106.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in

triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ACE-3." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM's**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to alter the descriptions of J-10 and J-192 by extending these routes to Iowa City, IA, VORTAC. These extensions will accommodate a heavy flow of traffic that is now using direct routes. This action would reduce controller workload by establishing routes in areas that aircraft are usually vectored. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory

evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 75**

Aviation safety, Jet routes.

**The Proposed Amendment****PART 75—[AMENDED]**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as follows:

1. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

**§ 75.100 [Amended]**

2. Section 75.100 is amended as follows:

**J-10 [Amended]**

By removing the words "to Des Moines, IA," and by substituting the words "Des Moines, IA; to Iowa City, IA."

**J-192 [Revised]**

From Goodland, KS, Pawnee City, NE; to Iowa City, IA.

Issued in Washington, DC, on March 7 1987.

Shelomo Wugalter,  
Acting Manager, Airspace-Rules and  
Aeronautical Information Division.  
[FR Doc. 87-8229 Filed 4-13-87; 8:45 am]  
BILLING CODE 4810-13-M

**DEPARTMENT OF THE TREASURY****Customs Service****19 CFR Part 127****Selection of Warehouses for Storage  
of Unclaimed and Abandoned  
Merchandise****AGENCY:** Customs Service, Treasury.**ACTION:** Solicitation of Public Comment.

**SUMMARY:** This document solicits public comments concerning the selection of warehouses for the storage of unclaimed and abandoned (general order) merchandise. A study conducted by the Customs Service showed widespread lack of uniformity among Customs ports as to selection of storage locations for



general order merchandise. It is believed that uniform practices and procedures will improve management of the general order program, facilitate competition among general order warehouses, and improve service to the public. Because of the significance of this matter to importers, Customs brokers, carriers, and warehouse proprietors, comments are being invited for consideration before any changes in practices and procedures are made.

**DATE:** Comments must be received on or before June 15, 1987

**ADDRESS:** Comments (preferably in triplicate) may be addressed to, and inspected at, the Regulations Control Branch, Room 2426, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

**FOR FURTHER INFORMATION CONTACT:** John Holl or Bradley Lund, Cargo Enforcement and Facilitation Branch, (202-566-8151).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

As provided in § 127.11, Customs Regulations (19 CFR 127.11), with certain stated exceptions, any entered or unentered merchandise which remains in Customs custody for 1 year from the date of importation without estimated duties and storage or other charges having been paid, shall be considered unclaimed and abandoned. Section 127.13, Customs Regulations (19 CFR 127.13), provides that unclaimed and abandoned merchandise shall be sent to a class 1 warehouse or to a suitable warehouse of class 3, 4, or 5 specially designated for the purpose by the district director. Storage and all other expenses shall be paid by the owner or consignee of the merchandise if it is claimed and entered into the customs territory of the United States. If the merchandise is sold, charges for storage and other expenses shall be paid from the proceeds of the sale to the extent that proceeds are available.

A survey conducted in August 1986 determined that there was a widespread lack of uniformity among Customs ports in the selection of the warehouse locations for general order merchandise. The study found that the number of warehouses selected to receive general order merchandise vary from one such warehouse at some ports to several at other ports. At some ports, no warehouse facilities have been selected to store the merchandise. Instead, Customs facilities or other suitable premises have been used.

The study also revealed that there is a lack of uniformity among the ports in how the warehouse are selected. In a

few ports, the importer, customs broker, or carrier selects the warehouse. Customs does the selection at other ports. This often brings complaints from general order warehouse proprietors about perceived inequities in the distribution of shipments to individual warehouses. Further, while some ports have contractual agreements with general order warehouse proprietors, most receive such merchandise without the existence of any contractual agreement.

Customs desires to increase the uniformity of port practices in selecting the warehouse where general order merchandise is to be stored. It is believed that the implementation of uniform practices and procedures will improve management of the general order program, facilitate competition among general order warehouses, and improve service to the public.

To assist Customs in developing uniform practices and procedures, we would like to receive comments on methods of selecting warehouses for the storage of general order merchandise. Specifically, responses should address the following issues:

(1) How many warehouses should be designated at each port to accept general order merchandise? Should it be one, a few, or all public bonded warehouses which indicate a desire to accept such shipments?

(2) Who should designate the warehouse for storage of particular general order merchandise? Should it be Customs or some other party, such as the importer, customs brokers, or carriers?

(3) If Customs designates the warehouse, what method should be used to assure an equitable distribution of shipments among the warehouses?

(4) Should designated warehouses be required to enter into a uniform contractual agreement with Customs?

Any other relevant comments on the matter are also invited.

##### **Comments**

Before taking any final action on developing uniform practices and procedures, consideration will be given to any written comments timely submitted to Customs. Comments and/or data submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), between 9:00 a.m. and 4:30 p.m. on normal business days at the Regulations Control Branch, Room 2426, U.S. Customs Service Headquarters,

1301 Constitution Avenue, NW., Washington, DC 20229.

##### **Drafting Information**

The principal author of this document was Bruce J. Friedman, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William von Raab,  
*Commissioner of Customs.*

Approved: March 19, 1987.

Francis A. Keating II,  
*Assistant Secretary of the Treasury.*  
[FR Doc. 87-8378 Filed 4-13-87; 8:45 am]  
BILLING CODE 9103-68-M

## **DEPARTMENT OF STATE**

### **22 CFR Part 41**

[Doc. No. SD-205]

#### **Visas: Nonimmigrant Classes**

**AGENCY:** Department of State.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule would set forth, with the concurrence of the Immigration and Naturalization Service, the Department's interpretation of the temporary visitor for business nonimmigrant classification regulations adopted by the Service in its final rule of December 9, 1986, 51 FR 44266. The Department interprets the Service's regulations to bar certain nonimmigrant aliens from obtaining a B-1 temporary visitor for business classification under the provisions of section 101(a)(15)(B) of the Immigration and Nationality Act. This proposed rule would amend 22 CFR 41.25(b) in order to make the Department's visa issuing policies consistent with the Service's regulations. The rule would affect a small number of aliens who seek to enter the United States temporarily to perform building and construction work.

**DATES:** Written comments must be submitted in duplicate on or before May 14, 1987

**ADDRESS:** Chief, Legislation and Regulations Division, Visa Office, Room 1338, Department of State, Washington, DC 20520.

**FOR FURTHER INFORMATION CONTACT:** Rudolph Henderson, Legal Adviser's Office, Department of State, Washington, DC 20520, (202) 647-4415.

**SUPPLEMENTARY INFORMATION:** On December 9, 1986, the Immigration and Naturalization Service published a final rule barring classification and admission as temporary visitors for business of aliens seeking to enter the United States

to perform building or construction work. The background of this rule is explained in the Supplementary Information published with the final rule.

The Department has a responsibility to coordinate with the Immigration and Naturalization Service issues involving certain visa-issuance practices. In this instance the Department believes visa issuing procedures under § 41.25(b) require such coordination.

In the course of preparing comparable amendments to the Department's regulations concern was raised as to whether certain language in the preamble of the Service's final rule would suggest an exception of the denial of B-1 nonimmigrant status to building or construction workers entering the United States for the purpose of performing after-sale installation and service, or warranty work after installation, provided the building or construction worker met the conditions set forth in the Service's final rule. The Service, however, has confirmed that the December 9, 1986 amendment to 8 CFR 214.2(b) precludes B-1 nonimmigrant status to any alien seeking to enter the United States to perform building or construction work, whether on-site or in-plant, subject only to an exception for supervision and training as described in its final rule. The Service does not read the December 9 amendment to allow an additional exception for building or construction work incident to after-sale installation and service or other warranty work after installation.

Consular officers abroad are aware of and are prepared to conform with the revised rule. Accordingly, this proposed rule is intended to conform with the Service's revised regulations.

This rule is not considered to be a major rule for purposes of E.O. 12291 nor is it expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 22 CFR Part 41

Visas, Temporary visitors, Nonimmigrants.

#### PART 41—NONIMMIGRANT CLASSES—TEMPORARY VISITORS

In view of the foregoing, § 41.25 in Part 41 would be amended as follows:

1. The authority citation for Part 41 continues to read:

Authority: Sec. 104, 66 Stat. 174, 8 U.S.C. 1104; Sec. 109(b)(1), 91 Stat. 847

2. A new sentence would be inserted following the second sentence in § 41.25(b), as follows:

#### § 41.25 Temporary visitors for business or pleasure.

(b) For the purposes of this section building or construction work, whether on-site or in-plant, shall be deemed to constitute purely local employment or labor for hire; provided that the supervision or training of others engaged in building or construction work (but not the actual performance of any such building or construction work) shall not be deemed to constitute purely local employment or labor for hire. \*

Dated: March 24, 1987.

Joan M. Clark,  
Assistant Secretary for Consular Affairs.  
[FR Doc. 87-8246 Filed 4-13-87; 8:45 am]  
BILLING CODE 4710-06-M

#### DEPARTMENT OF THE INTERIOR

##### Office of Surface Mining Reclamation and Enforcement

##### 30 CFR Part 934

##### Public Comment Period and Opportunity for Public Hearing on an Amendment to the North Dakota Permanent Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

**ACTION:** Proposed rule.

**SUMMARY:** OSMRE is announcing procedures for a public comment period and for a public hearing on the adequacy of an amendment submitted by the State of North Dakota to amend its permanent regulatory program which was approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of modifications to North Dakota Administrative Code (NDAC) Article 69-05.2 on performance bonds and liability insurance, postmining land use, and signs and markers.

This notice sets forth the times and locations that the proposed amendment is available for public inspection, the comment period during which interested persons may submit written comments on the proposed program amendment, and information pertinent to the public hearing.

**DATES:** Written comments not received on or before 4:00 p.m. on May 14, 1987 will not necessarily be considered. A public hearing on the proposal will be held, if requested, on May 11, 1987 at the address listed below under "ADDRESSES" Any person interested in

making an oral or written presentation at the hearing should contact Mr. Jerry R. Ennis at the OSMRE Casper Field Office by 4:00 p.m. on April 29, 1987. If no one has contacted Mr. Ennis to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Ennis, a public meeting, rather than the hearing, may be held and the results of the meeting included in the Administrative Record.

**ADDRESSES:** Written comments should be mailed or hand-delivered to Mr. Jerry R. Ennis, Director, Office of Surface Mining-Reclamation and Enforcement, Casper Field Office, Federal Building, 100 East "B" Street, Room 2128, Casper, Wyoming 82601-1918.

The public hearing, if requested, will be held at the North Dakota Capitol Building, Bismarck, North Dakota 58505.

See "SUPPLEMENTARY INFORMATION" for address where copies of the North Dakota program amendment, the North Dakota program, and the administrative record on the North Dakota program are available. Each requester may receive, free of charge, one single copy of the proposed program amendment by contacting the OSMRE Casper Field Office listed above.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jerry R. Ennis, Director, Office of Surface Mining Reclamation and Enforcement, Casper Field Office, Federal Building, 100 East "B" Street, Room 2128, Casper, Wyoming 82601-1918; Telephone: (307) 261-5776.

**SUPPLEMENTARY INFORMATION:** Copies of the North Dakota program amendment, the North Dakota program, and the administrative record on the North Dakota program are available for public review and copying at the OSMRE office and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Administrative Record, 1100 L Street NW., Room 5124, Washington, DC 20240

Office of Surface Mining Reclamation and Enforcement, 100 East "B" Street, Room 2128, Casper, Wyoming 82601-1918.

North Dakota Public Service Commission, Reclamation Division, Capitol Building, Bismarck, North Dakota 58505.

#### Background

Information concerning the general background on the permanent program, general background on the State program approval process, general

background on the North Dakota program submission, Secretary's findings, disposition of public comments, and Secretary's decision of conditional approval can be found in the December 15, 1980 *Federal Register* [45 FR 82214]. Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 934.11 and 934.15.

#### Proposed Amendment

On February 17 1987 the State of North Dakota submitted to OSMRE an amendment to its approved permanent regulatory program. The amendment consists of revisions to the approved North Dakota regulations. The amended section of the regulations and brief description of the amended subject area is as follows: Section 69-05.2-12—performance bonds—liability insurance; section 69-05.2-13-04—performance standards—general requirements—signs and markers; and section 69-05.2-23—performance standards—postmining land use.

OSMRE is seeking comment on whether North Dakota's proposed revisions to its regulations are in accordance with SMCRA and no less effective than the requirements of the revised Federal regulations and satisfy the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17.

The full text of the proposed program modifications submitted by North Dakota for OSMRE's consideration is available for public review at the addresses listed under "SUPPLEMENTARY INFORMATION"

#### Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act.* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507

#### List of Subjects in 30 CFR Part 934

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 3, 1987.

Raymond L. Lowrie,  
Assistant Director, Western Field Operations,  
Office of Surface Mining Reclamation and  
Enforcement.

[FR Doc. 87-8237 Filed 4-13-87; 8:45 am]

BILLING CODE 4310-05-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

#### 31 CFR Part 1

#### Privacy Act; Disclosure of Records

**AGENCY:** Department of the Treasury.

**ACTION:** Proposed rulemaking.

**SUMMARY:** This document revises and updates Part 1—Disclosure of Records. This Part, including its appendices, is being published in its entirety with the exception of § 1.36 which includes only technical amendments such as name changes, omission of obsolete systems of records, editorial changes, and organizational updates. These amendments to § 1.36 are being published in this issue under a notice of final rulemaking.

**DATE:** Submit comments by April 24, 1987

**FOR FURTHER INFORMATION CONTACT:** Phyllis De Piazza, Departmental Disclosure Officer, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, Telephone: (202)566-2789.

**SUPPLEMENTARY INFORMATION:** This part includes provisions for processing FOIA requests involving records of submitters of business information. This is included in § 1.6. Business information. Fees for services, originally in § 1.8, has been renumbered § 1.7 and fee provisions of the Freedom of Information Reform Act of 1986 (Pub. L. 99-570) have also been included in this section. Subpart B, previously entitled *Under other Provisions*, has been renamed *Other Disclosure Provisions* and renumbered.

Subpart C, previously entitled *Records Pertaining to Individuals*, has been renamed *Privacy Act*. Section 1.23, has been revised to include subsection (d) which spells out the requirement that Treasury components perform periodic reviews of their compliance with the Privacy Act and be prepared to report to the Departmental Disclosure Branch upon request the results of these reviews. These include reviews of routine uses, exempt Privacy Act systems, ongoing matching programs, training practices, and system of records notices, all within the time frames stipulated.

This document includes numerous editorial changes, for example: portions have been rewritten for clarity; organizational updates have been made to include address changes, changes in names of offices, and titles as a result of reorganizations; procedures for processing requests have been more specifically spelled out; and § 1.33 which referenced the Privacy Protection Study Commission has been omitted. The subsequent §§ 1.34, 1.35, and 1.36 have not been renumbered.

The Department of the Treasury has determined that this revision is not a major rule as defined by Executive Order 12291, is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) and does not contain additional reporting or requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

#### List of Subjects in 31 CFR Part 1

Freedom of Information Act, Privacy.

Dated: April 9, 1987.

John F.W. Rogers,  
Assistant Secretary of the Treasury  
(Management).

Part 1 is amended by revising Subpart A, Subpart B, and §§ 1.20—1.35 and Appendices A—L of Subpart C to read as follows: (Part 1.36 is being amended in a separate document published elsewhere in this issue of the *Federal Register*.)

## PART 1—DISCLOSURE OF RECORDS

### Subpart A—Freedom of Information Act

Sec.

- 1.1 General.
- 1.2 Information made available.
- 1.3 Publication in the *Federal Register*.
- 1.4 Public inspection and copying.
- 1.5 Specific requests for other records.
- 1.6 Business information.
- 1.7 Fees for services.

Appendix A—Departmental Offices

Appendix B—Internal Revenue Service

Appendix C—United States Customs Service

Sec.

Appendix D—United States Secret Service  
 Appendix E—Bureau of Alcohol, Tobacco  
 and Firearms  
 Appendix F—Bureau of Engraving and  
 Printing  
 Appendix G—Financial Management Service  
 Appendix H—United States Mint  
 Appendix I—Bureau of the Public Debt  
 Appendix J—Office of the Comptroller of the  
 Currency  
 Appendix K—United States Savings Bonds  
 Division  
 Appendix L—Federal Law Enforcement  
 Training Center  
 Appendix M—Office of the Assistant  
 Secretary for Tax Policy

#### Support B—Other Disclosure provisions

- 1.8 Scope.
- 1.9 Records not to be otherwise withdrawn  
or disclosed.
- 1.10 Oral information.
- 1.11 Testimony or the production of records  
in a court or other proceeding.
- 1.12 Regulations not applicable to official  
request.

#### Subpart C—Privacy Act

- 1.20 Purpose and scope of regulations.
- 1.21 Definitions.
- 1.22 Requirements relating to systems of  
records.
- 1.23 Publication in the Federal Register—  
Notices of systems of records, general  
exemptions, specific exemptions, review  
of all systems.
- 1.24 Disclosure of records to person other  
than the individual to whom they pertain.
- 1.25 Accounting of disclosures.
- 1.26 Procedures for notification and access  
to records pertaining to individuals—  
format and fees for request for access.
- 1.27 Procedures for amendment of records  
pertaining to individuals—format, agency  
review and appeal from initial adverse  
agency determination.
- 1.28 Training, rules of conduct, penalties for  
non-compliance.
- 1.29 Records transferred to Federal Records  
Center or National Archives of the  
United States.
- 1.30 Application to system of records  
maintained by Government contractors.
- 1.31 Sale or rental of mailing lists.
- 1.32 Use and disclosure of social security  
numbers.
- 1.34 Guardianship.
- 1.35 Information forms.
- 1.36 Systems exempt in whole or in part  
from provisions of 5 U.S.C. 552a and this  
part.

Appendix A—Departmental Offices  
 Appendix B—Internal Revenue Service  
 Appendix C—United States Customs Service  
 Appendix D—United States Secret Service  
 Appendix E—Bureau of Alcohol, Tobacco  
 and Firearms  
 Appendix F—Bureau of Engraving and  
 Printing  
 Appendix G—Financial Management Service  
 Appendix H—United States Mint  
 Appendix I—Bureau of the Public Debt  
 Appendix J—Office of the Comptroller of the  
 Currency  
 Appendix K—United States Savings Bonds  
 Division

#### Appendix L—Federal Law Enforcement Training Center

Authority: 5 U.S.C. 301 and 31 U.S.C. 321.  
 Subpart A also issued under 5 U.S.C. 552, as  
 amended. Subpart C also issued under 5  
 U.S.C. 552a.

#### Subpart A—Freedom of Information Act

##### § 1.1 General.

(a) *General.* This subpart contains the  
 regulations of the Department of the  
 Treasury implementing the Freedom of  
 Information Act ("FOIA"), 5 U.S.C. 552.  
 Information customarily furnished to the  
 public in the regular course of the  
 performance of official duties may  
 continue to be furnished to the public  
 without complying with this subpart,  
 provided that the furnishing of such  
 information would not violate the  
 Privacy Act of 1974, 5 U.S.C. 552a, and  
 would not be inconsistent with other  
 subparts of this part. To the extent  
 permitted by other laws, the Department  
 will also consider making available  
 records which it is permitted to withhold  
 under the FOIA if it determines that  
 such disclosures would be in the public  
 interest.

(b) As used in this subpart, the  
 following terms shall have the following  
 meanings:

(1) "Appeal" means the appeal by a  
 requester of an adverse determination of  
 the request, as described in 5 U.S.C.  
 552(a)(6)(A)(ii).

(2) "Agency" has the meaning given in  
 5 U.S.C. 551(l) and 5 U.S.C. 552(e).

(3) "Component" means each separate  
 bureau or office of the Department of the  
 Treasury.

(4) "Request" means any request for  
 records made pursuant to 5 U.S.C.  
 552(a)(3).

(5) "Requester" means any person  
 who makes a request to a component.

(6) "Business information" means  
 trade secrets or other commercial or  
 financial information.

(7) "Business submitter" means any  
 commercial entity which provides  
 business information to the Department  
 of the Treasury or its components and  
 which has a proprietary interest in the  
 information.

(c) Components of the Department of  
 the Treasury shall comply with the time  
 limits set forth in the FOIA for  
 responding to and processing requests  
 and appeals, unless there are  
 exceptional circumstances within the  
 meaning of 5 U.S.C. 552(a)(6)(C). A  
 component shall notify a requester  
 whenever the component is unable to  
 respond to or process the request or  
 appeal within the time limits established  
 by the FOIA. Components shall respond  
 to and process requests and appeals in

their approximate order of receipt, to the  
 extent consistent with sound  
 administrative practice.

(d) *Purpose and scope of regulations.*  
 These regulations apply to all  
 components of the Department of the  
 Treasury. Any reference in this subpart  
 to the Department or its officials,  
 employees, or records shall be deemed  
 to refer also to the components or their  
 officials, employees, or records. In order  
 that interested parties may more readily  
 find them, the components of the  
 Department are hereby authorized to  
 reprint these regulations in their entirety  
 (less any appendices not applicable to  
 the unit in question) in those titles of the  
 Code of Federal Regulations which  
 normally contain regulations applicable  
 to each component. In connection with  
 such republication, components may  
 supplement and implement these  
 regulations with materials applicable  
 only to the component in question,  
 provided such additional material is not  
 inconsistent with this part. In the event  
 of any actual or apparent inconsistency,  
 these Departmental regulations should  
 govern. Persons interested in the records  
 of a particular component should,  
 therefore, also consult the Code of  
 Federal Regulations for any rules or  
 regulations promulgated specifically  
 with respect to that component. (See  
 Appendices in this subpart for cross  
 references.) The head of each  
 component is hereby also authorized to  
 substitute the officials designated and  
 change the addresses specified in the  
 appendix to this subpart applicable to  
 the component. The components of the  
 Department of the Treasury for the  
 purposes of this part are:

(1) The Departmental Offices, which  
 include the offices of:

(i) The Secretary of the Treasury,  
 including immediate staff;

(ii) The Deputy Secretary of the  
 Treasury, including immediate staff;

(iii) The Under Secretary of the  
 Treasury for Finance, including  
 immediate staff;

(iv) The Fiscal Assistant Secretary,  
 including immediate staff;

(v) The Assistant Secretary of the  
 Treasury for Economic Policy and all  
 other offices reporting to such official,  
 including immediate staff;

(vi) The General Counsel and also the  
 Legal Division, except legal counsel to  
 the components listed in paragraphs (ix)  
 and (2) through (12) of this section;

(vii) The Assistant Secretary of the  
 Treasury for International Affairs and  
 all offices reporting to such official,  
 including immediate staff;

(viii) The Treasurer of the United  
 States, including immediate staff;

(ix) The Assistant Secretary of the Treasury for Tax Policy, including immediate staff and all offices reporting to such official;

(x) The Assistant Secretary of the Treasury for Management, and all offices reporting to such official, including immediate staff;

(xi) The Assistant Secretary of the Treasury for Domestic Finance and all offices reporting to such official, including immediate staff;

(xii) The Assistant Secretary of the Treasury for Legislative Affairs, including immediate staff;

(xiii) The Assistant Secretary of the Treasury for Public Affairs and Public Liaison, including immediate staff;

(xiv) The Assistant Secretary of the Treasury for Enforcement and all offices reporting to such official, including immediate staff;

(xv) The Special Assistant to the Secretary (National Security), including immediate staff;

(xvi) The Inspector General and all offices reporting to such official, including immediate office.

(2) The Bureau of Alcohol, Tobacco and Firearms;

(3) The Office of the Comptroller of the Currency;

(4) The United States Customs Service;

(5) The Bureau of Engraving and Printing;

(6) The Federal Law Enforcement Training Center;

(7) The Financial Management Service;

(8) The Internal Revenue Service;

(9) The United States Mint;

(10) The Bureau of the Public Debt;

(11) The United States Savings Bonds Division;

(12) The United States Secret Service;

For purposes of this subpart, the office of legal counsel for the components listed in paragraphs (d) (2), (3), (4), (5), (7), (8), (9), (10), and (12) of this section are to be considered a part of their respective components. Any office, which is now in existence or may hereafter be established, which is not specifically listed or known to be a component of any of those listed above, shall be deemed a part of the Departmental Offices for the purpose of making requests for records under these regulations.

#### § 1.2 Information made available.

(a) *General.* Section 552 of Title 5 of the United States Code provides for access to information and records developed or maintained by Federal agencies. Generally, this section divides agency information into three major categories and provides methods by which each category is to be made

available to the public. The three major categories, for which the disclosure requirements of the components of the Department of the Treasury are set forth in this subpart, are as follows:

(1) Information required to be published in the *Federal Register* (see § 1.3 below);

(2) Information required to be made available for public inspection and copying or, in the alternative, to be published and offered for sale (see § 1.4 below); and

(3) Information required to be made available to any member of the public upon specific request (see § 1.5 below). The provisions of section 552 are intended to assure the right of the public to information.

(b) Subject only to the exemptions set forth in § 1.2(c), the public generally or any member of the public shall be afforded access to information or records in the possession of any component of the Department of the Treasury. Such access shall be governed by the regulations in this subpart A and any regulations of a component implementing or supplementing them.

(c) *Exemptions*—(1) *In general.* Under 5 U.S.C. 552(b), the disclosure requirements of section 552(a) do not apply to certain matters which are:

(i)(A) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of the national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive Order (See 31 CFR Part 2);

(ii) Related solely to the internal personnel rules and practices of an agency;

(iii) Specifically exempted from disclosure by statute (other than 5 U.S.C. 552(b)); Provided, that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(iv) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(vii) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information

(A) could reasonably be expected to interfere with enforcement proceedings (see § 1.2(c)(2); (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or (F) could reasonably be expected to endanger the life or physical safety of any individual.

(viii) Contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(ix) Geological and geophysical information and data, including maps, concerning wells.

(2)(i) Whenever a request is made which involves access to records described in § 1.2(c)(1)(vii)(A), and—

(A) The investigation or proceeding involves a possible violation of criminal law; and

(B) There is a reason to believe that the subject of the investigation or proceeding is not aware of its pendency, and disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings, the agency may, during only such time as that circumstance continues, treat the records as not subject to the requirements of this section.

(ii) Whenever informant records maintained by a criminal law enforcement agency under an informant's name or personal identifier are requested by a third party according to the informant's name or personal identifier, the agency may treat the records as not subject to the requirements of this section unless the informant's status as an informant has been officially confirmed.

(iii) whenever a request is made which involves access to records



maintained by the Federal Bureau of Investigation pertaining to foreign intelligence or counterintelligence, or international terrorism, and the existence of the records is classified information as provided in subsection (b)(1), the Bureau may, as long as the existence of the records remains classified information, treat the records as not subject to the requirements of this section.

(3) The exemptions set forth in paragraph (c)(1) of this section apply to each of the three categories of information set forth in paragraph (a) of this section.

(4) *Segregable portions of records.* Any reasonable segregable portion of a record shall be provided to any person, after deletion of the portions which are exempt under 5 U.S.C. 552(b) (see paragraph (c)(1) of this section). The term "reasonably segregable portion" as used in this paragraph means any portion of the record which is not exempt from disclosure by 5 U.S.C. 552(b) and which after deletion of the exempt material still conveys meaningful and non-misleading information.

(5) *Application of exemptions.* Even though an exemption described in paragraph (c)(1) of this section may be fully applicable to a matter in a particular case, a component of the Department of the Treasury may, if not precluded by law, elect under the circumstances of that case not to apply the exemption. The fact that the exemption is not applied by a component in that particular case will have no precedential significance in other cases, but is merely an indication that, in the particular case involved, the component finds no compelling necessity for applying the exemption.

### § 1.3 Publication in the Federal Register.

(a) *Requirement.* Subject to the application of the exemptions described in § 1.2(c) and subject to the limitations provided in paragraph (b) of this section, each component of the Department of the Treasury is required, in conformance with 5 U.S.C. 552(a)(1), to separately state, publish and maintain current in the *Federal Register* for the guidance of the public the following information with respect to that component:

(1) Descriptions of its central and field organization and the established places at which, the persons from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions.

(2) Statements of the general course, and method by which its functions are channeled and determined, including the

nature and requirements of all formal and informal procedures available.

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the component; and

(5) Each amendment, revision, or repeal of matters referred to in paragraphs (a) (1) through (4) of this section.

(b) *Limitations*—(1) *Incorporation by reference in the Federal Register.* Matter reasonably available to the class of persons affected thereby, whether in a private or public publication, will be deemed published in the *Federal Register* for purposes of paragraph (a) of this section when it is incorporated by reference therein with the approval of the Director of the Federal Register. The matter which is incorporated by reference must be set forth in the private or public publication substantially in its entirety and not merely summarized or printed as a synopsis. Matter, the location and scope of which are familiar to only a few persons having a special working knowledge of the activities of the Department of the Treasury, may not be incorporated in the *Federal Register* by reference. Matter may be incorporated by reference only pursuant to the provisions of 5 U.S.C. 552(a)(1) and 1 CFR Part 20.

(2) *Effect of failure to publish.* Except to the extent that a person has actual and timely notice of the terms of any matter referred to in paragraph (a) of this section which is required to be published in the *Federal Register*, such person is not required in any manner to resort to, or be adversely affected by, such matter if it is not so published or is not incorporated by reference therein pursuant to paragraph (b)(1) of this section. Thus, for example, any such matter which imposes an obligation and which is not so published or incorporated by reference will not adversely change or affect a person's rights.

### § 1.4 Public inspection and copying.

(a) *In general.* Subject to the application of the exemptions described in § 1.2(c), each component of the Department of the Treasury is required in conformance with 5 U.S.C. 552(a)(2), to make available for public inspection and copying or, in the alternative, to promptly publish and offer for sale the

following information with respect to the component:

(1) Final opinions, including concurring and dissenting opinions, and orders, if such opinions and orders are made in the adjudication of cases;

(2) Those statements of policy and interpretation which have been adopted by the component but are not published in the *Federal Register*; and

(3) Its administrative staff manuals and instructions to staff that affect a member of the public.

(b) *Indexes.* Each component of the Department of the Treasury is hereby also required in conformance with 5 U.S.C. 552(a)(2), to maintain and make available for public inspection and copying current indexes identifying any matter described in paragraphs (a) (1) through (3) of this section which is issued, adopted, or promulgated after July 4, 1967 and which is required to be made available for public inspection or published. In addition, each component shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplement unless the head of each component (or a delegate) determines by order published in the *Federal Register* that the publication would be unnecessary and impractical; in which case the component shall nonetheless provide copies of the index on request at a cost not to exceed the direct cost of duplication.

(c) *Effect of failure to publish or make available.* No matter, described in paragraphs (a) (1) through (3) of this section, which is required by this paragraph to be made available for public inspection or published, may be relied upon, used, or cited as precedent by the component against a party, other than an agency, unless that party has actual and timely notice of the terms of such matter or unless the matter has been indexed and either made available for inspection or published, as provided by this paragraph. This paragraph may be interpreted to apply only to matters which have precedential significance. It does not apply to matters which have been made available pursuant to § 1.3.

(d) *Deletion of identifying details.* To prevent a clearly unwarranted invasion of personal privacy, a component of the Department of the Treasury may, in accordance with 5 U.S.C. 552(a)(2), delete identifying details contained in any matter described in paragraphs (a) (1) through (3) of this section before making such matter available for inspection or publishing it. However, in every case where identifying details are so deleted, the exemption justifying the deletion will be identified in an

attachment to the document from which the identifying details have been deleted.

(e) *Public reading rooms.* Each component of the Department of the Treasury shall make available for inspection and copying, in a reading room or otherwise, the matters described in paragraphs (a) (1) through (3) of this section which are required by such paragraph (a) to be made available for public inspection or published in the current indexes such matters. Facilities shall be provided whereby a person may inspect the material and obtain copies of that which is shelved. Fees shall not be charged for access to materials, but fees are to be charged in accordance with § 1.7 for copies of material provided to the person. (See the appendices to this subpart for the location of established reading rooms of components of the Department of the Treasury.)

#### § 1.5 Specific requests for other records.

(a) *In general.* Except for records made available under §§ 1.3 and 1.4, above, but subject to the application of the exemptions described in § 1.2(c), above, each component of the Department of the Treasury shall promptly make the requested records available to any person in conformance with 5 U.S.C. 552(a)(3). The request must be for reasonably described records and conform in every respect with the rules and procedures of this subpart A, particularly this section, § 1.7 and the applicable appendix to this subpart. Any request or any appeal from the initial denial of a request that does not comply with the foregoing requirements and those set forth elsewhere in subpart A will not be considered subject to the time constraints of paragraphs (g), (h), and (i) of this section, unless and until the request is amended to comply. Components shall promptly advise the requester in what respect the request or appeal is deficient so that it may be resubmitted or amended for consideration in accordance with this subpart. When the request conforms with the requirements of this subpart, components shall make every reasonable effort to comply with the request within the time constraints. This subpart applies only to existing records in the possession or control of the component. There is no requirement that records be created or data processed in a format other than required for governmental purposes in order to comply with a request for records.

(b) *Requests for records not in control of component.* (1) When the record requested is in the possession or under the control of a component of the Department other than the office to

whom the request is addressed, the request for the record shall immediately be transferred to the appropriate component and the requester notified to that effect. This referral shall not be considered a denial of access within the meaning of these regulations. The component of the Department to whom this referral is made shall treat this request as a new request addressed to it and the time limits for response set forth by paragraph (g)(1) of this section shall begin when the referral is received by the designated office or officer of the component. Where the request is for a record which is not in the possession or control of any component of the Department of the Treasury, the requester shall be so advised and the request shall be returned to the requester.

(2) When an unclassified record created by another agency or another Treasury component is in the possession of a component of the Department of the Treasury, and that record is requested under the FOIA, the responsible Treasury official shall refer the record to the agency or Treasury component originating the record for a direct response to the requester. The requester shall be informed of the referral.

(3) When a classified record originated by another agency or another component of the Department is in the possession of a component of the Department of the Treasury, and a FOIA request for that record is received, the request shall be referred to the originating Department, agency, or component of the Department for a direct response. This is not a denial of a FOIA request; thus no appeal rights accrue to the requester.

(4) When a FOIA request is received for a record created by a component of the Department that includes information originated by another component of the Department or another agency, the record shall be referred to the originating agency or component of the Department for review, coordination, and concurrence. The Department component shall not release or deny such records without prior consultation with the other component or agency.

(5) In certain instances and at the discretion of the Departmental Offices, requests having impact on two or more components of the Department shall be coordinated by the Departmental Offices.

(c) *Form of request.* In order to be subject to the provisions of this section, a request for records shall:

(1) Be made in writing and signed by the person making the request. A request for records shall also identify

the category of the requester and state how the documents released will be used (See § 1.7(a)). There are four categories of requesters:

(i) *Commercial use request.* This refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In determining whether a requester properly belongs in this category, the Departmental components must determine the use to which a requester will put the documents requested. Moreover, where a component of the Department has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, components should seek additional clarification before assigning the request to a specific category.

(ii) *Educational institution.* This refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research.

(iii) *Non-commercial scientific institution.* This refers to an institution that is not operated on a "commercial" basis as that term is referenced in paragraph (c)(1)(i) of this section, and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(iv) *Representative of the news media.* This refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. These examples are not intended to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category. In the case of "freelance" journalists, they may be regarded as

working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but components may also look to the past publication record of a requester in making this determination.

(2) State that it is made pursuant to the Freedom of Information Act, 5 U.S.C. 552 or these regulations;

(3) Be addressed to the component that maintains the record. The request should be sent to the component at its proper address. Both the envelope and the request itself should be clearly marked "Freedom of Information Act Request," and addressed to the appropriate component. See the appendices to this subpart for the office or officer to which requests shall be addressed for each component. A requester in need of guidance in defining a request or determining the proper component to which a request should be sent may write to Disclosure Branch, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220. Requests for certain historical records must be directed to National Archives in accordance with its regulations;

(4) Reasonably describe the records in accordance with paragraph (d) of this section;

(5) Set forth the address where the person making the request wants to be notified about whether or not the request will be granted;

(6) State whether the requester wishes to inspect the records or desires to have a copy made and furnished without first inspecting them; and

(7) State the firm agreement of the requester to pay the fees for duplication, search, and/or review as may ultimately be determined in accordance with § 1.7 or request that such fees be reduced or waived and state the justification for such request (see Sec. 1.7(d)).

The requester shall be promptly advised of the estimate of fees due and asked to agree to pay this amount, when:

(i) The initial request does not state a firm agreement to pay fees, but instead places an upper limit on the amount the requester agrees to pay, and this upper limit exceeds the limitations in § 1.7(a) and is likely to be lower than the fees ultimately estimated to be due; or

(ii) The requester asks for an estimate of the fees to be charged.

Where the initial request includes a request for reduction or waiver of fees, the responsible official shall determine whether to grant the request for reduction or waiver in accordance with

§ 1.7(d) below and notify the requester of this decision. If the decision results in the requester being liable for all or part of the fees normally due, ask the requester to agree to pay the amount so determined. The requirements of this paragraph (c) will not be considered met until the requester has explicitly agreed to pay the fees applicable to the request for records, if any, or has made payment in advance of the fees estimated to be due, see § 1.7(f).

(d) *Reasonable description of records.*

(1) The request for records must describe the records in reasonably sufficient detail to enable the Department of the Treasury employees who are familiar with the subject area of the request to locate the records without placing an unreasonable burden upon the component. Whenever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipients, and subject matter of the record. In addition, if the request seeks records pertaining to pending litigation, the request should indicate the title of the case, the court in which the case was filed, and the nature of the case. If a component determines that the request does not reasonably describe the records sought, the requester shall be given an opportunity to refine the request. Such opportunity may, where desirable, involve a conference with knowledgeable Department of the Treasury personnel. The reasonable description requirement shall not be used by officers or employees of the Department of the Treasury as a device for improperly withholding records from the public.

(2) The Department of the Treasury will make every reasonable effort to comply fully with all requests for access to records subject only to any applicable exemption set forth in § 1.2(c). However, in any situation in which it is determined that a request for voluminous records would unduly burden and interfere with the operations of a component, the person making the request will be asked to be more specific and to narrow the request. In addition, the person making the request will also be asked to agree on an orderly procedure for producing the requested records in order to satisfy the request without adversely affecting agency operations.

(e) *Date of receipt of request.* A request for records shall be considered to have been received for purposes of this subpart on the later of the dates on which:

(1) The requirements of paragraph (c) of this section have been satisfied, and, where applicable,

(2) The requester has agreed in writing, to pay the fees for search and duplication determined due in accordance with § 1.7 or

(3) The fees have been waived in accordance with § 1.7(d), or

(4) Payment in advance has been received from the requester, when required in accordance with § 1.7(f). Requests for records, including prepayment, shall be promptly stamped with the date of receipt by the office prescribed in the appropriate appendix. A final notification of waiver of fees will be stamped with the date of transmittal by the appropriate office. For purposes of this subpart, the date of receipt of the request is the latest of these stamped dates. As soon as the date of receipt has been established, the requester shall be so informed. At this time the requester will also be advised when to expect a response within the time limits specified in paragraph (g)(1) of this section, unless extended as provided in paragraph (i)(1) of this section.

(f) *Search for record requested.* When a request is received, Department of the Treasury employees will search to identify and locate the requested records. Where a request includes documents stored at the Federal Records Center, the Department will make reasonable efforts to comply with the time constraints of the Act; however, delays in processing these requests are common and will usually require additional time. Searches for records maintained in computerized form include services functionally analogous to searches for records which are maintained in a conventional form. A component of the Department of the Treasury is not required under 5 U.S.C. 552 to tabulate or compile information for the purpose of creating a record.

(g) *Initial determination—(1) In general.* The officers designated in the appendices to this part will make initial determinations either to grant or to deny in whole or in part requests for records. These determinations will be made within 10 days excepting Saturdays, Sundays, and legal public holidays) after the date of receipt of the request, as determined in accordance with paragraph (e) of this section, unless the designated officer invokes an extension pursuant to paragraph (i)(1) of this section or the requester otherwise agrees to an extension of the 10-day time limitation. The requester will be notified immediately of this determination.

(2) *Granting of request.* If the request is granted, and if the person making the request wants a copy of the requested records, a copy of these records shall be



mailed to the requester by the component together with a statement of the fees for search and duplication, either at the time of the determination or shortly thereafter. In certain unusual circumstances, the Department may elect to coordinate the request involving two or more components; in such a case only one reply will be prepared. In the case of a request for inspection, the requester shall be notified in writing of the determination, when and where the requested records may be inspected; and of the fees involved in complying with the request. The records shall then promptly be made available for inspection at the time and place stated in a manner that will not interfere with their use by the Department of the Treasury and will not exclude other persons from making inspections. In addition, reasonable limitations may be placed on the number of records which may be inspected by a person on any given date. The procedure for inspection shall not unreasonably disrupt the operations of the component. The person making the request will not be allowed to remove the records from the room where inspection is made. If, after making inspection, the person making the request desires copies of all or a portion of the requested records, copies will be furnished upon payment of the established fees prescribed by § 1.7 Fees shall be charged for all search time and for copies made available for inspection.

(3) *Denial of request.* If it is determined that the request for records should be denied (whether in whole or in part or subject to conditions or exceptions), the person making the request will be so notified by mail. The letter of notification shall specify the city or other location where the requested records are situated (if known), contain a statement of the applicable exemptions relied on in not granting the request, set forth the name and title or position of the responsible official, advise the person making the request of the right to administrative appeal in accordance with paragraph (h) of this section, and specify the official or office to which such appeal shall be submitted. Fees shall be charged for all search time except when waived, even if the time spent searching does not yield any records, or if records are denied.

(4) *Inability to locate records within time limits.* Where the records requested cannot be located and evaluated within the initial 10-day period or any extension of that period as specified in paragraph (i)(1) of this section, the search for the records shall continue. The requester shall be notified

of this delay and asked to agree to a voluntary extension of time in which to locate the records. Agreeing to this voluntary extension of time will not be considered a waiver of the requester's right to appeal any denial of access ultimately made or the right to appeal in the event of the Department's failure to comply with the time extension granted. The requester shall be advised that this notification may be considered a denial of access within the meaning of paragraph (g)(3) of this section, and be provided with the address to which an administrative appeal may be addressed.

(h) *Administrative appeal.* (1) When a request for access to records has been denied in whole or in part, the requester may appeal the denial at any time within 35 days of receipt of a notice denying the request or the date of the letter transmitting the last records released, whichever is later. The requester may also appeal when a component fails to respond to a request within the time limits set forth in the FOIA. The administrative appeal may be submitted to the official specified in the appropriate appendix to this subpart whose title and address should also have been included in the initial determination to deny access to the records. An appeal that is improperly addressed will be considered not to have been received by the Department until the office specified in the appropriate appendix receives the appeal. The appeal shall—

(i) Be made in writing and signed by the requester;

(ii) Be addressed to and mailed or hand delivered, within 35 days of the date of the initial determination, to the office or officer specified in the appropriate appendix to this subpart and also in the initial determination. (See the appendices to this subpart for the address to which appeals made by mail should be addressed.);

(iii) Reasonably describe, in accordance with paragraph (d) of this section, the records requested from the denial of access to which an appeal is being taken;

(iv) Set forth the address where the requester desires to be notified of the determination on appeal;

(v) Specify the date of the initial request and date of the letter denying the initial request; and

(vi) Petition such official to grant the request for records and state any supporting arguments.

(2) Appeals shall be promptly stamped with the date of their receipt by the office to which addressed. This stamped date will be considered to be the date of

receipt for all purposes of this subpart. The receipt of the appeal shall be acknowledged by the responsible official and the requester advised of the date the appeal was received and the expected date of response. The determination to affirm the initial denial (in whole or in part) or to grant the request for records shall be made and notification of the determination mailed within 20 days (exclusive of Saturdays, Sundays, and legal public holidays) after the date of receipt of the appeal, unless extended pursuant to paragraph (i)(1) of this section. If it is determined that the appeal from the initial denial is to be denied (in whole or in part)—

(i) The requester shall be notified in writing of the denial;

(ii) The reasons for the denial, including the FOIA exemptions relied upon;

(iii) The name and title or position of the official responsible for the denial on appeal;

(iv) A statement that judicial review of the denial is available in the United States District Court for the judicial district in which the requester resides or has a principal place of business, the judicial district in which the requested records are located, or the District of Columbia in accordance with 5 U.S.C. 552(a)(4)(B).

If the denial of the request is reversed on appeal, the requester shall be so notified and the request shall be processed promptly in accordance with the decision on appeal.

(3) If a determination cannot be made within the 20-day period (or any extension pursuant to paragraph (i)(1) of this section) the requester shall be promptly notified in writing that the determination will be made as soon as practicable but that the requester is nonetheless entitled to commence an action in a district court as provided in paragraph (k) of this section. However, the requester may also be invited, in the alternative, to agree to a voluntary extension of the 20 day appeal period. This voluntary extension shall not constitute a waiver of the right of the requester ultimately to commence an action in a United States district court.

(i) *Time extensions*—(1) *10-day extension.* In unusual circumstances, the time limitations specified in paragraphs (g) and (h) of this section may be extended by written notice from the official charged with the duty of making the determination to the person making the request or appeal setting forth the reasons for this extension and the date on which the determination is expected to be sent. Any extension or extensions of time shall not cumulatively total more

than 10 additional working days. (For example, if an extension pursuant to this subparagraph is invoked in connection with an initial determination, any unused days of the extension period may be invoked in connection with the determination on administrative appeal by written notice from the official who is to make the appellate determination. If no extension is sought for the initial determination, an extension of 10 days may be added to the ordinary 20-day period for appellate review.) As used in this paragraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request, the following: (i) The need to search for and collect the requested records from field facilities or other establishments in buildings other than the building in which the office of the official to whom the request is made is located;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request, or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components within the Department of Treasury or within a component (other than the legal staff or the component concerned with public affairs) having substantial subject-matter interest. Consultations with personnel of the Department of Justice concerned with requests for records under 5 U.S.C. 552 do not constitute a basis for an extension under this subdivision.

(2) *Extension by judicial review.* If a component of the Department of the Treasury fails to comply with the time limitations specified in paragraph (g) or (h) of this section and the person making the request initiates a suit in accordance with paragraph (k) of this section, the court in which the suit was initiated may retain jurisdiction and allow the component additional time to review its records, provided that the component demonstrates the existence of exceptional circumstances and the exercise of due diligence in responding to the request.

(j) *Failure to comply.* If a component of the Department of the Treasury fails to comply with the time specified in paragraph (g), (h), or (i) of this section, any person making a request for records shall be considered to have exhausted administrative remedies with respect to the request. Accordingly, the person making the request may initiate suit as set forth in paragraph (k) of this section.

(k) *Judicial review.* If a request for records is denied upon appeal pursuant to paragraph (h) of this section, or if no determination is made within the 10-day or 20-day periods specified in paragraphs (g) and (h) of this section, respectively, together with any extension pursuant to paragraph (i)(1) of this section or by agreement of the requester, the person making the request may commence an action in a United States district court in the district in which he resides, in which his principal place of business is located, in which the records are situated, or in the District of Columbia, pursuant to 5 U.S.C. 552(a)(4). Service of process in such an action shall be in accordance with the Federal Rules of Civil Procedure (28 U.S.C. App.) applicable to actions against an agency of the United States. Delivery of process shall be directed to the official specified in the appropriate appendix to this subpart as the official to receive such process.

(l) *Preservation of Records.* Each component shall preserve all correspondence relating to the requests it receives under this subpart, and all records processed pursuant to such requests, until such time as the destruction of such correspondence and records is authorized pursuant to Title 44 of the United States Code. Under no circumstances shall records be destroyed while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

(m) *Processing of requests that are not properly addressed.* A request that is not properly addressed as specified in the appropriate appendix to this subpart shall be forwarded to the Departmental Disclosure Office, who will forward the request to the appropriate component or components for processing. A request not addressed to the appropriate component will be considered not to have been received for purposes of paragraph (e) of this section until the request has been received by the appropriate component. A component receiving an improperly addressed request forwarded by the FOIA/PA Section shall notify the requester of the date on which it received the request.

#### § 1.6 Business Information.

(a) *In general.* Business information provided to the Department of the Treasury by a business submitter shall not be disclosed pursuant to a Freedom of Information Act request except in accordance with this section.

(b) *Notice to business submitters.* A component shall provide a business submitter with prompt written notice of a receipt of a request encompassing its business information whenever required

in accordance with paragraph (c) of this section, and except as is provided in paragraph (g) of this section. Such written notice shall either describe the exact nature of the business information requested or provide copies of the records or portions of records containing the business information.

(c) *When notice is required.* (1) For business information submitted to the Department prior to (insert final rule date), the component shall provide a business submitter with notice of receipt of a request whenever:

(i) The information is less than ten years old;

(ii) The information is subject to prior express commitment of confidentiality given by the component to the business submitter, or

(iii) The component has reason to believe that disclosure of the information may result in commercial or financial injury to the business submitter.

(2) For business information submitted to the Department on or after (insert date of final rule), the component shall provide a business submitter with notice of receipt of a request whenever:

(i) The business submitter has in good faith designated the information as commercially or financially sensitive information, or

(ii) The component has reason to believe that disclosure of the information may result in commercial or financial injury to the business submitter.

(3) Notice of a request for business information falling within paragraph (c)(1) of this section shall be required for a period of not more than ten years after the date of submission unless the business submitter requests, and provides acceptable justification for, a specific notice period of greater duration.

(4) Whenever possible, the submitter's claim of confidentiality should be supported by a statement or certification by an officer or authorized representative of the company that the information in question is in fact confidential commercial or financial information and has not been disclosed to the public.

(d) *Opportunity to object to disclosure.* Through the notice described in paragraph (b) of this section, a component shall afford a business submitter ten working days within which to provide the component with a detailed statement of any objection to disclosure. Such statement shall specify all grounds for withholding any of the information under any exemption of the Freedom of Information Act and, in the

case of Exemption 4, shall demonstrate why the information is contended to be a trade secret or commercial or financial information that is privileged or confidential. Information provided by a business submitter pursuant to this paragraph may itself be subject to disclosure under the FOIA.

When notice is given to a submitter under this section, the requester will be advised that such notice has been given to the submitter. The requester will be further advised that a delay in responding to the request may be considered a denial of access to records and that the requester may proceed with an administrative appeal or seek judicial review, if appropriate. However, the requester will be invited to agree to a voluntary extension of time so that the component may review the business submitter's objection to disclosure.

(e) *Notice of intent to disclose.* A component shall consider carefully a business submitter's objections and specific grounds for nondisclosure prior to determining whether to disclose business information. Whenever a component decides to disclose business information over the objection of a business submitter, the component shall forward to the business submitter a written notice which shall include:

(1) Statement of the reasons for which the business submitter's disclosure objections were not sustained;

(2) A description of the business information to be disclosed; and

(3) A specified disclosure date, which is ten working days after the notice of the final decision to release the requested information has been mailed to the submitter. A copy of the disclosure notice shall be forwarded to the requester at the same time.

(f) *Notice of FOIA lawsuit.* Wherever a requester brings suit seeking to compel disclosure of business information covered by paragraph (c) of this section, the component shall promptly notify the business submitter.

(h) *Exception to notice requirement.* The notice requirements of this section shall not apply if:

(1) The component determines that the information shall not be disclosed;

(2) The information lawfully has been published or otherwise made available to the public.

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552); or

(4) The information was acquired in the course of a lawful investigation of a possible violation of criminal law.

#### § 1.7 Fees for services.

(a) *In general.* (1) This fee schedule is applicable uniformly to all components

of the Department of the Treasury and supersedes fee schedules published by any component of the Department.

Specific levels of fees are prescribed for each of the following categories of requesters. (Requesters are required to identify what category they belong to in their initial request in accordance with § 1.5 (c)).

(i) *Commercial use requesters.* These requesters are assessed charges which recover the full direct costs of searching, reviewing, and duplicating the records sought. Commercial use requesters are entitled to neither two hours of free search time nor 100 free pages of reproduction of documents. Moreover, when a request is received for disclosure that is primarily in the commercial interest of the requester, the Department is not required to consider a request for a waiver or reduction of fees based upon the assertion that disclosure would be in the public interest. The Department may recover the cost of searching for and reviewing records even if there is ultimately no disclosure of records. Requesters must reasonably describe the records sought.

(ii) *Educational and non-commercial scientific institution requesters.* Documents shall be provided to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible, requesters must show that the request is made under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a non-commercial scientific institution) research. Requesters eligible for free search must reasonably describe the records sought.

(iii) *Requesters who are representatives of the news media.* Documents shall be provided to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. Requesters eligible for free search must reasonably describe the records sought.

(iv) *All other requesters.* Requesters who do not fit any of the categories described in this subsection shall be charged fees that will recover the full direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge. The Department may recover the cost of searching for records even if there is ultimately no disclosure of records.

(2) *Definition of search, duplication, and review.* The search, duplication, and

review services for which fees shall be charged in accordance with the category of requester are defined as follows:

(i) *Search.* The term "search" includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. Searches may be done manually or by computer using existing programming.

(ii) *Duplication.* The term "duplication" refers to the process of making a copy of a document in order to respond to a FOIA request. Such copies can take the form of paper copy, microform, audio-visual materials, or machine readable documentation (e.g., magnetic tape or disk), among others.

(iii) *Review.* The term "review" refers to the process of examining documents located in response to a commercial use request to determine whether any portion of any document located is permitted to be withheld. It also includes processing any documents for disclosure, e.g., doing all that is necessary to excise them and otherwise prepare them for release.

(3) *Aggregating requests.* When the Department or a component of the Department reasonably believes that a requester or group of requesters is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, the agency shall aggregate any such requests and charge accordingly.

(4) *Publications available for sale through the Government Printing Office.* While certain publications which are available for sale through the Government Printing Office may be placed on the shelves of the reading rooms and similar public inspection facilities, such publications will not be available for sale there. Persons desiring to purchase such publications should contact the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. However, copies of pages of such publications may be obtained at those facilities in accordance with the schedule of fees set forth in paragraph (g) of this section.

(b) *When fees are charged.* (1) No fee will be charged for monitoring a requester's inspection of records.

(2) Fees shall be charged in accordance with the schedule contained in paragraph (g) of this section for services rendered in responding to requests for records, unless any one of the following applies:

(i) Services were performed without charge;

(ii) The cost of collecting a fee would be equal to or greater than the fee itself; or,

(iii) The fees were waived or reduced in accordance with paragraphs (c) or (d) of this section.

(c) *Services performed without charge.* The heads of components or their delegates are authorized to determine, under the rulemaking procedures of 5 U.S.C. 553, which classes of records under their control may be provided to the public without charge, or at a reduced charge.

(d) *Waiver or reduction of fees.* (1) Fees may be waived or reduced on a case by case basis in accordance with this paragraph by the official who determines the availability of the records, provided such waiver or reduction has been requested in writing. Fees shall be waived or reduced by this official when it is determined, based upon the submission of the requester, that a waiver or reduction of the fees is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(2) Normally no charge shall be made for providing records to Federal, state or foreign governments, international governmental organizations, or local governmental agencies or offices.

(3) Appeals from denials of requests for waiver or reduction of fees shall be decided in accordance with the criteria set forth in paragraph (d)(1) of this section by the official authorized to decide appeals from denials of access to records. Appeals shall be addressed in writing to such official within 35 days of the denial of the initial request for waiver or reduction and shall be decided promptly.

(4) Appeals from an adverse determination of the requester's category as described in § 1.5(c)(1) shall be decided by the official authorized to decide appeals from denials of access to records and shall be based upon a review of the requester's submission and the component's own records. Appeals shall be addressed in writing to such official within 35 days of the component's determination of the requester's category and shall be decided promptly.

(e) *Avoidance of unexpected fees.* In order to protect the requester from unexpected fees, all requests for records shall state the agreement of the requester to pay the fees determined in accordance with paragraph (g) of this section and qualified by the limitations in paragraph (a) of this section or state the amount which the requester has set as an acceptable upper limit he or she is willing to pay to cover the costs of processing the request.

(1) When the fees for processing the request are estimated by the component of the Department of the Treasury to exceed the limit set by the requester, and that amount is less than \$250, the requester shall be notified of the estimated costs. In addition, the requester shall also be given an opportunity to reformulate the request in an attempt to reduce fees and still provide the requester with the documents sought.

(2) When the requester has failed to state a limit and the costs are estimated to exceed \$250.00 and the relevant component has not then determined to waive or reduce the fees, a notice shall be sent to the requester. This notice shall:

(i) Inform the requester of the estimated costs;

(ii) Extend an offer to the requester to confer with personnel of the relevant component of the Department of the Treasury in an attempt to reformulate the request in a manner which will reduce the fees and still meet the needs of the requester.

(3) When the Department or a component of the Department acts under paragraphs (e)(1) or (2) of this section, the administrative time limits of 10 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denial plus extensions of these time limits will begin only after fees have been paid or a request reformulated.

(f) *Form of payment.* (1) Payment shall be made by check or money order payable to the order of the Treasury of the United States or that relevant component of the Department of the Treasury.

(2) The Department of the Treasury reserves the right to request prepayment after a request is processed and before documents are released.

(3) When costs are estimated or determined to exceed \$250, the Department shall notify the requester of the likely cost and obtain satisfactory assurance of full payment where the requester has a history of prompt payment of FOIA fees or require a requester to make an advance payment of the entire fee before continuing to process the request in the case of requesters with no history of payment.

(4) If a requester has previously failed to pay a fee in a timely fashion (*i.e.* within 30 days of the date of the billing), the requester shall be required to pay the full amount owed plus any applicable interest (31 U.S.C. 3717), and to make an advance payment of the full amount of the estimated fee before the Department begins to process a new request or the pending request.

Whenever interest is charged, the Department shall begin assessing interest on the 31st day following the day on which billing was sent. Interest will be at the rate prescribed in 31 U.S.C. 3717. In addition, the Department will take all steps authorized by the Debt Collection Act of 1982, including administrative offset pursuant to 31 CFR Part 4, disclosure to consumer agencies and use of collection agencies, to encourage repayment.

(g) *Amounts to be charged for specified services.* The fees for services performed by the relevant component of the Department of the Treasury shall be imposed and collected as set forth in this paragraph. Should services other than those described be requested and rendered, appropriate fees shall be established by the head of the relevant component of the Department, or a delegate, and such fees shall be imposed and collected, but subject to the constraints imposed by 5 U.S.C. 552(a)(4)(A).

(1) *Copying records.* All requesters, except commercial requesters, will receive the first 100 pages duplicated without charge. Absent a determination to waive fees, a component shall charge requesters as follows:

(i) \$.15 per copy of each page, up to 8½x14" made by photocopy or similar process.

(ii) Photographs, films, and other materials—actual cost of reproduction.

(iii) Other types of duplication services not mentioned above—actual cost.

(iv) Records may be released to a private contractor for copying and the requester will be charged the actual cost of duplication charged by the private contractor.

(2) *Search services.* Educational and non-commercial scientific requesters and members of the news media shall not be charged for any search time. Other requesters, who are not commercial requesters, shall not be charged for the first two hours of search time. Components shall charge for search services consistent with the following:

(i) *Searches other than for computerized records.* The Department shall charge for records at the salary rate(s) (*i.e.* basic pay plus 16 percent) of the employee(s) making the search. However, where a single class of personnel is used exclusively (*e.g.*, all administrative/clerical, or all professional/executive), an average rate for the range of grades typically involved may be established. This charge shall include transportation of

personnel and records necessary to the search at actual cost.

(ii) *Searches for computerized records.* Actual direct cost of the search, including computer search time, runs, and the operator's salary. The fee for computer printouts will be actual costs.

(3) *Review of records.* The Department shall charge commercial use requesters for review of records at the initial administrative level at the salary rate(s) (i.e. basic pay plus 16 percent) of the employee(s) making the review. However, when a single class of personnel is used exclusively (e.g., all administrative/clerical, or all professional/executive), components may establish an average rate for the range of grades typically involved.

(4) *Inspection of documents.* Fees for all services provided will be charged whenever a component must make copies available to the requester for inspection.

(5) *Other services.* Other services and materials requested which are not covered by this part nor required by the FOIA are chargeable at the actual cost to the Department. This includes, but is not limited to:

(i) Certifying that records are true copies;

(ii) Sending records by special methods such as express mail, etc.

#### Appendix A—Departmental Offices

1. *In general.* This appendix applies to the Departmental Offices as defined in 31 CFR 1.1(d)(1). It identifies the location of the public reading room at which the following documents are available for public inspection and copying: a description of the central and field offices; the established places where the public may obtain information, decisions, statements of the general course and method by which functions are channeled and determined; rules of procedure, descriptions of forms and where they may be obtained; substantive rules and statements of general policy and interpretations adopted by the agency; and each amendment, revision, or repeal of the foregoing; final adjudications of cases; statements of policy and interpretations which have been adopted by the agency and are not published in the *Federal Register*; administrative staff manuals and instructions to staff that affect a member of the public. In addition, the appendix identifies the officers designated to make the initial and appellate determinations to FOIA requests, the officers designated to receive service of process, and the addresses for delivery of requests, appeals and service of process.

2. *Public reading room.* The public reading room for the Departmental Offices is maintained at the following location: Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to

whether to grant requests for records of the Departmental Offices will be made by the head of the organizational unit having immediate custody of the records requested or the delegate of such official. Requests for records should be addressed to:

Freedom of Information Request, D.O., Chief, Disclosure Branch, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Requests may be delivered in person to the Main Treasury Building, Room 5030, 1500 Pennsylvania Avenue NW., Washington, DC.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the Departmental Offices will be made by the Secretary, Deputy Secretary, Under Secretary, General Counsel, or Assistant Secretary having jurisdiction over the organizational unit which has immediate custody of the records requested, or the delegate of such officer. Appeals made by mail should be addressed to:

Freedom of Information Appeal, D.O., Chief, Disclosure Branch, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Appeals may be delivered personally to the Main Treasury Building, Room 5030, 1500 Pennsylvania Avenue NW., Washington, DC.

5. *Delivery of process.* Service of process will be received by the General Counsel of the Department of the Treasury or the delegate of such officer and shall be delivered to the following location:

General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

#### Appendix B—Internal Revenue Service

1. *In general.* This appendix applies to the Internal Revenue Service. It identifies the location of the public reading room at which the following documents of the Internal Revenue Service are available for public inspection and copying: a description of the central and field offices; the established places where the public may obtain information, decisions, statements of the general course and method by which functions are channeled and determined; rules of procedure, descriptions of forms and where they may be obtained; substantive rules and statements of general policy and interpretations adopted by the agency; and each amendment, revision, or repeal of the foregoing; final adjudications of cases; statements of policy and interpretations which have been adopted by the agency and are not published in the *Federal Register*; administrative staff manuals and instructions to staff that affect a member of the public. In addition, the appendix identifies the officers designated to make the initial and appellate determinations to FOIA requests, the officers designated to receive service of process, and the addresses for delivery of requests, appeals and service of process. For additional rules issued with respect to the Internal Revenue Service, see 26 CFR 601.701 and 601.702.

2. *Public reading room.* The public reading room for the Internal Revenue Service is maintained at the following location:

Room 1569, 1111 Constitution Avenue NW., Washington, DC.

Mailing address: Internal Revenue Service, P.O. Box 338, Ben Franklin Station, Washington, DC 20044.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the Internal Revenue Service will be made by those officials specified in 26 CFR 601.702.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the Internal Revenue Service will be made by the Commissioner of Internal Revenue or the delegate of such officer. Appeals made by mail should be addressed to:

Freedom of Information Appeal, Commissioner of Internal Revenue Service, c/o Ben Franklin Station, P.O. Box 929, Washington, DC 20044.

Appeals may be delivered personally to the Director of the Disclosure Litigation Division, Office of the Chief Counsel, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC.

5. *Delivery of process.* Service of process will be received by the Commissioner of Internal Revenue at the following address: Commissioner, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224. Attention: CC:A: OS.

#### Appendix C—United States Customs Service

1. *In general.* This appendix applies to the United States Customs Service. It identifies the location of the public reading room at which the following documents are available for public inspection and copying: A description of the central and field offices; the established places where the public may obtain information, decisions, statements of the general course and method by which functions are channeled and determined; rules of procedure, descriptions of forms and where they may be obtained; substantive rules and statements of general policy and interpretations adopted by the agency; and each amendment, revision, or repeal of the foregoing; final adjudications of cases; statements of policy and interpretations which have been adopted by the agency and are not published in the *Federal Register*; administrative staff manuals and instructions to staff that affect a member of the public. In addition, the appendix identifies the officers designated to make the initial and appellate determinations to FOIA requests, the officers designated to receive service of process, and the addresses for delivery of requests, appeals and service of process. For additional rules issued specifically with respect to the United States Customs Service, see 19 CFR Part 103.

2. *Public reading rooms.* Public reading rooms for the United States Customs Service are maintained at the following locations: Headquarters



United States Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229.

#### Regions

Northeast: 100 Summer Street, Boston, MA 02110.

New York: 6 World Trade Center, New York, NY 10048.

Southeast: 99 Southeast 5th Street, Miami, FL 33131.

South Central: 423 Canal Street, New Orleans, LA 70130.

Southwest: 5850 San Felipe Street, Houston, TX 77057.

Pacific: 300 North Los Angeles Street, Los Angeles, CA 90012.

North Central: 55 East Monroe Street, Chicago, IL 60603.

3. *Requests for records.* (a) *Headquarters*—Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records will be made by the appropriate Division Director at Customs Service Headquarters having custody of or functional jurisdiction over the subject matter of the requested records. If the request relates to records maintained in an office which is not within a division, the initial determination shall be made by the individual designated for that purpose by the Assistant Commissioner or Comptroller having responsibility for that office. Requests may be mailed or delivered in person to:

Freedom of Information Act Request, Chief, Disclosure Law Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

(b) *Regional offices.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records will be made by the Regional Commissioner of Customs in whose region the records are maintained. Requests may be mailed or delivered personally to the respective Regional Commissioner at the following regional locations:

Northeast: 100 Summer Street, Boston, MA 02110.

New York: 6 World Trade Center, New York, NY 10048.

Southeast: 99 Southeast 5th Street, Miami, FL 33131.

South Central: 423 Canal Street, New Orleans, LA 70130.

Southwest: 5850 San Felipe Street, Houston, TX 77057.

Pacific: 300 North Los Angeles Street, Los Angeles, CA 90012.

North Central: 55 East Monroe Street, Chicago, IL 60603.

Any substantive denial of an initial request for information under 31 CFR 1.5(g) will be made by the appropriate Division Director at Customs Service Headquarters having custody of or functional jurisdiction over the subject matter of the requested records. If the request relates to records maintained in an office which is not within a division, the initial determination shall be made by the individual designated for that purpose by the Assistant Commissioner or Comptroller having responsibility for that office.

(c) All such requests should be conspicuously labeled on the face of the envelope, "Freedom of Information Act Request" or "FOIA Request"

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) will be made by the Commissioner of Customs, and all such appeals should be mailed or personally delivered to the United States Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229.

5. *Delivery of process.* Service of process will be received by the Chief Counsel, United States Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229.

#### Appendix D—United States Customs Service

1. *In general.* This appendix applies to the United States Secret Service. It identifies the location of the public reading room at which the following documents are available for public inspection and copying: A description of the central and field offices; the established places where the public may obtain information, decisions, statements of the general course and method by which functions are channeled and determined; rules of procedure, descriptions of forms and where they may be obtained; substantive rules and statements of general policy and interpretations adopted by the agency; and each amendment, revision, or repeal of the foregoing; final adjudications of cases; statements of policy and interpretations which have been adopted by the agency and are not published in the *Federal Register*; administrative staff manuals and instructions to staff that affect a member of the public. In addition, the appendix identifies the officers designated to make the initial and appellate determinations to FOIA requests, the officers designated to receive service of process, and the addresses for delivery of requests, appeals and service of process. For additional rules issued specifically with respect to the United States Secret Service, see 31 CFR Parts 401 through 408.

2. *Public reading room.* The United States Secret Service will provide a room on an ad hoc basis when necessary. Contact the Disclosure Officer, Room 720, 1800 G Street NW., Washington, DC 20223 to make appointments.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the United States Secret Service will be made by the Freedom of Information and Privacy Acts Officer, United States Secret Service. Requests may be mailed or delivered in person to:

Freedom of Information Act Request, FOI and Privacy Acts Officer, U.S. Secret Service, Room 720, 1800 G Street, NW., Washington, DC 20223.

4. *Administrative appeal of initial determinations under 31 CFR 1.5(h)* with respect to records of the United States Secret Service will be made by the Deputy Director, United States Secret Service. Appeals should be addressed to:

Freedom of Information Appeal, Deputy Director, United States Secret Service, Room 941, 1800 G Street, NW., Washington, DC 20223.

5. *Delivery of Process.* Service of process will be received by the United States Secret Service Legal Counsel at the following address:

Legal Counsel, United States Secret Service, 1800 G Street NW., Room 842, Washington, DC 20223.

#### Appendix E—Bureau of Alcohol, Tobacco, and Firearms

1. *In general.* This appendix applies to the Bureau of Alcohol, Tobacco, and Firearms. It identifies the location of the public reading room at which the following documents are available for public inspection and copying: A description of the central and field offices; the established places where the public may obtain information, decisions, statements of the general course and method by which functions are channeled and determined; rules of procedure, descriptions of forms and where they may be obtained; substantive rules and statements of general policy and interpretations adopted by the agency; and each amendment, revision, or repeal of the foregoing; final adjudications of cases; statements of policy and interpretations which have been adopted by the agency and are not published in the *Federal Register*; administrative staff manuals and instructions to staff that affect a member of the public. In addition, the appendix identifies the officers designated to make the initial and appellate determinations to FOIA requests, the officers designated to receive service of process, and the addresses for delivery of requests, appeals and service of process. For additional rules issued specifically with respect to the Bureau of Alcohol, Tobacco, and Firearms, see 27 CFR Part 71.

2. *Public reading room.* No room has been set aside for this purpose. The Bureau of Alcohol, Tobacco and Firearms will make materials available for review on an ad hoc basis when necessary. Contact the Chief, Disclosure Branch, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the Bureau of Alcohol, Tobacco, and Firearms will be made by the Chief, Disclosure Branch, Office of Assistant Director (Congressional and Media Affairs) or the delegate of such officer. Requests may be mailed or delivered in person to:

Freedom of Information Act Request, Chief, Disclosure Branch, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue, NW., Room 4406, Washington, DC 20226.

4. *Administrative appeal of initial determination to deny records.* Appellate determination under 31 CFR 1.5(h) with respect to records of the Bureau of Alcohol, Tobacco and Firearms will be made by the Director of the Bureau of Alcohol, Tobacco, and Firearms or the delegate of such officer.

Appeals may be mailed or delivered in person to:

Freedom of Information Appeal, Director, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

5. *Delivery of process.* Service of process will be received by the Director of the Bureau of Alcohol, Tobacco, and Firearms at the following location:

Director, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, Attention: Chief Counsel.

#### Appendix F—Bureau of Engraving and Printing

1. *In general.* This appendix applies to the Bureau of Engraving and Printing. It identifies the location of the public reading room at which the following documents are available for public inspection and copying: A description of the central and field offices; the established places where the public may obtain information, decisions, statements of the general course and method by which functions are channeled and determined; rules of procedure, descriptions of forms and where they may be obtained; substantive rules and statements of general policy and interpretations adopted by the agency; and each amendment, revision, or repeal of the foregoing; final adjudications of cases; statements of policy and interpretations which have been adopted by the agency and are not published in the *Federal Register*; administrative staff manuals and instructions to staff that affect a member of the public. In addition, the appendix identifies the officers designated to make the initial and appellate determinations to FOIA requests, the officers designated to receive service of process, and the addresses for delivery of requests, appeals and service of process.

2. *Public reading room.* No room has been set aside for this purpose. The Bureau of Engraving and Printing will make materials available for review on an ad hoc basis when necessary. Contact the Disclosure Officer, 14th and C Street, SW., Washington, DC 20228, to make an appointment.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the Bureau of Engraving and Printing will be made by the Executive Assistant to the Director. Requests may be mailed or delivered in person to:

Freedom of Information Act Request, Disclosure Officer (Executive Assistant to the Director), Room 104-18M, Bureau of Engraving and Printing, Washington, DC 20228.

4. *Administrative appeal of initial determination under 31 CFR 1.5(h) with respect to records of the Bureau of Engraving and Printing* will be made by the Director of the Bureau of Engraving and Printing or the delegate of the Director. Appeals may be mailed or delivered in person to:

Freedom of Information Appeal, Director, Bureau of Engraving and Printing, 14th and C Streets, SW., Room 118-M, Washington, DC 20228.

5. *Delivery of process.* Service of process will be received by the Chief Counsel or the delegate of such officer at the following location:

Chief Counsel, Bureau of Engraving and Printing, 14th and C Streets, SW, Room 109-M, Washington, DC 20228.

#### Appendix G—Financial Management Service

1. *In general.* This appendix applies to the Financial Management Service. It identifies

the location of the public reading room at which the following documents are available for public inspection and copying: A description of the central and field offices; the established places where the public may obtain information, decisions, statements of the general course and method by which functions are channeled and determined; rules of procedure, descriptions of forms and where they may be obtained; substantive rules and statements of general policy and interpretations adopted by the agency; and each amendment, revision, or repeal of the foregoing; final adjudications of cases; statements of policy and interpretations which have been adopted by the agency and are not published in the *Federal Register*; administrative staff manuals and instructions to staff that affect a member of the public. In addition, the appendix identifies the officers designated to make the initial and appellate determinations to FOIA requests, the officers designated to receive service of process, and the addresses for delivery of requests, appeals and service of process. For additional rules issued specifically with respect to Financial Management Service, see 31 CFR Part 270.

2. *Public reading room.* The public reading room for the Financial Management Service is maintained at the following location: Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) whether to grant requests for records will be made by the Disclosure Officer, Financial Management Service. Requests may be mailed or delivered in person to:

Freedom of Information Request, Disclosure Officer, Financial Management Service, Room 108, Treasury Department, Annex No. 1, Pennsylvania Avenue and Madison Place, NW, Washington, DC 20226.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) will be made by the Commissioner, Financial Management Service. Appeals may be mailed to:

Freedom of Information Appeal (FOIA), Commissioner, Financial Management Service, Department of the Treasury, Annex No. 1, Washington, DC 20226.

Appeals may be delivered personally to the Office of the Commissioner, Financial Management Service, Room 618, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, NW., Washington, DC.

5. *Delivery of process.* Service of process will be received by the Commissioner, Financial Management Service, and shall be delivered to:

Commissioner, Financial Management Service, Department of the Treasury, Room 618, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, NW., Washington, DC 20226.

#### Appendix H—United States Mint

1. *In general.* This appendix applies to the United States Mint. It identifies the location of the public reading room at which the following documents are available for public

inspection and copying: A description of the central and field offices; the established places where the public may obtain information, decisions, statements of the general course and method by which functions are channeled and determined; rules of procedure, descriptions of forms and where they may be obtained; substantive rules and statements of general policy and interpretations adopted by the agency; and each amendment, revision, or repeal of the foregoing; final adjudications of cases; statements of policy and interpretations which have been adopted by the agency and are not published in the *Federal Register*; administrative staff manuals and instructions to staff that affect a member of the public. In addition, the appendix identifies the officers designated to make the initial and appellate determinations to FOIA requests, the officers designated to receive service of process, and the addresses for delivery of requests, appeals and service of process. For additional rules issued specifically with respect to the United States Mint, see 31 CFR Part 92.

2. *Public reading room.* No room has been set aside for this purpose. The U.S. Mint will provide a room on an ad hoc basis when necessary. Contact the Disclosure Officer, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the United States Mint will be made by the Assistant Director for Marketing, United States Mint. Requests may be mailed or delivered in person to:

Freedom of Information Act Request, Chief, Information Systems Division, United States Mint, Department of the Treasury, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the United States Mint will be made by the Director of the Mint. Appeals made by mail should be addressed to:

Freedom of Information Appeal, Director of the Mint, Department of the Treasury, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

5. *Delivery of process.* Service of process will be received by the Director of the Mint and shall be delivered to:

Director of the Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

#### Appendix I—Bureau of the Public Debt

1. *In general.* This appendix applies to the Bureau of the Public Debt. It identifies the location of the public reading room at which the following documents are available for public inspection and copying: A description of the central and field offices; the established places where the public may obtain information, decisions, statements of the general course and method by which functions are channeled and determined; rules of procedure, descriptions of forms and

where they may be obtained; substantive rules and statements of general policy and interpretations adopted by the agency; and each amendment, revision, or repeal of the foregoing; final adjudications of cases; statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; administrative staff manuals and instructions to staff that affect a member of the public. In addition, the appendix identifies the officers designated to make the initial and appellate determinations to FOIA requests, the officers designated to receive service of process, and the addresses for delivery of requests, appeals and service of process. For additional rules issued specifically with respect to the Bureau of the Public Debt, see 31 CFR Part 323.

**2. Public reading room.** The public reading room for the Bureau of the Public Debt is maintained at the following location:

Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

**3. Requests for records.** Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records will be made by the Information Officer of the Bureau of the Public Debt. Requests may be mailed or delivered in person to:

Freedom of Information Act Request, Information Officer, Bureau of the Public Debt, Department of the Treasury, 999 E Street, NW., Room 553, Washington, DC 20226.

**4. Administrative appeal of initial determination to deny records.** Appellate determinations under 31 CFR 1.5(h) with respect to records of the Bureau of the Public Debt will be made by the Commissioner of the Public Debt. Appeals made by mail should be addressed to:

Freedom of Information Appeal, Commissioner, Bureau of the Public Debt, Department of the Treasury, Washington, DC 20226.

**5. Delivery of process.** Service of process will be received by the Chief Counsel, Bureau of the Public Debt, and shall be delivered to the following location:

Chief Counsel, Bureau of the Public Debt, Room 503, 999 E Street, NW., Washington, DC 20226.

#### Appendix J—Office of the Comptroller of the Currency

**1. In general.** This appendix applies to the Office of the Comptroller of the Currency. It identifies the location of the public reading room at which the following documents are available for public inspection and copying: A description of the central and field offices; the established places where the public may obtain information, decisions, statements of the general course and method by which functions are channeled and determined; rules of procedure, descriptions of forms and where they may be obtained; substantive rules and statements of general policy and interpretations adopted by the agency; and each amendment, revision, or repeal of the foregoing; final adjudications of cases; statements of policy and interpretations which have been adopted by the agency and

are not published in the Federal Register; administrative staff manuals and instructions to staff that affect a member of the public. In addition, the appendix identifies the officers designated to make the initial and appellate determinations to FOIA requests, the officers designated to receive service of process, and the addresses for delivery of requests, appeals and service of process. For additional rules issued specifically with respect to the Office of the Comptroller of the Currency, see 12 CFR Part 4.

**2. Public reading room.** The Office of the Comptroller of the Currency will make materials available for review on an ad hoc basis when necessary. Contact the Freedom of Information Officer, Communications Division, Comptroller of the Currency, 3rd Floor, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

**3. Requests for records.** Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the Office of the Comptroller of the Currency will be made by the Freedom of Information Officer or the official so designated. Requests may be mailed or delivered in person to:

Freedom of Information Act Request, Freedom of Information Officer, Communications Division, 3rd Floor, Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

**4. Administrative appeal of initial determination to deny records.** Appellate determinations under 31 CFR 1.5(h) with respect to records of the Office of the Comptroller of the Currency will be made by the Chief Counsel or delegates of such person. Appeals made by mail should be addressed to:

Communications Division, 3rd Floor, Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

Appeals may be delivered personally to the Communications Division, 3rd Floor, Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC.

**5. Delivery of process.** Service of process will be received by the Chief Counsel, Comptroller of the Currency and shall be delivered to such officer at the following location:

Office of the Chief Counsel, Comptroller of the Currency, 6th Floor, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

#### Appendix K—United States Savings Bond Division

**1. In general.** This appendix applies to the United States Savings Bond Division. It identifies the location of the public reading room at which the following documents are available for public inspection and copying: A description of the central and field offices; the established places where the public may obtain information, decisions, statements of the general course and method by which functions are channeled and determined; rules of procedure, descriptions of forms and where they may be obtained; substantive rules and statements of general policy and interpretations adopted by the agency; and each amendment, revision, or repeal of the foregoing; final adjudications of cases; statements of policy and interpretations

which have been adopted by the agency and are not published in the Federal Register; administrative staff manuals and instructions to staff that affect a member of the public. In addition, the appendix identifies the officers designated to make the initial and appellate determinations to FOIA requests, the officers designated to receive service of process, and the addresses for delivery of requests, appeals and service of process.

**2. Public reading room.** The public reading room for the United States Savings Bond Division is maintained at the following location:

Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Ave. NW., Washington, DC 20220.

**3. Requests for records.** (a) Initial determinations under 31 CFR 1.5(g) whether to grant requests for records relating to the substantive Savings Bond Program, such as records relating to ownership of and transactions in savings bonds, will be made by the Information Officer of the Bureau of Public Debt. Requests may be mailed or delivered in person to:

Freedom of Information Act Request, Information Officer, Bureau of the Public Debt, Room 300, Washington Building, 1435 G Street, NW., Washington, DC 20226.

(b) Initial determinations under 31 CFR 1.5(g) whether to grant requests for other records of the United States Savings Bond Division, such as personnel records or records relating to the internal management of the Division, will be made by the Director of Public Affairs, United States Savings Bond Division. Requests made by mail should be addressed to:

Freedom of Information Act Request, Director of Public Affairs, U.S. Savings Bond Division, Department of the Treasury, Washington, DC 20226.

Requests may be delivered in person to the Office of the Director, U.S. Savings Bond Division, Room 257, 1111 20th Street, NW., Washington, DC.

**4. Administrative appeal of determination to deny records.** (a) Appellate determinations under 31 CFR 1.5(h) with respect to records, access to which has been denied by the Information Officer of the Bureau of the Public Debt, will be made by the Commissioner, Bureau of the Public Debt. Appeals made by mail should be addressed to:

Freedom of Information Appeal, Commissioner, Bureau of the Public Debt, Department of the Treasury, Washington, DC 20226.

Appeals may be delivered in person to the Office of the Information Officer, Room 300, Washington Building, 1435 G Street, NW., Washington, DC.

(b) Appellate determinations under 31 CFR 1.5(h) with respect to records, access to which has been denied by the Director of Public Affairs, United States Savings Bond Division, will be made by the National Director, United States Savings Bond Division. Requests made by mail should be addressed to:



Freedom of Information Appeal, National Director, Department of the Treasury, Washington, DC 20226.

Requests may be delivered personally to the office of the Deputy National Director, Room 317, 1111 20th Street, NW., Washington, DC.

5. *Delivery of process.* Service of process will be received by the Commissioner, Bureau of the Public Debt and shall be delivered to such officer at the following location:

Commissioner, Bureau of the Public Debt, Room 300, Washington Bldg., 1435 G Street, NW., Washington, DC 20226.

#### Appendix L—Federal Law Enforcement Training Center

1. *In general.* This appendix applied to the Federal Law Enforcement Training Center. It identifies the location of the public reading room at which the following documents are available for public inspection and copying: A description of the central and field offices; the established places where the public may obtain information, decisions, statements of the general course and method by which functions are channeled and determined; rules of procedure, descriptions of forms and where they may be obtained; substantive rules and statements of general policy and interpretations adopted by the agency; and each amendment, revision, or repeal of the foregoing; final adjudications of cases; statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; administrative staff manuals and instructions to staff that affect a member of the public. In addition, the appendix identifies the officers designated to make the initial and appellate determinations to FOIA requests, the officers designated to receive service of process, and the addresses for delivery of requests, appeals and service of process.

2. *Public reading room.* The public reading room for the Federal Law Enforcement Training Center is maintained at the following location:

Library, Building 262, Federal Law Enforcement Training Center, Glynco, GA 31524.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records will be made by the Director, Federal Law Enforcement Training Center. Requests made by mail should be addressed to:

Freedom of Information Act Request, Freedom of Information Act Officer, Federal Law Enforcement Training Center, Department of the Treasury, Building 94, Glynco, GA 31524.

Requests may be delivered personally to the Library, Federal Law Enforcement Training Center, Building 94, Glynco, GA.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the consolidated Federal Law Enforcement Training Center will be made by the Assistant Secretary (Enforcement). Appeals may be mailed or delivered in person to:

Freedom of Information Appeal, Assistant Secretary (Enforcement), Department of the

Treasury, 1500 Pennsylvania Avenue NW., Room 4312, Room 3448, Washington, DC 20220.

5. *Delivery of process.* Service of process will be received by the General Counsel of the Department of the Treasury, or his delegate, and shall be delivered to such officer at the following location:

General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

#### Appendix M—Office of the Assistant Secretary for Tax Policy

1. *In general.* This appendix applies to the Office of the Assistant Secretary for Tax Policy, including the Office of International Tax Counsel, the Office of Tax Analysis, the Office of the Tax Legislative Counsel, and generally the Office of Industrial Economics. It identifies the location of the public reading room at which the following documents are available for public inspection and copying: A description of the central and field offices; the established places where the public may obtain information, decisions, statements of the general course and method by which functions are channeled and determined; rules of procedure, descriptions of forms and where they may be obtained; substantive rules and statements of general policy and interpretations adopted by the agency; and each amendment, revision, or repeal of the foregoing; final adjudications of cases; statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; administrative staff manuals and instructions to staff that affect a member of the public. In addition, the appendix identifies the officers designated to make the initial and appellate determinations to FOIA requests, the officers designated to receive service of process, and the addresses for delivery of requests, appeals and service of process.

2. *Public Reading Room.* The public reading room for the Office of the Assistant Secretary for Tax Policy is maintained at the following location:

Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the Office of the Assistant Secretary for Tax Policy will be made by the Freedom of Information Office, Office of Tax Legislative Counsel, or the Deputy Tax Legislative Counsel, Room 3064, Main Treasury Building, Washington, DC 20220.

Requests for records may be mailed or delivered in person to:

Freedom of Information Act Request, Freedom of Information Officer, Office of the Assistant Secretary (Tax Policy), Room 4028, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

4. *Administrative appeal of initial determination to deny records.* The Assistant Secretary (Tax Policy) will make the determination on appeals. Appeals from initial determinations to deny records may be mailed or delivered in person to:

Assistant Secretary for Tax Policy, Department of the Treasury, Main Treasury Building, Room 3112, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

5. *Delivery of process.* Service of process will be received by the General Counsel of the Department of the Treasury, or his delegate, and shall be delivered to such officer at the following location:

General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

#### Subpart B—Other Disclosure Provisions

##### § 1.8 Scope.

The regulations in this subpart concern access to information and records other than under 5 U.S.C. 552. This subpart is applicable only to the Departmental Offices as defined to § 1.1(a) of this part and the United States Savings Bonds Division and the United States Secret Service.

##### § 1.9 Records not to be otherwise withdrawn or disclosed.

Except in accordance with this part, or as otherwise authorized, Treasury Department officers and employees are prohibited from making records or duplicates available to any person, not an officer or employee of the Department, and are prohibited from withdrawing any such records or duplicates from the files, possession or control of the Department.

##### § 1.10 Oral information.

(a) Officers and employees of the Department may, in response to requests, provide orally information contained in records of the Department which are determined to be available to the public. If the obtaining of such information requires search of the records, a written request and the payment of the fee for record search set forth in § 1.6 will be required.

(b) Information with respect to activities of the Department not a matter of record shall not be disclosed if the information involves matters exempt from disclosure under 5 U.S.C. 552 or the regulations in this part, or if the disclosure of such information would give the person requesting the information advantages not accorded to other citizens;

##### § 1.11 Testimony or the Production of records in a court or other proceeding.

(a) Treasury Department officers and employees are prohibited from testifying or otherwise furnishing information obtained as a result of their official capacities or in connection with the transaction of public business, in

compliance with a subpoena or other order or demand of any court or other authority without the prior approval of an officer authorized to determine the availability of records under these regulations.

(b) Treasury Department officers and employees are prohibited from furnishing any record in compliance with subpoenas duces tecum or other order or demand of any court or other authority, without the prior approval of an officer authorized to determine the availability of records under the regulations in this part.

(c) In court cases in which the United States or the Treasury Department is not a party, where the giving of testimony is desired, an affidavit by the litigant or the litigant's attorney, setting forth the information with respect to which the testimony of such officer or employee is desired, must be submitted before permission to testify will be granted. Permission to testify will, in all cases, be limited to the information set forth in the affidavit or to such portions thereof as may be deemed proper.

(d) Where approval to testify or to furnish records in compliance with a subpoena, order or demand is not given the person to whom it is directed shall, if possible, appear in court or before the other authority and respectfully state his inability to comply in full with the subpoena, order or demand, relying for his action upon this section.

#### **§ 1.12 Regulations not applicable to official request.**

The regulations in this part shall not be applicable to official requests of other governmental agencies or officers thereof acting in their official capacities, unless it appears that granting a particular request would be in violation of law or inimical to the public interest. Cases of doubt should be referred for decision to the supervisory official designated in § 1.8.

### **Subpart C—Privacy Act**

#### **§ 1.20 Purpose and scope of regulations.**

The regulations in this subpart are issued to implement the provisions of the Privacy Act of 1974 (5 U.S.C. 552a). The regulations apply to all records which are contained in systems of records maintained by the Department of the Treasury and which are retrieved by an individual's name or personal identifier. They do not relate to those personnel records of Government employees, which are under the jurisdiction of the Office of Personnel Management to the extent such records are subject to regulations issued by such OPM. The regulations apply to all

components of the Department of the Treasury. Any reference in this subpart to the Department or its officials, employees, or records shall be deemed to refer also to the components or their officials, employees, or records. The regulations set forth the requirements applicable to Department of the Treasury employees maintaining, collecting, using or disseminating records pertaining to individuals. They also set forth the procedures by which individuals may request notification of whether the Department of the Treasury maintains or has disclosed a record pertaining to them or may seek access to such records maintained in any nonexempt system of records, request correction of such records, appeal any initial adverse determination of any request for amendment, or may seek an accounting of disclosures of such records. For the convenience of interested persons, the components of the Department of the Treasury may reprint these regulations in their entirety (less any appendices not applicable to the component in question) in those titles of the Code of Federal Regulations which normally contain regulations applicable to such components. In connection with such republication, and at other appropriate times, components may issue supplementary regulations applicable only to the component in question, which are consistent with these regulations. In the event of any actual or apparent inconsistency, these Departmental regulations shall govern. Persons interested in the records of a particular component should therefore, also consult the Code of Federal Regulations for any rules or regulations promulgated specifically with respect to that component (see Appendices to this subpart for cross references). The head of each component is hereby also authorized to substitute other appropriate officials for those designated and correct addresses specified in the appendix to this subpart applicable to the component. The components of the Department of the Treasury for the purposes of this subpart are:

(a) The Departmental Offices, which includes the offices of:

(1) The Secretary of the Treasury, including immediate staff;

(2) The Deputy Secretary of the Treasury, including immediate staff;

(3) The Under Secretary of the Treasury for Finance, including immediate staff;

(4) The Fiscal Assistant Secretary, including immediate staff;

(5) The Assistant Secretary of the Treasury for Economic Policy and all

other offices reporting to such official, including immediate staff;

(6) The General Counsel and also the Legal Division, except legal counsel to the components listed in paragraphs (a)(9) and (b) through (l) of this section;

(7) The Assistant Secretary of the Treasury for International Affairs and all offices reporting to such official, including immediate staff;

(8) The Treasurer of the United States, including immediate staff;

(9) The Assistant Secretary of the Treasury for Tax Policy, including immediate staff and all offices reporting to such official;

(10) The Assistant Secretary of the Treasury for Management, and all offices reporting to such official, including immediate staff;

(11) The Assistant Secretary of the Treasury for Domestic Finance and all offices reporting to such official, including immediate staff;

(12) The Assistant Secretary of the Treasury for Legislative Affairs, including immediate staff;

(13) The Assistant Secretary of the Treasury for Public Affairs and Public Liaison, including immediate staff;

(14) The Assistant Secretary of the Treasury for Enforcement and all offices reporting to such official, including immediate staff;

(15) The Special Assistant to the Secretary (National Security), including immediate staff;

(16) The Inspector General and all offices reporting to such official, including immediate office.

(b) The Bureau of Alcohol, Tobacco and Firearms;

(c) The Office of the Comptroller of the Currency;

(d) The United States Customs Service;

(e) The Bureau of Engraving and Printing;

(f) The Federal Law Enforcement Training Center;

(g) The Financial Management Service;

(h) The Internal Revenue Service;

(i) The United States Mint;

(j) The Bureau of the Public Debt;

(k) The United States Savings Bond Division;

(l) The United States Secret Service;

For purposes of this subpart, the office of the legal counsel for the components listed in paragraphs (b), (c), (d), (e), (f), (g), (h), (i), and (j) of this section are to be considered a part of such component. Any office, which is now in existence or may hereafter be established, which is not specifically listed or known to be a component of any of those listed above, shall be deemed a part of the

Departmental Offices for the purpose of these regulations.

#### § 1.21 Definitions.

(a) The term "agency" means agency as defined in 5 U.S.C. 552(e);

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, collect, use, or disseminate;

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Department of the Treasury or component of the Department. This includes, but is not limited to, the individual's education, financial transactions, medical history, and criminal or employment history and that contains the name, or an identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(e) The term "system of records" means a group of any records under the control of the Department of the Treasury or any component from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or part in making any determination about an identifiable individual, except as provided by 13 U.S.C. 8.

(g) The term "routine use" means the disclosure of a record that is compatible with the purpose for which the record was collected;

(h) The term "component" means a bureau or office of the Department of the Treasury as set forth in § 1.20 and in the appendices to these regulations. (See 5 U.S.C. 552a(a).)

(i) The term "request for access" means a request made pursuant to 5 U.S.C. 552a(d)(1).

(j) The term "request for amendment" means a request made pursuant to 5 U.S.C. 552a(d)(2).

(k) The term "request for accounting" means a request made pursuant to 5 U.S.C. 552a(c)(3).

#### § 1.22 Requirements relating to systems of records.

(a) *In general.* Subject to 5 U.S.C. 552a(j) and (k) and § 1.23(c), each component shall, in conformance with 5 U.S.C. 552a:

(1) Maintain in its records only such information about an individual as is relevant and necessary to accomplish a

purpose of the agency required to be accomplished by the statute or by Executive Order of the President (See 5 U.S.C. 552a(e)(1)).

(2) Collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs. (See 5 U.S.C. 552a(e)(2).)

(b) *Requests for information from individuals.* Subject to 5 U.S.C. 552a(j) and § 1.23(c)(1), each component of the Treasury shall inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual:

(1) The authority (whether granted by statute, or by Executive Order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(2) The principal purpose or purposes for which the information is intended to be used;

(3) The routine uses which may be made of the information, as published pursuant to 5 U.S.C. 552a(e)(4)(D); and

(4) The effects on such individual, if any, of not providing all or any part of the requested information. (See 5 U.S.C. 552a(e)(3).)

(c) *Report on new systems.* Each component of the Treasury shall provide adequate advance notice to Congress and the Office of Management and Budget through the Disclosure Branch and Administration Section of the Office of the General Counsel of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers. (See 5 U.S.C. 552a(o).)

(d) *Accurate and secure maintenance of records.* Each component shall:

(1) Subject to 5 U.S.C. 552a(j) and § 1.23(c)(1), maintain all records which are used in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination (see 5 U.S.C. 552a(e)(5));

(2) Prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to 5 U.S.C. 552 (see 31 CFR Part 1, Subpart

A), make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for Department of the Treasury purposes (see 5 U.S.C. 552a(e)(6)) and

(3) Establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained. (See 5 U.S.C. 552a(e)(10)).

(i) System managers, with the approval of the head of their offices within a component, shall establish administrative and physical controls, consistent with Department regulations, to insure the protection of records systems from unauthorized access or disclosure and from physical damage or destruction. The controls instituted shall be proportional to the degree of sensitivity of the records but at a minimum must insure that records other than those available to the general public under the Freedom of Information Act (5 U.S.C. 552), are protected from public view, that the area in which the records are stored is supervised during all business hours and physically secure during nonbusiness hours to prevent unauthorized personnel from obtaining access to the records. Automated systems shall comply with the security standards promulgated by the National Bureau of Standards.

(ii) System managers, with the approval of the head of their offices within a component, shall adopt access restrictions to insure that only those individuals within the agency who have a need to have access to the records for the performance of their duties have access to them. Procedures shall also be adopted to prevent accidental access to, or dissemination of, records.

(e) *Prohibition against maintenance of records concerning First Amendment rights.* No component shall maintain a record describing how any individual exercises rights guaranteed by the First Amendment (e.g. speech), unless the maintenance of such record is:

(1) Expressly authorized by statute, or

(2) Expressly authorized by the individual about whom the record is maintained, or

(3) Pertinent to and within the scope of an authorized law enforcement activity. (See 5 U.S.C. 552a(e)(7).)

(f) *Notification of disclosure under compulsory legal process.* Subject to 5 U.S.C. 552a(j) and § 1.23(c)(1), when records concerning an individual are

subpoenaed by a Grand Jury, Court, or quasi-judicial agency, or disclosed in accordance with an ex parte court order pursuant to 26 U.S.C. 6103(i), the official served with the subpoena or court order shall make reasonable efforts to assure that notice of any disclosure is provided to the individual. Notice shall be provided within five working days of making the records available under compulsory legal process or, in the case of a Grand Jury subpoena or an ex parte order, within five days of its becoming a matter of public record. Notice shall be mailed to the last known address of the individual and shall contain the following information: the date and authority to which the subpoena is, or was returnable, or the date of and court issuing the ex parte order, the name and number of the case or proceeding, and the nature of the information sought and provided. Notice of the issuance of a subpoena or an ex parte order is not required if the system of records has been exempted from the notice requirement of 5 U.S.C. 552a(e)(8) and this section, pursuant to 5 U.S.C. 552a(j) and § 1.23(c)(1), by a Notice of Exemption published in the *Federal Register*. (See 5 U.S.C. 552a(e)(8)).

(g) *Emergency Disclosure*. If information concerning an individual has been disclosed to any person under compelling circumstances affecting health or safety, the individual shall be notified at the last known address within 5 days of the disclosure (excluding Saturdays, Sundays, and legal public holidays). Notification shall include the following information: the nature of the information disclosed, the person or agency to whom it was disclosed, the date of disclosure, and the compelling circumstances justifying the disclosure. Notification shall be given by the officer who made or authorized the disclosure. (See 5 U.S.C. 552a(b)(8)).

**§ 1.23 Publication in the Federal Register—Notices of systems of records, general exemptions, specific exemptions, review of all systems.**

(a) Notices of systems of records to be published in the *Federal Register*.

(1) The Department shall publish a notice of the existence and character of all systems of records every 3 years in the *Federal Register*. An annual notice of systems of records is required to be published by the Office of the Federal Register in the publication entitled "Privacy Act Issuances" as specified in 5 U.S.C. 552a(f).

(2) Minor changes to systems of records shall be published annually. (See paragraph (d)(8) of this section)

(3) In addition, the Department shall publish in the *Federal Register* upon

establishment or revision a notice of the existence and character of any new or revised systems of records. Unless otherwise instructed, each notice shall include:

(i) The name and location of the system;

(ii) The categories of individuals on whom records are maintained in the system;

(iii) The categories of records maintained in the system;

(iv) Each routine use of the records contained in the system, including the categories of users and the purpose of such use;

(v) The policies and practices of the component regarding storage, retrievability, access controls, retention, and disposal of the records;

(vi) The title and business address of the Treasury official who is responsible for the system of records;

(vii) The procedures of the component whereby an individual can be notified if the system of records contain a record pertaining to the individual, including reasonable times, places, and identification requirements.

(viii) The procedures of the component whereby an individual can be notified on how to gain access to any record pertaining to such individual that may be contained in the system of records, and how to contest its content; and

(ix) The categories of sources of records in the system. (See 5 U.S.C. 552a(e)(4)).

(b) Notice of new or modified routine uses to be published in the *Federal Register*. At least 30 days prior to a new use or modification of a routine use, as published under paragraph (a)(3)(iv) of this section, each component shall publish in the *Federal Register* notice of such new or modified use of the information in the system and provide an opportunity for interested persons to submit written data, views, or arguments to the components. (See 5 U.S.C. 552a(e)(11).)

(c) Promulgation of rules exempting systems from certain requirements—(1) General exemptions. In accordance with existing procedures applicable to a Treasury component's issuance of regulations, the head of each such component may adopt rules, in accordance with the requirements (including general notice) of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e), to exempt any system of records within the component from any part of 5 U.S.C. 552a and these regulations except subsections (b) (§ 1.24, conditions of disclosure), (c)(1) (§ 1.25, keep accurate accounting of disclosures), (c)(2) (§ 1.25, retain accounting for five years or life of

record), (e)(4) (A) through (F) (paragraph (a) of this section, publication of annual notice of systems of records), (e)(6) (§ 1.22(d), accuracy of records prior to dissemination), (e)(7) (§ 1.22(e), maintenance of records on First Amendment rights), (e)(9) (§ 1.28, establish rules of conduct), (e)(10) (§ 1.22(d)(3), establish safeguards for records), (e)(11) (paragraph (c) of this section, publish new intended use), and (i) (§ 1.28(c), criminal penalties) if the systems of records maintained by the component which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (i) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole, and probation status; (ii) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (iii) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. (See 5 U.S.C. 552a(j)).

(2) Specific exemptions. In accordance with existing procedures applicable to a Treasury component's issuance of regulations, the head of each such component may adopt rules, in accordance with the requirements (including general notice) of 5 U.S.C. 553(b) (1), (2), and (3), (c), and (e), to exempt any system of records within the component from 5 U.S.C. 552a(c)(3) (§ 1.25(c)(2), accounting of certain disclosures available to the individual), (d) (§ 1.26(a), access to records), (e)(1) (§ 1.22(a)(1), maintenance of information to accomplish purposes authorized by statute or executive order only), (e)(4)(G) ((a)(7) of this section, publication of procedures for notification), (e)(4)(H) ((a)(8) of this section, publication of procedures for access and contest), (e)(4)(I) ((a)(9) of this section, publication of sources of records), and (f) (§ 1.26, promulgate rules for notification, access and contest), if the system of records is:

(i) Subject to the provisions of 5 U.S.C. 552(b)(1);

(ii) Investigatory material compiled for law enforcement purposes, other

than material within the scope of subsection (j)(2) of 5 U.S.C. 552a and paragraph (a)(1) of this section. If any individual is denied any right, privilege, or benefit that such individual would otherwise be entitled to by Federal law, or for which such individual would otherwise be eligible, as a result of the maintenance of this material, such material shall be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence;

(iii) Maintained in connection with providing protective services to the President of the United States or other individuals pursuant to 18 U.S.C. 3056;

(iv) Required by statute to be maintained and used solely as statistical records;

(v) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence;

(vi) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(vii) Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(3) At the time that rules under this subsection are adopted, the head of the component shall include in the statement required under 5 U.S.C. 553(c) the reasons why the system of records is to be exempted from a provision of 5 U.S.C. 552a and this part. (See 5 U.S.C. 552a (j) and (k)).

(d) Review and Report to OMB. The Department shall ensure that the following reviews are conducted as often as specified below by each of the components who shall be prepared to report to the Departmental Disclosure Branch upon request the results of such reviews and any corrective action taken to resolve problems uncovered. Each component shall:

(1) Review every two years a random sample of the component's contracts that provide for the maintenance of a system of records on behalf of the component to accomplish a function of the component, in order to ensure that the working of each contract makes the provisions of the Act apply. (5 U.S.C. 552a (m)(1))

(2) Review annually component's recordkeeping and disposal policies and practices in order to assure compliance with the Act.

(3) Review routine use disclosures every 3 years, that are associated with each system of records in order to ensure that the recipient's use of such records continues to be compatible with the purpose for which the disclosing agency originally collected the information.

(4) Review every three years each system of records for which the component has issued exemption rules pursuant to Section (j) or (k) of the Privacy Act in order to determine whether the exemption is needed.

(5) Review annually each ongoing matching program in which the component has participated during the year, either as a source or as a matching agency in order to assure that the requirements of the Act, the OMB Matching Guidelines, and the OMB Model Control System and checklist have been met.

(6) Review component's training practices annually to ensure that all component personnel are familiar with the requirements of the Act, these regulations and Departmental directives.

(7) Review annually the actions of component personnel that have resulted either in the agency being found civilly liable under Section (g) of the Act, or an employee being found criminally liable under the provisions of Section (i) of the Act, in order to determine the extent of the problem and to prevent future recurrences.

(8) Review annually each system of records notice to ensure that it accurately describes the system. Where minor changes are needed, publish an amended notice in the Federal Register. Minor changes shall be consolidated in one annual comprehensive publication. The term "minor change to a system of records" means a change that does not

significantly change the system. More specifically, a minor change does not affect the character or purpose of the system and does not affect the ability of an individual to gain access to a record about the individual or to any information pertaining to such individual which is contained in the system; for example, changing the title of the system manager or the location of the system.

#### § 1.24 Disclosure of records to person other than the individual to whom they pertain.

(a) Conditions of disclosure. No component of Treasury shall disclose any record which is contained in a system of records maintained by it by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, or the parent, if a minor, or legal guardian, if incompetent, of such individual, unless disclosure of the record would be:

(1) To those offices and employees of the Department of the Treasury who have a need for the record in the performance of their duties;

(2) Required under 5 U.S.C. 552 (Subpart A of this part);

(3) For a routine use as defined in 5 U.S.C. 552a(a)(7) and § 1.21 (g) and as described under 5 U.S.C. 552a (e)(4)(D) and § 1.23(a)(4);

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 of the U.S. Code;

(5) To a recipient who has provided the component with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or the designee of such official to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity.

(i) If the activity is authorized by law; and

(ii) If the head of the agency or instrumentality has made a written



request to the Department of the Treasury specifying the particular portion desired and the law enforcement activities for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual, if upon such disclosure, notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee.

(10) To the Comptroller General, or the authorized representatives of such official, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction. (See 5 U.S.C. 552a(b)).

#### § 1.25 Accounting of disclosures.

(a) *Accounting of certain disclosures.* Each component, with respect to each system of records under its control, shall:

(1) Keep an accurate accounting of: (i) The date, nature, and purpose of each disclosure of a record to any person or to an agency made under 5 U.S.C. 552a(b) and § 1.24; and (ii) the name and address of the person or agency to whom the disclosure is made;

(2) Retain the accounting made under paragraph (a)(1) of this section for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made; and

(3) Inform any person or other agency about any correction or notation of dispute made by the constituent unit in accordance with 5 U.S.C. 552a(d) and § 1.28 of any record that has been disclosed to the person or agency if an accounting of the disclosure was made. (See 5 U.S.C. 552(c)).

(b) *Accounting systems.* To permit the accounting required by paragraph (a) of this section, system managers, with the approval of the head of their offices within a component, shall establish or implement, a system of accounting for all disclosures of records, either orally or in writing, made outside the Department of the Treasury. Accounting records shall:

(1) Be established in the least expensive and most convenient form that will permit the system manager to advise individuals, promptly upon request, what records concerning them have been disclosed and to whom;

(2) Provide, as a minimum, the identification of the particular record disclosed, the name and address of the

person or agency to whom or to whom or to which disclosed, and the date, nature and purpose of the disclosure; and

(3) Be maintained for 5 years or until the record is destroyed or transferred to the National Archives and Records Service for storage in records centers, in which event, the accounting pertaining to those records, unless maintained separately, shall be transferred with the records themselves.

(c) *Exemptions from accounting requirements.* No accounting is required for disclosure of records:

(1) To those officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties; or

(2) If disclosure would be required under 5 U.S.C. 552 and Subpart A of this part.

(d) *Access to accounting by individual.* (1) Subject to paragraphs (c) and (d)(2) of this section, each component shall establish and set forth in the appendix to this subpart applicable to the component, procedures for making the accounting required under paragraph (a) of this section available to the individual to whom the record pertains and shall thereafter make such accounting available in accordance therewith at the request of the individual. The procedures may require the requester to provide reasonable identification.

(2) Access accountings of disclosure may be withheld from the individual named in the record only if the disclosures were (i) made under 5 U.S.C. 552a(b)(7) and § 1.24(a)(7), or (ii) under a system of records exempted from the requirements of 5 U.S.C. 552a(c)(3) in accordance with 5 U.S.C. 552a(j) or (k) and § 1.23(c). (See 5 U.S.C. 552a(c)).

#### § 1.26 Procedures for notification and access to records pertaining to individuals—format and fees for request for access.

(a) *Procedures for notification and access.* Each component shall establish, in accordance with the requirements of 5 U.S.C. 553, and set forth in the appendix to this subpart applicable to such component procedures whereby an individual can be notified, in response to a request, if any system of records named by the individual contains a record pertaining to that individual. In addition, such procedures shall set forth the requirements for access to such records. As a minimum such procedures shall specify the times during, and the places at which access will be accorded, together with such identification as may be required of the individual before

access. (See 5 U.S.C. 552a(f) (1), (2) and (3))

(b) *Access.* Each component in accordance with the procedures prescribed under paragraph (a) of this section, shall allow an individual to gain access to records or to any information pertaining to such individual which is contained in the system of records upon request. The individual shall be permitted to review the record and have a copy made of all or any portion of the record in a form that is comprehensible. The individual will also be permitted to be accompanied by any person of the individual's choosing to review the record, except that the agency may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence. (See 5 U.S.C. 552a(d)(1)).

(c) *Exceptions.* Neither the procedures prescribed under paragraph (a) of this section nor the requirements for access under paragraph (b) of this section shall be applicable to: (1) Systems of records exempted pursuant to 5 U.S.C. 552a(j) and (k) and § 1.23(c); (2) information compiled in reasonable anticipation of a civil action or proceeding (See 5 U.S.C. 552a(d)(5)); or (3) information pertaining to an individual which is contained in, and inseparable from, another individual's record.

(d) *Format of request.* (1) A record for notification of whether a record exists shall:

(i) Be made in writing and signed by the person making the request, who must be the individual about whom the record is maintained, or such individual's duly authorized representative (See § 1.34);

(ii) State that it is made pursuant to the Privacy Act, 5 U.S.C. 552a or these regulations, have marked "Privacy Act Request" on the request and on the envelope;

(iii) Give the name of the system or subsystem or categories of records to which access is sought, as specified in "Privacy Act Issuances" published by the Office of the Federal Register and referenced in the appendices to this subpart;

(iv) Describe the nature of the record(s) sought in sufficient detail to enable Department personnel to locate the system of records containing the record with a reasonable amount of effort. Whenever possible, a request for access should describe the nature of the record sought, the date of the record or the period in which the record was compiled.

(v) Provide such identification of the requester as may be specified in the

appropriate appendix to this subpart; and

(vi) Be addressed or delivered in person to the office or officer of the component indicated for the particular system or subsystem or categories of records the individual wishes access to, as specified in "Privacy Act Issuances" published by the Office of the Federal Register and referenced in the appendices to this subpart. Assistance in ascertaining the appropriate component or in preparing a request for notification may be obtained by a written request to this effect addressed as specified in Appendix A of this part, as the address for the Departmental Offices for "Request for notification and access to records and accountings of disclosures"

(2) A request for access to records shall, in addition to complying with paragraph (a)(1) (i) through (vi) of this section:

(i) State whether the requester wishes to inspect the records or desires to have a copy made and furnished without first inspecting them;

(ii) If the requester desires to have a copy made, state the firm agreement of the requester to pay the fees for duplication ultimately determined in accordance with (31 CFR 1.6) Subpart A of this title, unless such fees are waived pursuant to that section by the system manager or other appropriate official as indicated in the appropriate appendix to these regulations; and

(iii) Comply with any other requirement set forth in the applicable appendix to this subpart or the "Notice of Records Systems" applicable to the system in question. Requesters are hereby advised that any request for access which does not comply with the foregoing requirements and those set forth elsewhere in this Subpart C, will not be deemed subject to the time constraints of this section, unless and until amended so as to comply. However, components shall advise the requester in what respect the request is deficient so that it may be processed. This section applies only to records which are contained in a system of records and which are in the possession or control of the component. (See 5 U.S.C. 552a (d) and (f)).

(e) *Requests for records not in control of component.* (1) Treasury employees shall make reasonable efforts to assist an oral requester to ascertain to which office or officer a written request should be sent. When the request is for a record which is not in the possession or control of any component of the Department of the Treasury, the requester shall be so advised.

(2) Where the record requested was created by a Department or agency other than the Department of the Treasury or a component of the Department and has been classified (e.g. National Defense or Intelligence Information) or otherwise restrictively endorsed (e.g. Office of Personnel Management records or FBI reports) by such other Department or agency, and a copy is in the possession of a component of the Department of the Treasury, that portion of the request shall be referred to the originating agency for determination as to all issues in accordance with the Privacy Act. In the case of a referral to another agency under this paragraph, the requester shall be notified that such portion of the request has been so referred and that the requester may expect to hear from that agency.

(3) When information sought from a system manager or other appropriate official in the Department of the Treasury includes information furnished by other federal agencies not classified or otherwise restrictively endorsed, the system manager or other appropriate official receiving the request shall consult with the appropriate agency prior to making a decision to disclose or not to disclose the record. The decision as to whether the record shall be disclosed shall be made, in the first instance by the system manager or other appropriate official maintaining the record. (See 5 U.S.C. 552a (d) and (f)).

(f) *Date of receipt of request.* A request for notification or access to records shall be considered to have been received for purposes of this subpart on the date on which the requirements of paragraph (d) of this section have been satisfied. Requests for notification or access to records and any separate agreement to pay shall be stamped or endorsed with the date of receipt by the receiving office. The latest of such stamped dates will be deemed to be the date of receipt of the request for the purposes of this subpart. (See 5 U.S.C. 552a (d) and (f)).

(g) *Notification of determination—(1) In general.* Notification of determinations as to notification of whether a record exists or as to whether to grant access to records requested will be made by the officers designated in the appendices to this subpart. The notification of the determination shall be mailed within 30 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of the request, as determined in accordance with paragraph (f) of this section. If it is not possible to respond within 30 days, the designated officer shall inform the requester, stating the reason for the

delay (e.g. volume of records requested, scattered location of the records, need to consult other agencies, or the difficulty of the legal issues involved) and when a response will be dispatched. (See 5 U.S.C. 552a (d) and (f)).

(2) *Granting of access.* When it has been determined that the request for access will be granted—(i) and a copy requested; such copy in a form comprehensible to the requester shall be furnished promptly, together with a statement of the applicable fees for duplication; and (ii) and the right to inspect has been requested, the requester shall be promptly notified in writing of the determination, and when and where the requested records may be inspected. An individual seeking to inspect such records may be accompanied by another person of such individual's choosing. The individual seeking access shall be required to sign the required form indicating that the Department of the Treasury is authorized to discuss the contents of the subject record in the accompanying person's presence. If, after making the inspection, the individual making the request desires a copy of all or a portion of the requested records, such copy in a form comprehensible to the individual shall be furnished upon payment of the applicable fees for duplication. Fees to be charged are as prescribed by 31 CFR Part 1, Subpart A, § 1.6. Fees shall not be charged where they would amount, in the aggregate, to less than \$3.00. (See 5 U.S.C. 552a (d) and (f)).

(3) *Requirements for access to medical records.* When access is requested to medical records, including psychological records, the responsible official may determine that such release could have an adverse effect on the individual and that release will be made only to a physician authorized in writing to have access to such records by the individual making the request. Upon receipt of the authorization the physician will be permitted to review the records or to receive copies of the records by mail, upon proper verification of identity. (See 5 U.S.C. 552a (f)(3)).

(4) *Denial of request.* When it is determined that the request for notification of whether a record exists or access to records will be denied (whether in whole or part or subject to conditions or exceptions), the person making the request shall be so notified by mail in accordance with paragraph (g)(1) of this section. The letter of notification shall specify the city or other location where the requested records are situated (if known), contain a statement of the reasons for not



granting the request as made, set forth the name and title or position of the responsible official and advise the individual making the request of the right to file suit in accordance with 5 U.S.C. 552a(g)(1)(B).

(5) *Prohibition against the use of 5 U.S.C. 552(b) exemptions.* Exemptions from disclosure under 5 U.S.C. 552(b) (31 CFR Part 1, Subpart A, § 1.2(c)), may not be invoked for the purpose of withholding from an individual any record which is otherwise accessible to such individual under the Privacy Act, 5 U.S.C. 552a and this subpart. (See 5 U.S.C. 552a(q)).

(6) *Records exempt in whole or in part.* (i) When an individual requests notification as to whether a record exists or access to records concerning the individual which have been exempted from individual access pursuant to 5 U.S.C. 552a(j) or which have been compiled in reasonable anticipation of a civil action or proceeding in either a court or before an administrative tribunal and the assertion of the exemption is deemed necessary, the Department of the Treasury will neither confirm nor deny the existence of the record but shall advise the individual only that no record available to the individual pursuant to the Privacy Act of 1974 has been identified.

(ii) Requests from individuals for access to records which have been exempted from access pursuant to 5 U.S.C. 552a(k) shall be processed as follows:

(A) Requests for information classified pursuant to Executive Order 11652 require the responsible component of the Department to review the information to determine whether it continues to warrant classification under the criteria of sections 1 and 5 (B), (C), (D) and (E) of the Executive Order. Information which no longer warrants classification under these criteria shall be declassified and made available to the individual. If the information continues to warrant classification, the individual shall be advised that the information sought is classified, that it has been reviewed and continues to warrant classification, and that it has been exempted from access pursuant to 5 U.S.C. 552(b) (1) and 5 U.S.C. 552a(k)(1). Information which has been exempted pursuant to 5 U.S.C. 552a(j) and which is also classified shall be reviewed as required by this paragraph but the response to the individual shall be in the form prescribed by paragraph (g)(6)(i) of this section.

(B) Requests for information which has been exempted from disclosure pursuant to 5 U.S.C. 552a(k)(2) shall be

responded to in the manner provided in paragraph (g)(6)(i) of this section unless the requester shows that the information has been used or is being used to deny the individual any right, privilege or benefit for which he is eligible or to which he would otherwise be entitled under federal law. In that event, the individual shall be advised of the existence of the information but such information as would identify a confidential source shall be extracted or summarized in a manner which protects the source to the maximum degree possible and the summary extract shall be provided to the requesting individual.

(C) Information compiled as part of an employee background investigation which has been exempted pursuant to 5 U.S.C. 552a(k)(5) shall be made available to an individual upon request except to the extent that it identifies the confidential source. Material identifying the confidential sources shall be extracted or summarized in a manner which protects the source to the maximum degree possible and the summary or extract shall be provided to the requesting individual.

(D) Testing or examination material which has been exempted pursuant to 5 U.S.C. 552a(k)(6) shall not be made available to an individual if disclosure would compromise the objectivity or fairness of the testing or examination process; but may be made available if no such compromise possibility exists. (See 5 U.S.C. 552a (d)(5), (j) and (k)).

**§ 1.27 Procedures for amendment of records pertaining to individuals—format, agency review and appeal from initial adverse agency determination.**

(a) *In general.* Subject to the application of exemptions promulgated by the head of each component, in accordance with § 1.23(c), and subject to § 1.27(f), each component of the Department of the Treasury, shall in conformance with 5 U.S.C. 552a(d)(2), permit an individual to request amendment of a record pertaining to such individual. Any request for amendment of records or any appeal that does not fully comply with the requirements of this section and any additional specific requirements imposed by the component in the applicable appendix to this subpart will not be deemed subject to the time constraints of paragraph (e) of this section, unless and until amended so as to comply. However, components shall advise the requester in what respect the request or appeal is deficient so that it may be resubmitted or amended. (See 5 U.S.C. 552a (d) and (f)).

(b) *Form of request to amend records.* In order to be subject to the provisions

of this section, a request to amend records shall:

(1) Be made in writing and signed by the person making the request, who must be the individual about whom the record is maintained, or the duly authorized representative of such individual;

(2) State that it is made pursuant to the Privacy Act, 5 U.S.C. 552a or these regulations, have marked "Privacy Act Amendment Request" on the request and on the envelope;

(3) Be addressed to the office or officer of the component specified for such purposes in "Privacy Act Issuances" published by the Office of the Federal Register and referenced in the appendices to this subpart for that purpose; and

(4) Reasonably describe the records which the individual desires to have amended, including, to the best of the requester's knowledge, dates of letters requesting access to such records previously and dates of letters in which notification concerning access was made, if any, and the individual's documentation justifying the correction. (See U.S.C. 552a (d) and (f))

(c) *Date of receipt of request.* A request for amendment of records pertaining to an individual shall be deemed to have been received for purposes of this subpart when the requirements of paragraph (b) of this section have been satisfied. The receiving office or officer shall stamp or otherwise endorse the date of receipt of the request. (See 5 U.S.C. 552a (d) and (f)).

(d) *Review of requests to amend records.* Officials responsible for review of requests to amend records pertaining to an individual, as specified in the appropriate appendix to this subpart, shall:

(1) Not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and

(2) Promptly, either—(i) Make any correction of any portion which the individual believes and the official agrees is not accurate, relevant, timely, or complete; or

(ii) Inform the individual of the refusal to amend the record in accordance with the individual's request, the reason for the refusal, and the name and business address of the officer designated in the applicable appendix to this subpart, as the person who is to review such refusal. (See 5 U.S.C. 552a (d) and (f))

(e) *Administrative appeal—(1) In general.* Each component shall permit individuals to request a review of initial

decisions made under paragraph (d) of this section, when an individual disagrees with a refusal to amend this record. (See 5 U.S.C. 552a (d), (f), and (g)(1)).

(2) Form of request for administrative review of refusal to amend record. At any time within 35 days after the date of the notification of the initial decision described in paragraph (d)(2)(ii) of this section, the requester may submit an administrative appeal from such refusal to the official specified in the notification of the initial decision and the appropriate appendix to this subpart. The appeal shall:

(i) Be made in writing stating any arguments in support thereof and be signed by the person to whom the record pertains, or the duly authorized representative of such official;

(ii) Be addressed to and mailed or hand delivered within 35 days of the date of the initial decision, to the office or officer specified in the appropriate appendix to this subpart and in the notification. (See the appendices to this subpart for the address to which appeals made by mail should be addressed);

(iii) Have clearly marked on the appeal and on the envelope, "Privacy Act Amendment Appeal";

(iv) Reasonably describe the records requested to be amended; and

(v) Specify the date of the initial request, to amend records, and the date of the letter giving notification that the request was denied. (See 5 U.S.C. 552a (d) and (f)).

(3) *Date of receipt.* Appeals shall be promptly stamped with the date of their receipt by the office to which addressed and such stamped date will be deemed to be the date of receipt for all purposes of this subpart. The receipt of the appeal shall be acknowledged within 10 days (excluding Saturdays, Sundays, and legal public holidays) from the date of the receipt (unless the determination on appeal is dispatched in 10 days, in which case, no acknowledgement is required) by the responsible official and the requester advised of the date of receipt established by the foregoing and when a response is due in accordance with this paragraph. (See 5 U.S.C. 552a (d) and (f)).

(4) *Review of administrative appeals from denial of requests to amend records.* Officials responsible for deciding administrative appeals from denials of requests to amend records pertaining to an individual, as specified in the appendices to this subpart shall: complete the review, and notify the requester of the final agency decision, within 30 days (exclusive of Saturdays, Sundays and legal public holidays) after the date of receipt of such appeal, unless

the time is extended by the head of the agency or the delegate of such official, for good cause shown. If such final agency decision is to refuse to amend the record, in whole or in part, the requester shall also be advised of the right—(i) to file a concise "Statement of Disagreement" setting forth the reasons for his disagreement with the decision which shall be filed within 35 days of the date of the notification of the final agency decision and (ii) to judicial review of the final agency decision under 5 U.S.C. 552a(g)(1)(A). (See 5 U.S.C. 552a (d), (f) and (g)(1)).

(5) *Notation on record and distribution of statements of disagreement.* The system manager is responsible, in any disclosure containing information about which an individual has filed a "Statement of Disagreement" occurring after the filing of the statement under paragraph (e)(4) of this section, for clearly noting any portion of the record which is disputed and providing copies of the statement and, if deemed appropriate, a concise statement of the component's reasons for not making the amendments requested to persons or other agencies to whom the disputed record has been disclosed. (See 5 U.S.C. 552a (d)(4)).

(f) *Records not subject to correction under the Privacy Act.* The following records are not subject to correction or amendment by individuals:

(1) Transcripts or written statements made under oath; and

(2) Transcripts of Grand Jury proceedings, judicial or quasi-judicial proceedings which form the official record of those proceedings; and

(3) Pre-sentence reports comprising the property of the courts but maintained in agency files; and

(4) Records pertaining to the determination, the collection and the payment of the federal taxes; and

(5) Records duly exempted from correction by notice published in the **Federal Register**; and

(6) Records compiled in reasonable anticipation of a civil action or proceeding.

#### **§ 1.28 Training, rules of conduct, penalties for non-compliance.**

(a) *Training.* Subject to policy guidance and regulations issued by the Deputy Secretary, who has Departmentwide responsibility therefor, each component shall institute a training program to instruct employees and employees of Government contractors covered by 5 U.S.C. 552a(m), who are involved in the design, development, operation or maintenance of any system of records, on a continuing basis with respect to the duties and responsibilities

imposed on them and the rights conferred on individuals by the Privacy Act, the regulations in this subpart, including the appendices thereto, and any other related regulations. Such training shall provide suitable emphasis on the civil and criminal penalties imposed on the Department and the individual employees by the Privacy Act for non-compliance with specified requirements of the Act as implemented by the regulations in this subpart. (See 5 U.S.C. 552a(e)(9).)

(b) *Rules of conduct.* In addition, to the Standards of Conduct published in Part 0 of this title, particularly 31 CFR 0.735-44, the following are applicable to employees of the Department of the Treasury (including, to the extent required by the contract or 5 U.S.C. 552a(m), Government contractors and employees of such contractors), who are involved in the design, development, operation or maintenance of any system of records, or in maintaining any records, for or on behalf of the Department, including any component thereof.

(1) The head of each office of a component of the Department shall be responsible for assuring that employees subject to such official's supervision are advised of the provisions of the Privacy Act, including the criminal penalties and civil liabilities provided therein, and the regulations in this subpart, and that such employees are made aware of their individual and collective responsibilities to protect the security of personal information, to assure its accuracy, relevance, timeliness and completeness, to avoid unauthorized disclosure either orally or in writing, and to insure that no information system concerning individuals, no matter how small or specialized is maintained without public notice.

(2) Employees of the Department of the Treasury involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record shall:

(i) Collect no information of a personal nature from individuals unless authorized to collect it to achieve a function or carry out a responsibility of the Department;

(ii) Collect from individuals only that information which is necessary to Department functions or responsibilities, unless related to a system exempted under 5 U.S.C. 552a (j) or (k);

(iii) Collect information, wherever possible, directly from the individual to whom it relates, unless related to a system exempted under 5 U.S.C. 552a(j);

(iv) Inform individuals from whom information is collected about

themselves of the authority for collection, the purposes thereof, the use that will be made of the information, and the effects, both legal and practical, of not furnishing the information. (While this provision does not explicitly require it, where feasible, third party sources should be informed of the purposes for which information they are asked to provide will be used);

(v) Neither collect, maintain, use nor disseminate information concerning an individual's religious or political beliefs or activities or membership in associations or organizations, unless (A) the individual has volunteered such information for the individual's own benefits; (B) the information is expressly authorized by statute to be collected, maintained, used or disseminated; or (C) the activities involved are pertinent to and within the scope of an authorized investigation, adjudication or correctional activity;

(vi) Advise their supervisors of the existence or contemplated development of any record system which is capable of retrieving information about individuals by individual identifier;

(vii) Disseminate no information concerning individuals outside the Department except when authorized by 5 U.S.C. 552a or pursuant to a routine use published in the *Federal Register*;

(viii) Assure that an accounting is kept in the prescribed form, of all dissemination of personal information outside the Department, whether made orally or in writing, unless disclosed under 5 U.S.C. 552 and Subpart A of this part;

(ix) Maintain and process information concerning individuals with care in order to insure that no inadvertent disclosure of the information is made either within or without the Department; and

(x) Assure that the proper Department authorities are aware of any information in a system maintained by the Department which is not authorized to be maintained under the provisions of the Privacy Act of 1974, including information on First Amendment activities, information that is inaccurate, irrelevant or so incomplete as to risk unfairness to the individual concerned.

(3) Heads of components within the Department or their delegates shall, at least annually, review the record systems subject to their supervision to insure compliance with the provisions of the Privacy Act of 1974 and the regulations in this subpart. (See 5 U.S.C. 552a (e)(9), (i) and (m).)

(c) *Criminal penalties.* (1) The Privacy Act imposes criminal penalties on the conduct of Government officers or employees as follows:

Any officer or employee of an agency (which term includes the Department of the Treasury):

(i) Who by virtue of the official's employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section (5 U.S.C. 552a) or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, or

(ii) Who willfully maintains a system of records without meeting the notice requirements of paragraph (e)(4) of this section (5 U.S.C. 552a)—shall be guilty of a misdemeanor and fined not more than \$5,000.

(2) The Act also imposes a collateral criminal penalty on the conduct of any person as follows:

Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

(3) For the purposes of 5 U.S.C. 552a(i), the provisions of paragraph (c)(1) of this section are applicable to Government contractors and employees of such contractors who by contract, operate by or on behalf of the Department of the Treasury a system of records to accomplish a Departmental function. Such contractor and employees are considered employees of the Department of the Treasury for the purposes of 5 U.S.C. 552a(i). (See 5 U.S.C. 552a (i) and (m).)

#### § 1.29 Records transferred to Federal Records Center or National Archives of the United States

(a) *Records transferred to the Administrator of General Services for storage in the Federal Records Center.* Records pertaining to an identifiable individual which are transferred to the Federal Records Center in accordance with 44 U.S.C. 3103 shall, for the purposes of the Privacy Act, 5 U.S.C. 552a, be considered to be maintained by the component which deposited the record and shall be subject to the provisions of the Privacy Act and this subpart. The Administrator of General Services shall not disclose such records except to the Department of the Treasury or to others under rules consistent with the Privacy Act which may be established by the Department of the Treasury or a component. If such records are retrieved for the purpose of making a determination about an individual, they must be reviewed for

accuracy, relevance, timeliness, and completeness.

(b) *Records transferred to the National Archives of the United States.*

(1) Records transferred to National Archives prior to September 27 1975. Records pertaining to an identifiable individual transferred to the National Archives prior to September 27 1975, as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government shall be considered to be maintained by the National Archives, and

(i) Shall not be subject to 5 U.S.C. 552a,

(ii) Except, that a statement describing such records [modeled after 5 U.S.C. 552a(e)(4) (A) through (G)] shall be published in the *Federal Register*.

(2) *Records transferred to National Archives on or after September 27 1975.* Records pertaining to an identifiable individual transferred to the National Archives as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, on or after September 27 1975, shall be considered to be maintained by the National Archives, and

(i) Shall not be subject to 5 U.S.C. 552a,

(ii) Except, that a statement describing such records in accordance with 5 U.S.C. 552a(e)(4) (A) through (G) shall be published in the *Federal Register* and rules of conduct and training in accordance with 5 U.S.C. 552(e)(9) are to be established by the National Archives. (See 5 U.S.C. 552a(e)).

#### § 1.30 Application to system of records maintained by Government contractors.

When a component contracts for the operation of a system of records, to accomplish a Departmental function, the provisions of the Privacy Act, 5 U.S.C. 552a, and this subpart shall be applicable to such system. The component shall have responsibility for insuring that the contractor complies with the contract requirements relating to privacy.

#### § 1.31 Sale or rental of mailing list.

(a) *In general.* An individual's name and address shall not be sold or rented by a component unless such action is specifically authorized by law.

(b) Withholding of names and addresses. This section shall not be construed to require the withholding of names and addresses otherwise permitted to be made public. (See 5 U.S.C. 552a(n)).

### § 1.32 Use and disclosure of social security numbers.

(a) *In general.* An individual shall not be denied any right, benefit, or privilege provided by law by a component because of such individual's refusal to disclose his social security number.

(b) *Exceptions.* The provisions of paragraph (a) of this section shall not apply with respect to:

(1) Any disclosure which is required by Federal statute, or

(2) The disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(c) *Requests for disclosure of social security number.* Any component which requests an individual to disclose his or her social security account number shall inform that individual whether:

(1) Disclosure is mandatory or voluntary.

(2) By what statutory or other authority such number is solicited, and

(3) What uses will be made of it. (See section 7 of the Privacy Act of 1974 set forth at 5 U.S.C. 552a, note.)

### § 1.34 Guardianship.

The parent or guardian of a minor or a person judicially determined to be incompetent shall, in addition to establishing the identity of the minor or other person represented, establish parentage or guardianship by furnishing a copy of a birth certificate showing parentage or a court order establishing the guardianship and may thereafter, act on behalf of such individual. (See 5 U.S.C. 552a(h))

### § 1.35 Information forms.

(a) *Review of forms.* Except for forms developed and used by constituent units, the Deputy Assistant Secretary for Administration shall be responsible for reviewing all forms developed and used by the Department of the Treasury to collect information from and about individuals. The heads of components shall each be responsible for the review of forms used by such component to collect information from and about individuals.

(b) *Scope of review.* The responsible officers shall review each form for the purpose of eliminating any requirement for information that is not relevant and necessary to carry out an agency function and to accomplish the following objectives:

(1) To insure that no information concerning religion, political beliefs or activities, association memberships

(other than those required for a professional license); or the exercise of First Amendment rights is required to be disclosed unless such requirement of disclosure is expressly authorized by statute or is pertinent to, and within the scope of, any authorized law enforcement activity;

(2) To insure that the form or a separate form that can be retained by the individual makes clear to the individual which information he is required by law to disclose and the authority for that requirement and which information is voluntary;

(3) To insure that the form or a separate form that can be retained by the individual states clearly the principal purpose or purposes for which the information is being collected, and summarizes concisely the routine uses that will be made of the information;

(4) To insure that the form or a separate form that can be retained by the individual clearly indicates to the individual the effect in terms of rights, benefits or privileges of not providing all or part of the requested information; and

(5) To insure that any form requesting disclosure of a Social Security Number, or a separate form that can be retained by the individual, clearly advises the individual of the statute or regulation requiring disclosure of the number or clearly advises the individual that disclosure is voluntary and that no consequence will follow from the refusal to disclose it, and the uses that will be made of the number whether disclosed mandatorily and voluntarily.

(c) *Revision of Forms.* Any form which does not meet the objectives specified in the Privacy Act and in this section, shall be revised to conform thereto. A separate statement may be used in instances when a form does not conform. This statement will accompany a form and shall include all the information necessary to accomplish the objectives specified in the Privacy Act and this section.

### § 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 552a and this part.

#### Appendix A—Departmental Offices

1. *In general.* This appendix applies to the Departmental Offices as defined in 31 CFR Part 1, Subpart C, § 1.20. It sets forth specific notification and access procedures with respect to particular systems of records, identifies the officers designated to make the initial determinations with respect to notification and access to records, the officers designated to make the initial and appellate determinations with respect to requests for amendment of records, the officers designated to grant extensions of time on appeal, the officers with whom

"Statement of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals, and service of process. In addition, it references the notice of systems of records and notices of the routine uses of the information in the system required by 5 U.S.C. 552a(e) (4) and (11) and published annually by the Office of the Federal Register in "Privacy Act Issuances"

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR 1.26, whether to grant requests for notification and access to records and accountings of disclosures for the Departmental Offices, will be made by the head of the organizational unit having immediate custody of the records requested, or the delegate of such official. This information is contained in the appropriate system notice in the "Privacy Act Issuances" published annually by the Office of the Federal Register. Requests for information and specific guidance on where to send requests for records should be addressed to:

Privacy Act Request, DO, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Requests may be delivered personally to the Main Treasury Building, Room 5030, 1500 Pennsylvania Avenue NW., Washington, DC.

3. *Requests for amendments of records.* Initial determinations under 31 CFR 1.27 (a) through (d) with respect to requests to amend records for records maintained by the Departmental Offices will be made by the head of the organization or unit having immediate custody of the records or the delegate of such official. Requests for amendment of records should be addressed as indicated in the appropriate system notice in "Privacy Act Issuances" published by the Office of the Federal Register. Requests for information and specific guidance on where to send these requests should be addressed to:

Privacy Act Amendment Request, DO, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

4. *Administrative appeal of initial determination refusing to amend record.* Appellate determinations under 31 CFR 1.27(e) with respect to records of the Departmental Offices, including extensions of time on appeal, will be made by the Secretary, Deputy Secretary, Under Secretary, General Counsel, or Assistant Secretary having jurisdiction over the organizational unit which has immediate custody of the records, or the delegate of such official, as limited by 5 U.S.C. 552a(d) (2) and (3). Appeals made by mail should be addressed as indicated in the letter of initial decision or to:

Privacy Act Amendment Request, DO, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Appeals may be delivered personally to the Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC.

### 5. *Statements of Disagreement.*

"Statements of Disagreement" as described in 31 CFR 1.27(e)(4) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of notification and should be limited to one page.

6. *Service of process.* Service of process will be received by the General Counsel of the Department of the Treasury or the delegate of such official and shall be delivered to the following location:

General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

7. *Annual notice of systems of records.* The annual notice of systems of records required to be published by the Office of the Federal Register in the publication entitled "Privacy Act Issuances" as specified in 5 U.S.C. 552a(f). Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR 1.26 and 1.27 and (8) below, and locations for access are indicated in the notice for the pertinent system.

8. *Verification of identity.* An individual seeking notification or access to records, or seeking to amend a record, must satisfy one of the following identification requirements before action will be taken by the Departmental Offices on any such request:

(i) An individual seeking notification or access to records in person, or seeking to amend a record in person, may establish identity by the presentation of a single official document bearing a photograph (such as a passport or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear both a name and signature (such as a driver's license or credit card).

(ii) An individual seeking notification or access to records by mail, or seeking to amend a record by mail, may establish identity by a signature, address, and one other identifier such as a photocopy of a driver's license or other official document bearing the individual's signature.

(iii) Notwithstanding subdivisions (i) and (ii) of this subparagraph, an individual seeking notification or access to records by mail or in person, or seeking to amend a record by mail or in person, who so desires, may establish identity by providing a notarized statement, swearing or affirming to such individual's identity and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining access to records under false pretenses.

Notwithstanding subdivision (i), (ii), or (iii) of this subparagraph, a designated official may require additional proof of an individual's identity before action will be taken on any request, if such official determines that it is necessary to protect against unauthorized disclosure of information in a particular case. In addition, a parent of any minor or a legal guardian of any individual will be required to provide adequate proof of legal relationship before such person may act on behalf of such minor or such individual.

### Appendix B—Internal Revenue Service

1. *Purpose.* The purpose of this section is to set forth the procedures that have been established by the Internal Revenue Service for individuals to exercise their rights under the Privacy Act of 1974 (88 Stat. 1896) with respect to systems of records maintained by the Internal Revenue Service, including the Office of the Chief Counsel. The procedures contained in this section are to be promulgated under the authority of 5 U.S.C. 552a(f). The procedures contained in this section relate to the following:

(a) The procedures whereby an individual can be notified in response to a request if a system of records named by the individual contains a record pertaining to such individual (5 U.S.C. 552a(f)(1)).

(b) The procedures governing reasonable times, places, and requirements for identifying an individual who requests a record of information pertaining to such individual before the Internal Revenue Service will make the record or information available to the individual (5 U.S.C. 552a(f)(2)).

(c) The procedures for the disclosure to an individual upon a request of a record of information pertaining to such individual, including special procedures for the disclosure to an individual of medical records, including psychological records. (5 U.S.C. 552a(f)(3)).

(d) The procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the Internal Revenue Service of an initial adverse agency determination, and for whatever additional means may be necessary for individuals to be able to exercise fully their right under 5 U.S.C. 552a (5 U.S.C. 552a(f)(4)).

Any individual seeking to determine whether a system of records maintained by any office of the Internal Revenue Service contains a record or information pertaining to such individual, or seeking access to, or amendment of, such a record, must comply fully with the applicable procedure contained in paragraph (3) or (4) of this section before the Internal Revenue Service will act on the request. Neither the notification and access (or accounting of disclosures) procedures under paragraph (3) of this section nor the amendment procedures under paragraph (4) of this section are applicable to (i) systems of records exempted pursuant to 5 U.S.C. 552a (j) and (k), (ii) information compiled in reasonable anticipation of a civil action or proceeding (see 5 U.S.C. 552a(d)(5)), or (iii) information pertaining to an individual which is contained in, and inseparable from, another individual's record.

2. *Access to and amendment of tax records.* The provisions of the Privacy Act of 1974 may not be used by an individual to amend or correct any tax record. The determination of liability for taxes imposed by the Internal Revenue Service Code, the collection of such taxes, and the payment (including credits or refunds of overpayments) of such taxes are governed by the provisions of the Internal Revenue Service Code and by the procedural rules of the Internal Revenue Service. These

provisions set forth the established procedures governing the determination of liability for tax, the collection of such taxes, and the payment (including credits or refunds of overpayments) of such taxes. In addition, these provisions set forth the procedures (including procedures for judicial review) for resolving disputes between taxpayers and the Internal Revenue Service involving the amount of tax owed, or the payment or collection of such tax. These procedures are the exclusive means available to an individual to contest the amount of any liability for tax or the payment or collection thereof. See, for example, 26 CFR 601.103 for summary of general tax procedures. Individuals are advised that Internal Revenue Service procedures permit the examination of tax records during the course of an investigation, audit, or collection activity. Accordingly, individuals should contact the Internal Revenue Service employee conducting an audit or effecting the collection of tax liabilities to gain access to such records, rather than seeking access under the provisions of the Privacy Act. Where, on the other hand, an individual desires information or records not in connection with an investigation, audit, or collection activity, the individual may follow these procedures.

3. *Procedures for access to records—(a) In general.* This paragraph sets forth the procedure whereby an individual can be notified in response to a request if a system of records named by the individual which is maintained by the Internal Revenue Service contains a record pertaining to such individual. In addition, this paragraph sets forth the procedure for the disclosure to an individual upon a request of a record or information pertaining to such individual, including the procedures for verifying the identity of the individual before the Internal Revenue Service will make a record available, and the procedure for requesting an accounting of disclosures of such records. An individual seeking to determine whether a particular system of records contains a record or records pertaining to such individual and seeking access to such records (or seeking an accounting of disclosures of such records) shall make a request for notification and access (or a request for an accounting of disclosures) in accordance with the rules provided in paragraph 3(b) of this section.

(b) *Form of request for notification and access or request for an accounting of disclosures.* (i) A request for notification and access (or request for an accounting of disclosures) shall be made in writing and shall be signed by the person making the request.

(ii) Such request shall be clearly marked, "Request for notification and access" or "Request for accounting of disclosures"

(iii) Such a request shall contain a statement that it is being made under the provisions of the Privacy Act of 1974.

(iv) Such request shall contain the name and address of the individual making the request. In addition, if a particular system employs an individual's social security number as an essential means of accessing the system, the request must include the



individual's social security number. In the case of a record maintained in the name of two or more individuals (e.g., husband and wife), the request shall contain the names, addresses, and social security numbers (if necessary) of both individuals.

(v) Such request shall specify the name and location of the particular system of records (as set forth in the Notice of Systems) for which the individual is seeking notification and access (or an accounting of disclosures), and the title and business address of the official designated in the access section for the particular system (as set forth in the Notice of Systems). In the case of two or more systems of records which are under the control of the same designated official at the same systems location, a single request may be made for such systems. In the case of two or more systems of records which are not in the control of the same designated official at the same systems location, a separate request must be made for each such system.

(vi) If an individual wishes to limit a request for notification and access to a particular record or records, the request should identify the particular record. In the absence of a statement to the contrary, a request for notification and access for a particular system of records shall be considered to be limited to records which are currently maintained by the designated official at the systems location specified in the request.

(vii) If such request is seeking notification and access to material maintained in a system of records which is exempt from disclosure and access under 5 U.S.C. 552a (k)(2), the individual making the request must establish that such individual has been denied a right, privilege, or benefit that such individual would otherwise be entitled to under Federal law as a result of the maintenance of such material.

(viii) Such request shall state whether the individual wishes to inspect the record in person, or desires to have a copy made and furnished without first inspecting it. If the individual desires to have a copy made, the request must include an agreement to pay the fee for duplication ultimately determined to be due. If the individual does not wish to inspect a record, but merely wishes to be notified whether a particular system of records contains a record pertaining to such individual, the request should so state.

(c) *Time and place for making a request.* A request for notification and access to records under the Privacy Act (or a request for accounting of disclosures) shall be addressed to or delivered in person to the office of the official designated in the access section for the particular system of records for which the individual is seeking notification and access (or an accounting of disclosures). The title and office address of such official is set forth for each system of records in the Notice of Systems of Records. A request delivered to an office in person must be delivered during the regular office hours of that office.

(d) *Sample request for notification and access to records.* The following are sample requests for notification and access to records which will satisfy the requirements of this paragraph:

#### Request for Notification and Access to Records by Mail

I, John Doe, of 100 Main Street, Boston, MA 02108 (soc. sec. num. 000-00-0000) request under the Privacy Act of 1974 that the following system of records be examined and that I be furnished with a copy of any record (or a specified record) contained therein pertaining to me. I agree that I will pay the fees ultimately determined to be due for duplication of such record. I have enclosed the necessary information.

System Name:

System Location:

Designated Official:

John Doe

#### Request for Notification and Access to Records in Person

I, John Doe, of 100 Main Street, Boston, MA 02108 (soc. sec. num. 000-00-0000) request under the provisions of the Privacy Act of 1974, that the following system of records be examined and that I be granted access in person to inspect any record (or a specified record) contained therein pertaining to me. I have enclosed the necessary identification.

System Name:

System Location:

Designated Official:

John Doe

(e) *Processing a request for notification and access to records or a request for an accounting of disclosures.* (i) If a request for notification and access (or request for an accounting of disclosures) omits any information which is essential to processing the request, the request will not be acted upon and the individual making the request will be promptly advised of the additional information which must be submitted before the request can be processed.

(ii) Within 30 days (not including Saturdays, Sundays, and legal public holidays) after the receipt of a request for notification and access (or a request for an accounting of disclosures), to a particular system of records by the designated official for such system, a determination will be made as to whether the particular system of records is exempt from the notification and access provisions of the Privacy Act, and if such system is not exempt, whether it does or does not contain a record pertaining to the individual making the request. If a determination cannot be made within 30 days, the individual will be notified of the delay, the reasons therefor, and the approximate time required to make a determination. If it is determined by the designated official that the particular system of records is exempt from the notification and access provisions of the Privacy Act, the individual making the request will be notified of the provision of the Privacy Act under which the exemption is claimed. On the other hand, if it is determined by the designated official that the particular system of records is not exempt from the notification and access provisions of the Privacy Act and that such system contains a record pertaining to the individual making the request, the

individual will be notified of the time and place where inspection may be made. If an individual has not requested that access be granted to inspect the record in person, but merely requests that a copy of the record be furnished, or if it is determined by the designated official that the granting of access to inspect a record in person is not feasible in a particular case, then the designated official will furnish a copy of the record with the notification, or if a copy cannot be furnished at such time, a statement indicating the approximate time such copy will be furnished. If the request is for an accounting of disclosures from a system of records which is not exempt from the accounting of disclosure provisions of the Privacy Act, the individual will be furnished with an accounting of such disclosures.

(f) *Granting of access.* Normally, an individual will be granted access to inspect a record in person within 30 days (excluding Saturdays, Sundays, and legal public holidays) after the receipt of a request for notification and access by the designated official. If access cannot be granted within 30 days, the notification will state the reasons for the delay and the approximate time such access will be granted. An individual wishing to inspect a record may be accompanied by another person of his choosing. Both the individual seeking access and the individual accompanying him may be required to sign a form supplied by the IRS indicating that the Service is authorized to disclose or discuss the contents of the record in the presence of both individuals. See CFR 601.502 for requirements to be met by taxpayer's representatives in order to discuss the contents of any tax records.

(g) *Medical records.* When access is requested to medical records (including psychological records), the designated official may determine that release of such records will be made only to a physician designated by the individual to have access to such records.

(h) *Verification of identity.* An individual seeking notification or access to records, or seeking to amend a record, must satisfy one of the following identification requirements before action will be taken by the IRS on any such request:

(i) An individual seeking notification or access to records in person, or seeking to amend a record in person, may establish identity by the presentation of a single document bearing a photograph (such as a passport or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear both a name and signature (such as a driver's license or credit card).

(ii) An individual seeking notification or access to records by mail, or seeking to amend a record by mail, may establish identity by a signature, address, and one other identifier such as a photocopy of a driver's license or other document bearing the individual's signature.

(iii) Notwithstanding subdivisions (i) and (ii) of this subparagraph, an individual seeking notification or access to records by mail or in person, or seeking to amend a record by mail or in person, who so desires,

may establish identity by providing a notarized statement, swearing or affirming to such individual's identity and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining access to records under false pretenses.

Notwithstanding subdivision (i), (ii), or (iii) of this subparagraph, a designated official may require additional proof of an individual's identity before action will be taken on any request if such official determines that it is necessary to protect unauthorized disclosure of information in a particular case. In addition, a parent of any minor or a legal guardian of any individual will be required to provide adequate proof of legal relationship before such person may act on behalf of such minor or such individual.

(i) *Fees.* The fee for costs required of the IRS in copying records pursuant to this paragraph is \$0.15 per page. However, no fee will be charged if the aggregate costs required of the IRS in copying records is less than \$3.00. If an individual who has requested access to inspect a record in person is denied such access by the designated official because it would not be feasible in a particular case, copies of such record will be furnished to the individual without payment of the fees otherwise required under this subparagraph. If the IRS estimates that the total fees for costs incurred in complying with a request for copies of records will amount to \$50 or more, the individual making the request may be required to enter into a contract for the payment of the actual fees with respect to the request before the Service will furnish the copies requested. Payment of fees for copies of records should be made by check or money order payable to the Internal Revenue Service.

#### 4. Procedures for amendment of records—

(a) *In general.* This paragraph sets forth the procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to such individual, for making a determination on the request, for making an appeal within the IRS of an initial adverse determination, and for judicial review of a final determination.

(b) *Amendment of record.* Under 5 U.S.C. 552a(d)(2), an individual who has been granted access to a record pertaining to such individual may, after inspecting the record, request that the record be amended to make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete. An individual may seek to amend a record in accordance with the rules provided in paragraph (d)(3) of this section. See paragraph (b) of this section for prohibition against amendment of tax records.

(c) *Form of request for amendment of record.* (i) A request for amendment of a record shall be in writing and shall be signed by the individual making the request.

(ii) Such request shall be clearly marked "Request for amendment of record."

(iii) Such request shall contain a statement that it is being made under the provisions of the Privacy Act of 1974.

(iv) Such request shall contain the name and address of the individual making the request. In addition, if a particular system

employs an individual's social security number as an essential means of accessing the system, the request must include the individual's social security number. In the case of a record maintained in the name of two or more individuals (e.g., husband and wife), the request shall contain the names, addresses, and social security numbers (if necessary) of both individuals.

(v) Such request shall specify the name and location of the system of records (as set forth in the Notice of Systems) in which such record is maintained, and the title and business address of the official designated in the access section for such system (as set forth in the Notice of Systems).

(vi) Such request shall specify the particular record in the system which the individual is seeking to amend.

(vii) Such request shall clearly state the specific changes which the individual wishes to make in the record and a concise explanation of the reasons for the changes. If the individual wishes to correct or add any information, the request shall contain specific language making the desired correction or addition.

(d) *Time and place for making request.* A request to amend a record under the Privacy Act shall be addressed to or delivered in person to the office of the official designated in the access section for the particular system of records. The title and office address of such official is set forth for each system of records in the Notice of Systems of Records. A request delivered to an office in person must be delivered during the regular office hours of that office.

(e) *Processing a request for amendment of a record.* (i) Within 10 days (not including Saturdays, Sundays, and legal public holidays) after the receipt of a request to amend a record by the designated official, the individual will be sent a written acknowledgement that will state that the request has been received, that action is being taken taken thereon, and that the individual will be notified within 30 days (not including Saturdays, Sundays, and legal public holidays) after the receipt of the request whether the requested amendments will or will not be made. If a request for amendment of a record omits any information which is essential to processing the request, the request will not be acted upon and the individual making the request will be promptly advised of the additional information which must be submitted before the request can be processed.

(ii) Within 30 days (not including Saturdays, Sundays, and legal public holidays) after the receipt of a request to amend a record by the designated official, a determination will be made as to whether to grant the request in whole or part. The individual will then be notified in writing of the determination. If a determination cannot be made within 30 days, the individual will be notified in writing within such time of the reasons for the delay and the approximate time required to make a determination. If it is determined by the designated official that the request will be granted, the requested changes will be made in the record and the individual will be notified of the changes. In addition, to the extent an accounting was

maintained, all prior recipients of such record will be notified of the changes. Upon request, an individual will be furnished with a copy of the record, as amended, subject to the payment of the appropriate fees. On the other hand, if it is determined by the designated official that the request, or any portion thereof, will not be granted, the individual will be notified in writing of the adverse determination. The notification of an adverse determination will set forth the reasons for refusal to amend the record. In addition, the notification will contain a statement informing the individual of such individual's right to request an independent review of the adverse determination by a reviewing officer in the national office of the IRS and the procedures for requesting such a review.

(f) *Administrative review of adverse determination.* Under 5 U.S.C. 552a(d)(3), an individual who disagrees with the refusal of the agency to amend a record may, within 35 days of being notified of the adverse determination, request an independent review of such refusal by a reviewing officer in the national office of the IRS. The reviewing officer for the IRS is the Commissioner of Internal Revenue, the Deputy Commissioner, or an Assistant Commissioner. In the case of an adverse determination relating to a system of records maintained by the Office of General Counsel for the IRS, the reviewing officer is the Chief Counsel or his delegate. An individual seeking a review of an adverse determination shall make a request for review in accordance with the rules provided in paragraph (d)(7) of this section.

(g) *Form of request for review.* (i) A request for review of an adverse determination shall be in writing and shall be signed by the individual making the request.

(ii) Such request shall be clearly marked "Request for review of adverse determination"

(iii) Such request shall contain a statement that it is being made under the provisions of the Privacy Act of 1974.

(iv) Such request shall contain the name and address of the individual making the request. In addition, if a particular system employs an individual's social security number as an essential means of accessing the system, the request must include the individual's social security number. In the case of a record maintained in the name of two or more individuals (e.g., husband and wife), the request shall contain the names, addresses, and social security numbers (if necessary) of both individuals.

(v) Such request shall specify the particular record which the individual is seeking to amend, the name and location of the system of records (as set forth in the Notice of Systems) in which such record is maintained, and the title and business address of the designated official for such system (as set forth in the Notice of Systems).

(vi) Such request shall include the date of the initial request for amendment of the record, and the date of the letter notifying the individual of the initial adverse determination with respect to such request.

(vii) Such request shall clearly state the specific changes which the individual wishes



to make in the record and a concise explanation of the reasons for the changes. If the individual wishes to correct or add any information, the request shall contain specific language making the desired correction or addition.

(h) *Time and place for making the request.*

A request for review of an adverse determination under the Privacy Act shall be addressed to or delivered in person to the Director, Office of Disclosure, Attention: OP:EX:D Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. A request for review of an adverse determination will be promptly referred by the Director, Office of Disclosure to the appropriate reviewing officer for his review and final determination.

(i) *Processing a request for review of adverse determination.* Within 30 days (not including Saturdays, Sundays, and legal public holidays) after the receipt of a request for review of an adverse determination by the appropriate reviewing officer, the reviewing officer will review the initial adverse determination, make a final determination whether to grant the request to amend the record in whole or in part, and notify the individual in writing of the final determination. If a final determination cannot be made within 30 days, the Commissioner of Internal Revenue may extend such 30-day period. The individual will be notified in writing within the 30 day period of the cause for the delay and the approximate time required to make a final determination. If it is determined by the reviewing officer that the request to amend the record will be granted, the reviewing officer will cause the requested changes to be made and the individual will be so notified. Upon request, an individual will be furnished with a copy of the record as amended subject to the payment of appropriate fees. On the other hand, if it is determined by the reviewing officer that the request to amend the record, or any portion thereof, will not be granted, the individual will be notified in writing of the final adverse determination. The notification of a final adverse determination will set forth the reasons for the refusal of the reviewing officer to amend the record. The notification shall include a statement informing the individual of the right to submit a concise statement for insertion in the record setting forth the reasons for the disagreement with the refusal of the reviewing officer to amend the record. In addition, the notification will contain a statement informing the individual of the right to seek judicial review by a United States district court of a final adverse determination.

(j) *Statement of disagreement.* Under 5 U.S.C. 552a(d)(3), an individual who disagrees with a final adverse determination not to amend a record subject to amendment under the Privacy Act may submit a concise statement for insertion in the record setting forth the reasons for disagreement with the refusal of the reviewing officer to amend the record. A statement of disagreement should be addressed to or delivered in person to the Director, Office of Disclosure, Attention: OP:EX:D, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. The Director, Office of Disclosure will

forward the statement of disagreement to the appropriate designated official who will cause the statement to be inserted in the individual's record. Any such statement will be available to anyone to whom the record is subsequently disclosed and the prior recipients of the record will be provided with a copy of the statement of disagreement, to the extent an accounting of disclosures was maintained.

(k) *Judicial review.* If, after a review and final determination on a request to amend a record by the appropriate reviewing officer, the individual is notified that the request will not be granted, or if, after the expiration of 30 days (not including Saturdays, Sundays, and legal public holidays) from the receipt of such request by the Director, Disclosure Operations Division, action is not taken thereon in accordance with the requirements of paragraph (d)(9) of this section, an individual may commence an action within the time prescribed by law in a U.S. District Court pursuant to 5 U.S.C. 552a(g)(1). The statute authorizes an action only against the agency. With respect to records maintained by the IRS, the agency is the Internal Revenue Service, not an officer or employee thereof. Service of process in such an action shall be in accordance with the Federal Rules of Civil Procedure (28 U.S.C. App.) applicable to actions against an agency of the United States. Where provided in such Rules, delivery of process upon the IRS must be directed to the Commissioner of Internal Revenue, Attention: CC:GLS, 1111 Constitution Avenue, NW., Washington, DC 20224. The district court will determine the matter de novo.

5. *Records transferred to Federal Records Centers.* Records transferred to the Administrator of General Services for storage in a Federal Records Center are not used by the Internal Revenue Service in making any determination about any individual while stored at such location and therefore are not subject to the provisions of 5 U.S.C. 552a (e)(5) during such time.

**Appendix C—United States Customs Service**

1. *In general.* This appendix applies to the United States Customs Service. It sets forth specific notification and access procedures with respect to particular systems of records, identifies the officers designated to make the initial determinations with respect to notification and access to records and accountings of disclosures of records. This appendix also sets forth the specific procedures for requesting amendment of records and identifies the officers designated to make the initial and appellate determinations with respect to requests for amendment of records. It identifies the officers designated to grant extensions of time on appeal, the officers with whom "Statements of Disagreement may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals, and service of process. In addition, it references the notice of systems of records and notices of the routine uses of the information in the system required by 5 U.S.C. 552a(e) (4) and (11) and published annually by the Office of the Federal Register in "Privacy Act Issuances"

2. *Requests for notification and access to records and accountings of disclosures.* (a) For records which are maintained at the United States Customs Service Headquarters, initial requests for notification and access to records and accountings of disclosures under 31 CFR 1.26, should be mailed or personally delivered to the Director, Office of Regulations & Rulings, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229. The official who has authority over the maintenance of the file will have the authority to grant or deny the request.

(b) For records maintained at Regional Offices, initial requests for notification and access to records and accountings of disclosures under 31 CFR 1.26, should be mailed or personally delivered to the Regional Commissioner of Customs in whose region the records are located. This official shall have the authority to grant the request or deny the request. The appropriate location of the regional offices is specified in Customs Appendix A in "Privacy Act Issuances" published annually by the Office of the Federal Register.

(c) Each request shall comply with the identification and other requirements set forth in 31 CFR 1.26, and in the appropriate system notice in the "Privacy Act Issuances" published annually by the Office of the Federal Register. Each request should be conspicuously labeled on the face of the envelope "Privacy Act Request"

3. *Request for amendment of records.* (a) For records which are maintained at Customs Service Headquarters, initial requests for amendment of records under 31 CFR 1.27 (a) through (d) should be mailed or personally delivered to the Director, Office of Regulations & Rulings, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229. The official who has authority over the maintenance of the file will have the authority to grant or deny the request.

(b) For records not maintained at Customs Service Headquarters, initial requests for amendment of records under 31 CFR 1.27 (a) through (d) should be mailed or personally delivered to the Regional Commissioner of Customs in whose region the records are located. This official shall have the authority to grant or deny the request. A request directed to a Regional Commissioner should be mailed to or personally delivered at the appropriate location specified in Customs Appendix A in "Privacy Act Issuances" published annually by the Office of the Federal Register.

(c) Each request shall comply with the identification and other requirements set forth in 31 CFR 1.27 and in the appropriate system notice in "Privacy Act Issuances" published by the Office of the Federal Register. Each request should be conspicuously labeled on the face of the envelope "Privacy Act Amendment Request"

4. *Administrative appeal of initial determination refusing to amend records.* Appellate determinations (including extensions of time on appeal under 31 CFR 1.27(e) with respect to all Customs Service records will be made by the Director, Office of Regulations & Rulings or the delegate of such official. All such appeals should be

mailed or personally delivered to the United States Customs Service, Office of Regulations & Rulings, 1301 Constitution Avenue NW., Washington, DC 20229. Each appeal should be conspicuously labeled on the face of the envelope "Privacy Act Amendment Appeal".

5. *Statements of Disagreement.* "Statements of Disagreement" pursuant to 31 CFR 1.27(e)(4)(i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of process.* Service of process will be received by the Chief Counsel, United States Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229.

7. *Annual notice of systems of records.* The annual notice of the United States Customs Service systems of records required to be published by the Office of the Federal Register, as specified in 5 U.S.C. 552a(f), is included in the publication entitled "Privacy Act Issuances".

8. *Verification of Identity.* Each request shall comply with the identification and other requirements set forth in 31 CFR 1.26 and in the appropriate system notice published by the Office of the Federal Register. Each request should be conspicuously labeled on the face of the envelope "Privacy Act Request".

#### Appendix D—United States Secret Service

1. *In general.* This appendix applies to the United States Secret Service. It sets forth specific notification and access procedures with respect to particular systems of records including identification requirements, and time and places where records may be reviewed; identifies the officers designated to make the initial determinations with respect to notification and access to records and accountings of disclosures of records. This appendix also sets forth the specific procedures for requesting amendment of records and identifies the officers designated to make the initial and appellate determinations with respect to requests for amendment of records. It identifies the officers designated to grant extensions of time on appeal, the officers with whom "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals, and service of process. In addition, it references the notice of systems of records and notices of the routine uses of the information in the system required by 5 U.S.C. 552a(e) (4) and (11) and published annually by the Office of the Federal Register in "Privacy Act Issuances".

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR 1.26, whether to grant requests for notification and access to records and accountings of disclosures for the United States Secret Service, will be made by the Freedom of Information and Privacy Act Officer, United States Secret Service. Requests for notification should be made by mail or delivered personally between the hours of 9:00 a.m. and 5:30 of any day excluding Saturdays, Sundays, and legal holidays to:

Privacy Act Request, Freedom of Information and Privacy Act Officer, United States Secret Service, Room 720, 1800 G Street NW., Washington, DC 20223.

a. *Identification requirements.* In addition to the requirements specified in 31 CFR 1.26, each request for notification, access or amendment of records made by mail shall contain the requesting individual's date and place of birth and a duly notarized statement signed by the requester asserting his or her identity and stipulating that the requesting individual understands that knowingly or willfully seeking or obtaining access to records about another person under false pretences is punishable by a fine of up to \$5,000.

b. *Individuals making requests in person.* Individuals making requests in person will be required to exhibit acceptable identifying documents such as employee identification numbers, drivers licenses, medical cards or other documents sufficient to verify the identity of the requester.

c. *Physical inspection of records.* Upon determining that a request for the physical inspection of records is to be granted, the requester shall be notified in writing of the determination, and when and where the requested records may be inspected. The inspection of records will be conducted at the Secret Service field office or other facility located nearest to the residence of the individual making the request. Such inspection shall be conducted during the regular business hours of the Secret Service Field Office or other facility where the disclosure is made. A person of his or her own choosing may accompany the individual making the request provided the individual furnishes a written statement authorizing the disclosure of that individual's record in the accompanying person's presence. Any disclosure of a record will be made in the presence of a representative of the United States Secret Service.

3. *Requests for amendment of records.* Initial determination under 31 CFR Part 1, whether to grant requests to amend records will be made by the Freedom of Information and Privacy Act Officer. Requests should be mailed or delivered personally between the hours of 9:00 a.m. and 5:30 p.m. to:

Privacy Act Amendment Request, Freedom of Information and Privacy Acts Officer, United States Secret Service, Room 720, 1800 G Street NW., Washington, DC 20223.

4. *Administrative appeal of initial determinations refusing amendment of records.* Appellate determinations refusing amendment of records under 31 CFR 1.27 including extensions of time on appeal, with respect to records of the United States Secret Service will be made by the Assistant Secretary of the Treasury for Enforcement. Appeals made by mail should be addressed to, or delivered personally to:

Privacy Act Amendment Appeal, Assistant Secretary of the Treasury for Enforcement, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

5. *Statements of Disagreement.* "Statements of Disagreements" under 31 CFR 1.27(e)(4)(i) shall be filed with the official

signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of Process.* Service of process will be received by the United States Secret Service Legal Counsel and shall be delivered to the following location:

Legal Counsel, United States Secret Service, Room 843, 1800 G Street NW., Washington, DC 20223.

7. *Annual notice of systems of records.* The annual notice of systems of records is published by the Office of the Federal Register, as specified in 5 U.S.C. 552a(f). The publication is entitled "Privacy Act Issuances". Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR 1.26 and 1.27 are indicated in the notice for the pertinent system.

#### Appendix E—Bureau of Alcohol, Tobacco and Firearms

1. *In general.* This appendix applies to the Bureau of Alcohol, Tobacco and Firearms. It sets forth specific notification and access procedures with respect to particular systems of records, identifies the officers designated to make the initial determinations with respect to notification and access to records and accountings of disclosures of records. This appendix also sets forth the specific procedures for requesting amendment of records and identifies the officers designated to make the initial and appellate determinations with respect to requests for amendment of records. It identifies the officers designated to grant extensions of time on appeal, the officers with whom "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals, and service of process. In addition, it references the notice of systems of records and notices of the routine uses of the information in the system required by 5 U.S.C. 552a (3), (4) and (11) and published annually by the Office of the Federal Register in "Privacy Act Issuances".

2. *Requests for notification and access to records and accountings of disclosures.* Initial determination under 31 CFR 1.26, whether to grant requests for notification and access to records and accountings of disclosures for the Bureau of Alcohol, Tobacco, and Firearms, will be made by the Chief, Disclosure Branch, Office of the Assistant to the Director or the delegate of such officer. Requests may be mailed or delivered in person to:

Privacy Act Request, Chief, Disclosure Branch, Room 4406, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

3. *Requests for amendment of record.* Initial determinations under 31 CFR 1.27 (a) through (d) with respect to requests to amend records maintained by the Bureau of Alcohol, Tobacco and Firearms will be made by the Chief, Disclosure Branch, Office of the Assistant to the Director. Requests for amendment of records may be mailed or delivered in person to:

Privacy Act Request, Chief, Disclosure Branch, Room 4406, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

4. *Verification of Identity.* (a) In addition to the requirements specified in 31 CFR 1.26(d) of this appendix, each request for notification, access or amendment of records made by mail shall contain the requesting individual's date and place of birth and a statement signed by the requester asserting his or her identity and stipulating that the requester understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is a misdemeanor and punishable by a fine of up to \$5,000 provided, that the Bureau of Alcohol, Tobacco and Firearms may require a signed notarized statement verifying the identity of the requester.

(b) Individuals making requests in person will be required to exhibit at least two acceptable identifying documents such as employee identification cards, driver's license, medical cards, or other documents sufficient to verify the identity of the requester.

(c) The parent or guardian of a minor or a person judicially determined to be incompetent, shall in addition to establishing the identity of the minor or other person he represents as required in (a) and (b), establish his own parentage or guardianship by furnishing a copy of a birth certificate showing parentage (or other satisfactory documentation) or a court order establishing the guardianship.

5. *Request for physical inspection of records.* Upon determining that a request for the physical inspection of records is to be granted, the requester shall be notified in writing of the determination, and when and where the records may be inspected. The inspection of records will be made at the Bureau of Alcohol, Tobacco and Firearms Field Office or other facility located nearest to the residence of the individual making the request. Such inspection shall be conducted during the regular business hours of the field office or other facility where the disclosure is made. A person of the requester's own choosing may accompany the requester provided the requester furnishes a written statement authorizing the disclosure of the requester's record in the accompanying person's presence. The record inspection will be made in the presence of a representative of the Bureau. Following the inspection of the record, the individual will acknowledge in writing the fact that he or she had an opportunity to inspect the requested record.

6. *Requests for copies of records without prior physical inspection.* Upon determining that an individual's request for copies of his or her records without prior physical inspection is to be granted, the requester shall be notified in writing of the determination, and the location and time for his or her receipt of the requested copies. The copies will be made available at the Bureau of Alcohol, Tobacco and Firearms field office or other facility located nearest to the residence of the individual making the request. Copies shall be received by the requester during the regular business hours of the field office or other facility where the

disclosure is made. Transfer of the copies to the individual shall be conditioned upon payment of copying costs and his presentation of at least two acceptable identifying documents such as employee identification cards, driver's license, medical cards, or other documents sufficient to verify the identity of the requester. Following the receipt of the copies, the individual will acknowledge receipt in writing.

7. *Administrative appeal of initial determination refusing to amend record.* Appellate determinations under 31 CFR 1.27(e) with respect to records of the Bureau of Alcohol, Tobacco and Firearms, including extensions of time on appeal, will be made by the Director or the delegate of such officer. Appeals should be addressed to, or delivered in person to:

Privacy Act Amendment Appeal, Director, Bureau of Alcohol, Tobacco and Firearms, Room 4406, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

8. *Statements of disagreement.* "Statements of Disagreement" as described in 31 CFR 1.27(e)(4) shall be filed with the official signing the notification within 35 days of the date of such notification and should be limited to one page.

9. *Service of process.* Service of process will be received by the Director of the Bureau of Alcohol, Tobacco and Firearms or the delegate of such official and shall be delivered to the following location:

Director, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, Attention: Chief Counsel.

10. *Annual notice of systems of records.* The annual notice of systems of records is published by the Office of the Federal Register, as specified in 5 U.S.C. 552a(f). The publication is entitled "Privacy Act Issuances." Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR 1.26 and 1.27 are indicated in the notice for each pertinent system.

#### Appendix F—Bureau of Engraving and Printing

1. *In general.* This appendix applies to the Bureau of Engraving and Printing. It sets forth specific notification and access procedures with respect to particular systems of records including identification requirements, identifies the officers designated to make the initial determinations with respect to notification and access to records and accountings of disclosures of records. This appendix also sets forth the specific procedures for requesting amendment of records and identifies the officers designated to make the initial and appellate determinations with respect to requests for amendment of records. It identifies the officers designated to grant extensions of time on appeal, the officers with whom "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals, and service of process. In addition, it references the notice of systems of records and notices of the routine uses of the information in the system required by 5 U.S.C. 552a(e)(4) and (11) and published

annually by the Office of the Federal Register in "Privacy Act Issuances"

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR 1.26, whether to grant requests for notification and access to records and accountings of disclosures for the Bureau of Engraving and Printing, will be made by the head of the organizational unit having immediate custody of the records requested, or the delegate of such official. Requests for access to records contained within a particular system of records should be submitted to the address indicated for that system in the access section of the notices published by the Office of the Federal Register in "Privacy Act Issuances." Requests for information and specific guidance should be addressed to:

Privacy Act Request, Disclosure Officer (Executive Assistant to the Director), Room 104-18M, Bureau of Engraving and Printing, Washington, DC 20226.

3. *Requests for amendment of records.* Initial determination under 31 CFR 1.27 (a) through (d), whether to grant requests to amend records will be made by the head of the organizational unit having immediate custody of the records or the delegate of such official. Requests for amendment should be addressed as indicated in the appropriate system notice in "Privacy Act Issuances" published by the Office of the Federal Register. Requests for information and specific guidance on where to send requests for amendment should be addressed to:

Privacy Act Amendment Request, Disclosure Officer (Executive Assistant to the Director), Bureau of Engraving and Printing, Room 104-18M, Washington, DC 20226.

4. *Administrative appeal of initial determinations refusing amendment of records.* Appellate determinations refusing amendment of records under 31 CFR 1.27(e) including extensions of time on appeal, with respect to records of the Bureau of Engraving and Printing will be made by the Director of the Bureau or the delegate of such officer. Appeals made by mail should be addressed to, or delivered personally to:

Privacy Act Amendment Appeal, Disclosure Officer (Executive Assistant to the Director), Room 104-18M, Bureau of Engraving and Printing, Washington, DC 20226.

5. *Statements of Disagreement.* "Statements of Disagreement" under 31 CFR 1.27(e)(4)(i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of Process.* Service of process will be received by the Chief Counsel of the Bureau of Engraving and Printing and shall be delivered to the following location:

Chief Counsel, Bureau of Engraving and Printing, Room 109-M, 14th and C Streets, SW., Washington, DC 20226.

7. *Verification of identity.* An individual, seeking notification or access to records, or seeking to amend a record, or seeking an accounting of disclosures, must satisfy one of

the following identification requirements before action will be taken by the Bureau of Engraving and Printing on any such request:

(i) An individual appearing in person may establish identity by the presentation of a single document bearing a photograph (such as a passport or identification badge) or by the presentation of two items of identification which do not bear a photograph, but do bear both a name and signature (such as a credit card).

(ii) An individual may establish identity through the mail by a signature, address, and one other identifier such as a photocopy of a driver's license or other document bearing the individual's signature.

(iii) Notwithstanding subdivisions (i) and (ii) of this subparagraph, an individual who so desires, may establish identity by providing a notarized statement, swearing or affirming to such individual's identity and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining access to records under false pretenses.

Notwithstanding subdivision (i), (ii), or (iii) of this subparagraph, the Executive Assistant or other designated official may require additional proof of an individual's identity before action will be taken on any request if such official determines that it is necessary to protect against unauthorized disclosure of information in a particular case. In addition, a parent of any minor or a legal guardian of any individual will be required to provide adequate proof of legal relationship before such person may act on behalf of such minor or such individual.

8. *Annual notice of systems of records.* The annual notice of systems of records is published by the Office of the Federal Register, as specified in 5 U.S.C. 552a(f). The publication is entitled "Privacy Act Issuances." Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR 1.26 and 1.27 are indicated in the notice for the pertinent system.

#### Appendix C—Financial Management Service

1. *In general.* This appendix applies to the Financial Management Service. It sets forth specific notification and access procedures with respect to particular systems of records, identifies the officers designated to make the initial determinations with respect to notification and access to records and accountings of disclosures of records. This appendix also sets forth the specific procedures for requesting amendment of records and identifies the officers designated to make the initial and appellate determinations with respect to requests for amendment of records. It identifies the officers designated to grant extensions of time on appeal, the officers with whom "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals, and service of process. In addition, it references the notice of systems of records and notices of the routine uses of the information in the system required by 5 U.S.C. 552a(e) (4) and (11) and published annually by the Office of the Federal Register in "Privacy Act Issuances"

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR 1.26, whether to grant requests for notification and access to records and accountings of disclosures for the Financial Management Service, will be made by the head of the organizational unit having immediate custody of the records requested or an official designated by this official. This is indicated in the appropriate system notice in "Privacy Act Issuances" published annually by the Office of the Federal Register. Requests for information and specific guidance on where to send requests for records may be mailed or delivered personally to:

Privacy Act Request, Disclosure Officer, Financial Management Service, Room 108, Treasury Department Annex No. 1, Pennsylvania Avenue and Madison Place, NW., Washington, DC 20226.

3. *Requests for amendment of records.* Initial determination under 31 CFR 1.27 (a) through (d), whether to grant requests to amend records will be made by the head of the organizational unit having immediate custody of the records or the delegate of such official. Requests for amendment should be addressed as indicated in the appropriate system notice in "Privacy Act Issuances" published by the Office of the Federal Register. Requests for information and specific guidance on where to send requests for amendment should be addressed to:

Privacy Act Amendment Request, Disclosure Officer, Financial Management Service, Department of the Treasury, Treasury Annex No. 1, Washington, DC 20226.

4. *Administrative appeal of initial determinations refusing amendment of records.* Appellate determinations refusing amendment of records under 31 CFR 1.27(e) including extensions of time on appeal, with respect to records of the Financial Management Service will be made by the Commissioner or the delegate of such official. Appeals made by mail should be addressed to, or delivered personally to:

Privacy Act Amendment Appeal, Commissioner, Financial Management Service (Privacy), Department of the Treasury, Room 618, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, NW., Washington, DC 20226.

5. *Statements of Disagreement.* "Statements of Disagreement" under 31 CFR 1.27(e)(4)(i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of Process.* Service of process will be received by the Commissioner, Financial Management Service or the delegate of such official and shall be delivered to the following location:

Commissioner, Financial Management Service (Privacy), Department of the Treasury, Room 618, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, NW., Washington, DC 20226.

7. *Annual notice of systems of records.* The annual notice of systems of records is

published by the Office of the Federal Register, as specified in 5 U.S.C. 552a(f). The publication is entitled "Privacy Act Issuances." Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR 1.26 and 1.27 are indicated in the notice for the pertinent system.

#### Appendix H—United States Mint

1. *In general.* This appendix applies to the United States Mint. It sets forth specific notification and access procedures with respect to particular systems of records, identifies the officers designated to make the initial determinations with respect to notification and access to records and accountings of disclosures of records. This appendix also sets forth the specific procedures for requesting amendment of records and identifies the officers designated to make the initial and appellate determinations with respect to requests for amendment of records. It identifies the officers designated to grant extensions of time on appeal, the officers with whom "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals, and service of process. In addition, it references the notice of systems of records and notices of the routine uses of the information in the system required by 5 U.S.C. 552a(e) (4) and (11) and published annually by the Office of the Federal Register in "Privacy Act Issuances"

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR 1.26, whether to grant requests for notification and access to records and accountings of disclosures for the United States Mint will be made by the head of the organizational unit having immediate custody of the records requested or an official designated by this official. This is indicated in the appropriate system notice in "Privacy Act Issuances" published annually by the Office of the Federal Register. Requests should be directed to the Superintendent or Officer in charge of the facility in which the records are located or to the Chief, Administrative Program Division. Requests for information and specific guidance on where to send requests for records may be mailed or delivered personally to:

Privacy Act Request, Chief, Administrative Programs Division, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

3. *Requests for amendment of records.* Initial determination under 31 CFR 1.27 (a) through (d), whether to grant requests to amend records will be made by the head of the Mint installation having immediate custody of the records or the delegated official. Requests should be mailed or delivered personally to:

Privacy Act Amendment Request, Freedom of Information and Privacy Acts Officer, United States Mint, Room 720, 1800 G Street, NW., Washington, DC 20223.

4. *Administrative appeal of initial determinations refusing amendment of records.* Appellate determinations refusing



amendment of records under 31 CFR 1.27 including extensions of time on appeal, with respect to records of the United States Mint will be made by the Director of the Mint or the delegate of the Director. Appeals made by mail should be addressed to, or delivered personally to:

Privacy Act Amendment Appeal, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

#### 5. *Statements of Disagreement.*

"Statements of Disagreement" under 31 CFR 1.27(e)(4)(i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of Process.* Service of process will be received by the Director of the Mint and shall be delivered to the following location:

Director of the Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

7. *Annual notice of systems of records.* The annual notice of systems of records is published by the Office of the Federal Register, as specified in 5 U.S.C. 552a(f). The publication is entitled "Privacy Act Issuances". Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR 1.26 and 1.27 are indicated in the notice for the pertinent system.

#### Appendix I—Bureau of the Public Debt

1. *In general.* This appendix applies to the Bureau of the Public Debt. It sets forth specific notification and access procedures with respect to particular systems of records, identifies the officers designated to make the initial determinations with respect to notification and access to records and accountings of disclosures of records. This appendix also sets forth the specific procedures for requesting amendment of records and identifies the officers designated to make the initial and appellate determinations with respect to requests for amendment of records. It identifies the officers designated to grant extensions of time on appeal, the officers with whom "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals, and service of process. In addition, it references the notice of systems of records and notices of the routine uses of the information in the system required by 5 U.S.C. 552a(e) (4) and (11) and published annually by the Office of the Federal Register in "Privacy Act Issuances".

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR 1.26, whether to grant requests for notification and access to records and accountings of disclosures for the Bureau of Public Debt, will be made by the head of the organizational unit having immediate custody of the records requested or an official designated by this official. This is indicated in the appropriate

system notice in "Privacy Act Issuances" published annually by the Office of the Federal Register. Requests for information and specific guidance on where to send requests for records may be mailed or delivered personally to:

Privacy Act Request, Information Officer, Bureau of the Public Debt, Department of the Treasury, 999 E Street, NW., Room 553, Washington, DC 20239.

#### 3. *Requests for amendment of records.*

Initial determination under 31 CFR 1.27 (a) through (d), whether to grant requests to amend records will be made by the head of the organizational unit having immediate custody of the records or the delegate of such official. Requests for amendment should be addressed as indicated in the appropriate system notice in "Privacy Act Issuances" published by the Office of the Federal Register. Requests for information and specific guidance on where to send requests for amendment should be addressed to:

Privacy Act Amendment Request, Information Officer, Bureau of the Public Debt, Department of the Treasury, 999 E Street, NW., Room 553, Washington, DC 20239.

4. *Administrative appeal of initial determinations refusing amendment of records.* Appellate determinations refusing amendment of records under 31 CFR 1.27(e) including extensions of time on appeal, with respect to records of the Bureau of the Public Debt will be made by the Commissioner of the Public Debt or the delegate of such officer. Appeals made by mail should be addressed to, or delivered personally to:

Privacy Act Amendment Appeal, Chief Counsel, Bureau of the Public Debt, Department of the Treasury, 999 E Street, NW., Room 503, Washington, DC 20239.

#### 5. *Statements of Disagreement.*

"Statements of Disagreement" under 31 CFR 1.27(e)(4)(i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of Process.* Service of process will be received by the Chief Counsel of the Bureau of the Public Debt and shall be delivered to the following location:

Chief Counsel, Bureau of the Public Debt, Department of the Treasury, 999 E Street, NW., Room 503, Washington, DC 20239.

7. *Annual notice of systems of records.* The annual notice of systems of records is published by the Office of the Federal Register, as specified in 5 U.S.C. 552a(f). The publication is entitled "Privacy Act Issuances". Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR 1.26 and 1.27 are indicated in the notice for the pertinent system.

#### Appendix J—Office of the Comptroller of the Currency

1. *In general.* This appendix applies to the Office of the Comptroller of the Currency. It

sets forth specific notification and access procedures with respect to particular systems of records, identifies the officers designated to make the initial determinations with respect to notification and access to records and accountings of disclosures of records. This appendix also sets forth the specific procedures for requesting amendment of records and identifies the officers designated to make the initial and appellate determinations with respect to requests for amendment of records. It identifies the officers designated to grant extensions of time on appeal, the officers with whom "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals, and service of process. In addition, it references the notice of systems of records and notices of the routine uses of the information in the system required by 5 U.S.C. 552a(e) (4) and (11) and published annually by the Office of the Federal Register in "Privacy Act Issuances".

#### 2. *Requests for notification and access to records and accountings of disclosures.*

Initial determinations under 31 CFR 1.26, whether to grant requests for notification and access to records and accountings of disclosures for the Office of the Comptroller of the Currency, will be made by the head of the organizational unit having immediate custody of the records requested or an official designated by this official. This is indicated in the appropriate system notice in "Privacy Act Issuances" published annually by the Office of the Federal Register. Requests for information and specific guidance on where to send requests for records may be mailed or delivered personally to:

Privacy Act Request, Communications Division, Comptroller of the Currency, 3rd Floor, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

3. *Requests for amendment of records.* Initial determination under 31 CFR 1.27 (a) through (d), whether to grant requests to amend records will be made by the head of the organizational unit having immediate custody of the records or the delegate of such official. Requests for amendment should be addressed to:

Privacy Act Amendment Request, Communications Division, 3rd Floor, Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

4. *Administrative appeal of initial determinations refusing amendment of records.* Appellate determinations refusing amendment of records under 31 CFR 1.27(e) including extensions of time on appeal, with respect to records of the Office of the Comptroller of the Currency will be made by the Comptroller of the Currency or Chief Counsel or the delegate of such officer. Appeals made by mail should be addressed to, or delivered personally to:

Privacy Act Amendment Appeal, Communications Division, 3rd Floor, Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

#### 5. *Statements of Disagreement.*

"Statements of Disagreement" under 31 CFR 1.27(e)(4)(i) shall be filed with the Director, Communications Division at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of Process.* Service of process will be received by the Office of the Chief Counsel of the Comptroller of the Currency or the delegate of such official and shall be delivered to the following location:

Office of Chief Counsel, Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

7. *Annual notice of systems of records.* The annual notice of systems of records is published by the Office of the Federal Register, as specified in 5 U.S.C. 552a(f). The publication is entitled "Privacy Act Issuances." Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR 1.26 and 1.27 are indicated in the notice for the pertinent system.

#### Appendix K—U.S. Savings Bonds Division

1. *In general.* This appendix applies to the U.S. Savings Bonds Division. It sets forth specific notification and access procedures with respect to particular systems of records, identifies the officers designated to make the initial determinations with respect to notification and access to records and accountings of disclosures of records. This appendix also sets forth the specific procedures for requesting amendment of records and identifies the officers designated to make the initial and appellate determinations with respect to requests for amendment of records. It identifies the officers designated to grant extensions of time on appeal, the officers with whom "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals, and service of process. In addition, it references the notice of systems of records and notices of the routine uses of the information in the system required by 5 U.S.C. 552a(e) (4) and (11) and published annually by the Office of the Federal Register in "Privacy Act Issuances."

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR 1.26, whether to grant requests for notification and access to records and accountings of disclosures for the Financial Management Service, will be made by the head of the organizational unit having immediate custody of the records requested or an official designated by this official. This is indicated in the appropriate system notice in "Privacy Act Issuances" published annually by the Office of the Federal Register. Requests for information and specific guidance on where to send requests for records may be mailed or delivered personally to:

Privacy Act Request, U.S. Savings Bonds Division, Department of the Treasury, 1111 20th Street, NW, Washington, DC 20226.

3. *Requests for amendment of records.* Initial determination under 31 CFR 1.27 (a) through (d), whether to grant requests to

amend records will be made by the head of the organizational unit having immediate custody of the records or the delegate of such official. Requests for amendment should be addressed as indicated in the appropriate system notice in "Privacy Act Issuances" published by the Office of the Federal Register. Requests for information and specific guidance on where to send requests for amendment should be addressed to:

Privacy Act Amendment Request, Privacy Act Contact, U.S. Savings Bonds Division, Department of the Treasury, 1111 20th Street, NW., Washington, DC 20226.

4. *Administrative appeal of initial determinations refusing amendment of records.* Appellate determinations refusing amendment of records under 31 CFR 1.27(e) including extensions of time on appeal, with respect to records of the U.S. Savings Bonds Division will be made by the National Director, U.S. Savings Bonds Division or the delegate of such officer. Appeals made by mail should be addressed to, or delivered personally to:

Privacy Act Amendment Appeal, National Director, U.S. Savings Bonds Division, Department of the Treasury, 1111 20th Street, NW., Washington, DC 20226.

#### 5. *Statements of Disagreement.*

"Statements of Disagreement" under 31 CFR 1.27(e)(4)(i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of Process.* Service of process will be received by the General Counsel of the Department of the Treasury or the delegate of such official and shall be delivered to the following location:

General Counsel, Room 3000-MT, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

7. *Annual notice of systems of records.* The annual notice of systems of records is published by the Office of the Federal Register, as specified in 5 U.S.C. 552a(f). The publication is entitled "Privacy Act Issuances." Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR 1.26 and 1.27 are indicated in the notice for the pertinent system.

#### Appendix L—Federal Law Enforcement Training Center

1. *In general.* This appendix applies to the Federal Law Enforcement Training Center. It sets forth specific notification and access procedures with respect to particular systems of records, identifies the officers designated to make the initial determinations with respect to notification and access to records and accountings of disclosures of records. This appendix also sets forth the specific procedures for requesting amendment of records and identifies the officers designated to make the initial and appellate determinations with respect to requests for amendment of records. It identifies the officers designated to grant extensions of time on appeal, the officers with whom

"Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals, and service of process. In addition, it references the notice of systems of records and notices of the routine uses of the information in the system required by 5 U.S.C. 552a(e) (4) and (11) and published annually by the Office of the Federal Register in "Privacy Act Issuances"

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR 1.26, whether to grant requests for notification and access to records and accountings of disclosures for the Federal Law Enforcement Training Center, will be made by the head of the organizational unit having immediate custody of the records requested or an official designated by this official. This is indicated in the appropriate system notice in "Privacy Act Issuances" published annually by the Office of the Federal Register. Requests for information and specific guidance on where to send requests for records may be mailed or delivered personally to:

Privacy Act Request, Library Building 262, Federal Law Enforcement Training Center, Glynco, Georgia 31524.

#### 3. *Requests for amendment of records.*

Initial determinations under 31 CFR 1.27 (a) through (d), whether to grant requests to amend records will be made by the head of the organizational unit having immediate custody of the records or the delegate of such official. Requests for amendment should be addressed as indicated in the appropriate system notice in "Privacy Act Issuances" published by the Office of the Federal Register. Requests for information and specific guidance on where to send requests for amendment should be addressed to:

Privacy Act Amendment Request, Federal Law Enforcement Training Center, Glynco, Georgia 31524.

4. *Administrative appeal of initial determinations refusing amendment of records.* Appellate determinations refusing amendment of records under 31 CFR 1.27(e) including extensions of time on appeal, with respect to records of the Federal Law Enforcement Training Center will be made by the Assistant Secretary (Enforcement), Department of the Treasury or the delegate of such officer. Appeals made by mail should be addressed to, or delivered personally to:

Privacy Act Amendment Appeal, FLETC, Assistant Secretary (Enforcement), Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 4312, Washington, DC 20220.

#### 5. *Statements of Disagreement.*

"Statements of Disagreement" under 31 CFR 1.27(e)(4)(i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of Process.* Service of process will be received by the General Counsel of the Department of the Treasury or the



delegate of such official and shall be delivered to the following location:

General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

7. *Annual notice of systems of records.* The annual notice of systems of records is published by the Office of the Federal Register, as specified in 5 U.S.C. 552a(f). The publication is entitled "Privacy Act Issuances." Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR 1.26 and 1.27 are indicated in the notice for the pertinent system.

[FR Doc. 87-8243 Filed 4-13-87; 8:45 am]

BILLING CODE 4810-25-M

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Parts 1 and 2

#### Applicability of Regulations to Non-Federal Lands and Waters Under U.S. Legislative Jurisdiction

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service (NPS) is making an administrative change clarifying provisions in its general regulations that pertain to the applicability of certain regulations to non-federal lands and waters under the legislative jurisdiction of the United States. The existing wording has resulted in confusion and has generated questions concerning the original intent of the NPS in promulgating these particular regulations in 1983. The revised text clarifies the applicability of these regulations and reflects the original intent of the NPS as expressed in the preamble of the earlier rulemaking.

**DATES:** Written comments will be accepted through May 14, 1987

**ADDRESS:** Comments should be addressed to: Associate Director, Park Operations, National Park Service, P.O. Box 37127 Washington, DC 20013-7127

**FOR FURTHER INFORMATION CONTACT:** Andy Ringgold, National Park Service, Branch of Ranger Activities, P.O. Box 37127 Washington, DC 20013-7127 Telephone: 202-343-1360.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 30, 1983 the NPS published a major revision of its general regulations (see 48 FR 30252) that eventually went into effect on April 30, 1984, codified in Title 36 of the Code of Federal Regulations (36 CFR), Section 1.2 of that

rulemaking addresses the applicability and scope of NPS regulations, providing generally that NPS regulations apply to all persons entering, using, visiting or otherwise within the boundaries of lands or waters administered by the NPS. Furthermore, paragraph (b) of this section reads as follows:

(b) The regulations contained in Parts 1 through 7 of this chapter are not applicable on privately owned lands and waters (including Indian lands and waters owned individually or tribally) within the boundaries of a park area, except as may be provided by regulations related specifically to privately owned lands under the legislative jurisdiction of the United States.

The term "legislative jurisdiction" is defined in 36 CFR 1.4 to mean "land and waters under the exclusive or concurrent jurisdiction of the United States" in other words, lands and waters over which the State has ceded police powers to the United States. However, the meaning of the phrase "privately owned lands" although addressed in the preamble of the 1983 rulemaking, is not defined. The same phrase is used in ten general regulations codified in 36 CFR Part 2 and has been the subject of periodic questions since these regulations were promulgated.

The following regulations in 36 CFR Part 2 apply on lands and waters within a park area that are under the legislative jurisdiction of the United States.

1. Section 2.2 Wildlife protection
2. Section 2.3 Fishing.
3. Section 2.4 Weapons, traps and nets.
4. Section 2.13 Fires.
5. Section 2.22(a)(2), (b) and (c) Property.
6. Section 2.30 Misappropriation of property and services.
7. Section 2.31 Trespassing, tampering and vandalism.
8. Section 2.32 Interfering with agency functions.
9. Section 2.34 Disorderly conduct.
10. Section 2.36 Gambling.

As indicated in the 1983 rulemaking, the NPS applied these sections to non-federal lands and waters that are located within park boundaries and that are under the legislative jurisdiction of the United States in order to allow the NPS to respond to complaints from landowners concerning incidents such as disorderly conduct, fighting, hunting or discharging weapons, playing loud music or other disturbances, abandoned property, trespassings, tampering with private property, and gambling. The NPS determined that those provisions were the minimum necessary to protect non-federal property rights and ensure public safety for non-federal property owners, and it continues to hold that position.

The purpose of this rulemaking is to revise the text of the eleven regulations in 36 CFR Parts 1 and 2 that contain the phrase "privately owned lands and waters" in order to reflect the original NPS intent as clearly expressed in the preamble of the 1983 rulemaking. In that discussion, the NPS indicated that the regulations that were made applicable on privately owned lands and waters under the legislative jurisdiction of the United States would apply on all lands and waters within a park area that were owned by private individuals, commercial entities or State agencies and over which the State had ceded either exclusive or concurrent jurisdiction to the NPS. The NPS has determined that the phrase "privately owned lands" does not clearly encompass the full range of non-federal landowners originally intended. Therefore, that phrase is being deleted from the regulations in question in favor of text that clarifies the fact that those regulations apply, regardless of land ownership, on lands and waters within a park area that are under the legislative jurisdiction of the United States.

#### Publication Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address noted at the beginning of this rulemaking. The NPS emphasizes, however, that the purpose of this rulemaking is to clarify and edit existing regulatory text, not to propose or open for public comment a change in the underlying regulatory provisions of the sections proposed for revision.

#### Drafting Information

The primary author of this rulemaking is Andy Ringgold of the NPS Branch of Ranger Activities.

#### Paperwork Reduction Act

This rulemaking does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

#### Compliance With Other Laws

The Department of the Interior has determined that this document constitutes an administrative change, not subject to the provisions of Executive Order 12291, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory

Flexibility Act (5 U.S.C. 601 *et seq.*). This rulemaking has no economic effect since it is a clarification only and neither removes substantive restrictions nor imposes new ones.

The NPS has determined that this rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based in this determination, this rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Department regulations in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

#### List of Subjects

##### 36 CFR Part 1

National parks, Penalties, Reporting and recordkeeping requirements, Signs and symbols.

##### 36 CFR Part 2

Environmental protection, National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I as follows:

#### PART 1—GENERAL PROVISIONS

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

Authority: 16 U.S.C. 1, 3, 9a, 462-6a(e), 462(k); D.C. Code 8-137 (1981) and D.C. Code 40-721 (1981).

2. In § 1.2, by revising paragraph (b) to read as follows:

##### § 1.2 Applicability and scope.

(b) Except for regulations containing provisions that are specifically applicable, regardless of land ownership, to lands and waters within a park area that are under the legislative jurisdiction of the United States, the regulations contained in Parts 1 through 5 and Part 7 of this chapter do not apply

on non-federally owned lands and waters (including Indian lands and waters owned individually or tribally) within the boundaries of a park area.

#### PART 2—RESOURCE PROTECTION, PUBLIC USE AND RECREATION

3. The authority citation for Part 2 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k).

4. In § 2.2, by revising paragraph (g) to read as follows:

##### § 2.2 Wildlife protection.

(g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

5. In § 2.3, by revising paragraph (g) to read as follows:

##### § 2.3 Fishing.

(g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

6. In § 2.4, by revising paragraph (g) to read as follows:

##### § 2.4 Weapons, traps and nets.

(g) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

7. In § 2.13 by revising paragraph (d) to read as follows:

##### § 2.13 Fires.

(d) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

8. In § 2.22 by revising paragraph (d) to read as follows:

##### § 2.22 Property.

(d) The regulations contained in paragraphs (a)(2), (b) and (c) of this section apply, regardless of land ownership, on all lands and waters within a park area that under the

legislative jurisdiction of the United States.

9. In § 2.30, by revising paragraph (b) to read as follows:

##### § 2.30 Misappropriation of property and services.

(b) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

10. In § 2.31, by revising paragraph (b) to read as follows:

##### § 2.31 Trespassing, tampering and vandalism.

(b) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

11. In § 2.32, by revising paragraph (b) to read as follows:

##### § 2.32 Interfering with agency functions.

(b) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

12. In § 2.34, by revising paragraph (b) to read as follows:

##### § 2.34 Disorderly conduct.

(b) The regulations contained in this section apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

13. In § 2.36, by revising paragraph (b) to read as follows:

##### § 2.36 Gambling.

(b) This regulation applies, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.

Dated: April 3, 1987

Susan Recce,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-8306 Filed 4-13-87 8:45 am]

BILLING CODE 4310-70-M

**ENVIRONMENTAL PROTECTION  
AGENCY****40 CFR Part 123****[OW-8-FRL-3185-8]****Water Pollution Control; Utah  
Application To Administer the National  
Pollutant Discharge Elimination  
System (NPDES) Program****AGENCY:** Environmental Protection  
Agency (EPA).**ACTION:** Proposed rule; notice of  
application, public comment period,  
public hearing.

**SUMMARY:** The State of Utah has submitted an application to the United States Environmental Protection Agency (US EPA) to administer and enforce the National Pollution Discharge Elimination System (NPDES) program for regulating discharges of pollutants into waters within the State. According to the State's proposal, the NPDES program would be administered by Utah Department of Health under the direction of Calvin K. Sudweeks.

The application received from Utah is now complete and is now available for inspection and copying. Public comments are requested and a public hearing will be held.

**DATES:** Comment must be received on or before June 4, 1987. A public hearing has been scheduled for May 20, 1987 at 10 a.m. to Noon.

**ADDRESS:** Comments should be addressed to: Patrick J. Godsil, Chief, Compliance Branch (8WM-C), U.S. EPA, Region VIII, 999 18th Street, Denver Place, Suite 500, Denver, CO 80202-2405.

**FOR FURTHER INFORMATION CONTACT:** Patrick J. Godsil, (303) 293-1623, at the above address.

**SUPPLEMENTARY INFORMATION:** Section 402 of the Federal Clean Water Act (CWA) created the NPDES program under which the Administrator of the US EPA may issue permits for the discharge of pollutants into waters of the United States under conditions required by that Act. Section 402(b) provides for states to assume the NPDES program responsibilities upon approval by the EPA.

Utah's submission for NPDES program approval contains a letter from the Governor requesting NPDES program approval, a Program Description, an Independent Counsel's statement, copies of State statutes and regulations providing authority to carry out the program, and a Memorandum of Agreement (MOA) to be executed by the Regional Administrator, Region VIII, EPA and the State Director. The

Regional Administrator is required to approve each such submittal unless it does not meet the requirements of section 402(b) of the Act and EPA regulations promulgated thereunder, which include, among other things, authority to impose civil and criminal penalties for permit violations and authority to insure that the public is given notice and opportunity for hearing on each proposed NPDES permit issuance.

At the close of the public comment period (including the public hearing) and within the ninety (90) day review period, the EPA Regional Administrator will decide to approve or disapprove Utah's NPDES program.

The decision to approve or disapprove Utah's NPDES program will be based on the requirements of section 402 of the CWA and 40 CFR Part 123. If Utah's NPDES program is approved, the Administrator will so notify the State. Notice will be published in the *Federal Register* and, as of the date of program approval, EPA will suspend issuance of NPDES permits in Utah. The State's program will implement federal law and operate in lieu of the EPA administered program. However, EPA will retain the right, among other things, to object to NPDES permits proposed to be issued by Utah and to take enforcement actions for violations. If the Regional Administrator disapproves Utah's NPDES program, the Administrator will notify the State of the reasons for disapproval and of any revisions or modifications to the State program which are necessary to obtain approval.

The Utah submittal may be reviewed by the public from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, at the UBWPC, Cannon Health Building, third floor, 288N 1460W, Salt Lake City, Utah 84116, or at the EPA office in Denver at the address appearing earlier in this notice. Copies of the submittal may also be obtained at a cost of ten dollars (\$10.00) by appearing in person at either of those offices, or by mail by sending a check for ten dollars (\$10.00), payable to the Bureau of Water Pollution Control, to Ms. Wendy Olson, Utah Bureau of Water Pollution Control, P.O. Box 16990, Salt Lake City, Utah 84116-0690; telephone (801) 538-6146.

A public hearing to consider the State of Utah's request to administer the NPDES permit program has been scheduled for May 20, 1987 at 10:00 a.m. to Noon at the Cannon Health Building, Room 125, 288N 1460W, Salt Lake City, Utah 84116.

The Hearing Panel will include representatives of EPA, Region VIII and UBWPC.

The following are policies and procedures which shall be observed at the public hearing: (1) The Presiding Officer shall conduct the hearing in a manner that permits open and full discussion of any issues involved; (2) any person may submit written statements or documents for the record; (3) the Presiding Officer may, at his or her discretion, exclude oral testimony if such testimony is overly repetitious of previous testimony, or is not relevant to the decision to approve or require revision of the submitted State program; (4) the Presiding Officer may limit oral testimony to five (5) minutes total per person; (5) members of the Hearing Panel may ask questions of witnesses and respond to questions and statements of witnesses; (6) the transcript taken at the hearing, together with copies of all submitted statements and documents, shall become a part of the record submitted to the Administrator; and (7) the hearing record shall be left open until June 4, 1987 as described below, to permit any persons to submit any additional written statement or to present views or evidence tending to rebut testimony presented at the public hearing.

Immediately following the public comment period, the Regional Administrator shall forward a copy of the complete hearing record to the Administrator.

Hearing statements may be oral or written. Written copies of oral statements are urged for accuracy of the record and for the use of the Hearing Panel and other interested persons. Statements should summarize any extensive written materials.

All comments or objections received by EPA, Region VIII, by June 4, 1987 or presented at the public hearing, will be considered by EPA before taking final action on the Utah Request for State Program Approval.

Please bring the foregoing to the attention of persons whom you know will be interested in this matter. All written comments and questions on the hearing, or the NPDES program, should be addressed to Patrick J. Godsil at the above address.

**Review Under Regulatory Flexibility Act  
and Executive Order 12291**

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of entities. The proposed approval of the Utah NPDES program does not alter the regulatory control over any industrial category. No new substantive requirements are

established by this action. Therefore, since this notice does not have a significant impact on a substantial number of small entities, a Regulatory Flexibility Analysis is not needed.

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

Dated: April 8, 1987.

Alexandra B. Smith,  
Acting Regional Administrator,  
Environmental Protection Agency, Region  
VIII.

[FR Doc. 87-8278 Filed 4-13-87; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF JUSTICE

### Foreign Claims Settlement Commission

#### 45 CFR Part 503

#### The Freedom of Information Reform Act of 1986; Proposed Fee Schedule and Guidelines

**AGENCY:** Foreign Claims Settlement  
Commission of the United States.

**ACTION:** Proposed rule; correction.

**SUMMARY:** The Foreign Claims Settlement Commission of the United States published for public notice and comment a proposed new fee schedule and guidelines for the processing of requests for records under the Freedom of Information Act on pages 11712-11713 of the *Federal Register* on April 10, 1987. The last paragraph of the proposed rule, setting forth a revised provision, required by the Freedom of Information Reform Act of 1986, relating to waiver or reduction of fees, was omitted. That additional paragraph is published for public notice and comment below.

**DATE:** Comments must be received before April 21, 1987.

**ADDRESS:** Send comments to the Foreign Claims Settlement Commission of the United States, 1111 20th Street, NW., Room 400, Washington, DC 20579.

**FOR FURTHER INFORMATION CONTACT:** David E. Bradley 202-653-5883.

**SUPPLEMENTARY INFORMATION:**

#### PART 503—[AMENDED]

For the reason set out in the preamble, § 503.14 of Chapter V of Title 45 of the Code of Federal Regulations, the proposed revision of which was published for public notice and comment at 52 FR 11712 on April 10, 1987 is proposed to be further revised by adding at the end thereof the following paragraph.

§ 503.14 Fees for services.

(j) *Waiver or reduction of charges.* Fees otherwise chargeable in connection with a request for disclosure of a record shall be waived or reduced where—

(1) It is determined that disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester; or

(2) It is determined that the cost of collection would be equal to or exceed the amount of such fees.

**Authority:** Sec. 1803, Pub. L. 99-570, 100 Stat. 3207 (5 U.S.C. 552); 52 FR 10012-10019.

Judith H. Lock,  
Administrative Officer.

[FR Doc. 87-8485 Filed 4-10-87; 8:57 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 222 and 227

#### Status Reviews of the Shortnose Sturgeon and the Mediterranean Monk Seal

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

**ACTION:** Notice of availability of status reviews.

**SUMMARY:** NMFS has completed a review of the status of the shortnose sturgeon and the Mediterranean monk seal, as required by the Endangered Species Act of 1973 (ESA). Based on these reviews, NMFS may propose changes in the listing status of the shortnose sturgeon. The status reviews are available on request.

**ADDRESS:** Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235.

**FOR FURTHER INFORMATION CONTACT:** Margaret C. Lorenz (Protected Species Division), (202) 673-5349, or Douglas Beach (NMFS Northeast Region, Management Division), (617) 281-3600 Ex. 254.

**SUPPLEMENTARY INFORMATION:** The ESA is administered jointly by the Fish and Wildlife Service (FWS), Department of the Interior, and NMFS, Department of Commerce. NMFS has jurisdiction over most marine species and makes determinations under section 4(a) of the

ESA as to whether the species should be listed as endangered or threatened. FWS maintains and publishes the List of Endangered and Threatened Wildlife (List) in 50 CFR Part 17 for all species determined as endangered or threatened.

Section 4(c)(2) of the ESA requires that a review of species on the List be made every five years to determine whether any should be (1) removed from the List; (2) changed in status from endangered to threatened; or (3) changed in status from threatened to endangered.

NMFS believes there is sufficient information indicating that the shortnose sturgeon (*Acipenser brevirostrum* LeSueur 1818), which is listed as endangered throughout its range, is not currently in danger of extinction in the Connecticut, Delaware, Hudson, Kennebec and Saint John (Canada) river systems. Therefore, NMFS believes the following proposed changes are warranted. The shortnose sturgeon should be listed as threatened, rather than endangered, in the Delaware, Hudson, and Connecticut river systems and removed from the list in the Kennebec and Saint John river systems. Since there is not enough information concerning the past or present size in any other river system, NMFS believes it should continue to be listed as endangered throughout the remainder of its range.

NMFS is not recommending any changes for the Mediterranean monk seal (*Monachus monachus*) which is currently listed as endangered throughout its range. The abundance and distribution of this species continue to decline, and the available data indicates that the species is in danger of extinction throughout its range.

#### List of Subjects

##### 50 CFR Part 222

Administrative practice and procedures, Endangered and threatened wildlife, Exports, Fish, Imports, Marine mammals, Reporting and recordkeeping requirements.

##### 50 CFR Part 227

Endangered and threatened wildlife, Exports, Fish, Fisheries, Imports.

Dated: April 7, 1987.

Nancy Foster,  
Director, Office of Protected Species and  
Habitat Conservation, National Marine  
Fisheries Service.

[FR Doc. 87-8154 Filed 4-13-87; 8:45 am]

BILLING CODE 3510-22-M

# Notices

Federal Register

Vol. 52, No. 71

Tuesday, April 14, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### Food Stamp Program; Electronic Benefit Transfer Alternative Issuance Demonstration Project

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Amended General Notice.

**SUMMARY:** The Department is hereby amending its General Notice for the Electronic Benefit Transfer (EBT) Alternative Issuance Demonstration Project in Reading, Pennsylvania to extend project operations for one year. During this extension period, the Pennsylvania State agency will administer the EBT system on the State's own hardware. The conversion from earlier pilot equipment is being combined with certain operational enhancements and is expected to produce cost efficiencies. Based on the results of this extension, the EBT service population may be expanded to include all Berks County Food Stamp Program (FSP) participants.

The continuing project is being conducted under the research, demonstration and evaluation authority of section 17 of the 1977 Food Stamp Act, as amended.

**EFFECTIVE DATE:** April 14, 1987

**FOR FURTHER INFORMATION CONTACT:** Mrs. Patricia Warner, Chief, Administration and Design Branch, Program Development Division; Family Nutrition Programs; Food and Nutrition Service, USDA; Alexandria, Virginia 22302, telephone (703) 756-3383.

**SUPPLEMENTARY INFORMATION:**

#### Executive Order 12291

This Notice has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1521-1, and has been classified "not major." The Notice will not have an annual effect on the

economy of \$100 million or more, nor is it likely to result in a major increase in costs or prices for consumers; individual industries; Federal, State or local government agencies; or geographic regions. Because this Notice will not have a major effect on the business community, it will not result in significant adverse effects on competition, employment, investment, productivity, or innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10551. For the reasons set forth in the final rule and related Notice to 7 CFR Part 3015, Subpart V (48 FR 29115), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

#### Regulatory Flexibility Act

This Notice has also been reviewed with regard to the requirements of the Regulatory Flexibility Act, Pub. L. 96-354. S. Anna Kondratas, Acting Administrator of the Food and Nutrition Service (FNS), has certified that this action will not have a significant economic impact on a substantial number of small entities because it will be conducted in a limited area. The State and local welfare agencies will be affected to the extent that they are involved in administering this alternative system. Food retailers and banks will be affected to the extent that they agree to participate. Individuals participating in the Food Stamp Program and living within the Reading, Pennsylvania demonstration project area in Berks County, will be affected to the extent that they will continue using a new benefit issuance instrument and continue to be subject to the new issuance procedures. Individuals participating in the FSP and living in Berks County outside the existing demonstration project area who have been receiving their benefits in the form of food coupons, may be introduced to the new benefit issuance procedures if the decision is made to expand the project. At that time, additional food

retailers may participate in this alternative system.

#### Paperwork Reduction Act

This Notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

#### Comments

This Notice provides for a further one year extension and a modest expansion of a current operating system without any significant changes to the demonstration's operating procedures. (The enhancements and the potential expansion beyond the Reading, Pennsylvania, pilot area throughout Berks County, are described later in this Notice.) Consequently, comments are not being requested and the provisions of this Notice will be effective upon publication.

#### Background

On July 8, 1983, the Department of Agriculture published a General Notice in the Federal Register (48 FR 31431) which, in accordance with 7 CFR 282.5, established the specific operational procedures and explained the basis and purpose for the Alternative Issuance Demonstration Projects, including the EBT demonstration. On August 21, 1984, the Department published an Amended General Notice in the Federal Register (48 FR 33152) which provided additional details on the operational procedures of the project.

#### The Original Demonstration Project

Implementation of the EBT system began in October 1984. Following the phase-in of participating recipients, the system became fully operational in February 1985. USDA contracted with Planning Research Corporation (PRC) of McLean, Virginia for the administration of EBT system operations through December 1985.

Reaction to the system by the different groups participating in the demonstration has been favorable. Recipients have had few problems using the system. Retailers and banks have expressed their pleasure regarding the time and effort saved by not having to process coupons. While there were some system problems during the test which raised concern by all parties, system improvements were implemented to



minimize the chance for problem recurrence and to satisfy the retailers and recipients. Further enhancements were not viewed as appropriate by the Department during this initial phase because of the limited time available.

Like most demonstrations, the Reading EBT test answers some questions while leaving others unresolved. Most importantly, it shows that the requisite technological and human factors can be put together to make an Electronic Benefit Transfer system operate effectively in the Food Stamp Program. A small-caseload test, however, cannot be expected to produce definitive answers.

The final evaluation report for the initial period of EBT operations is scheduled for publication in the Spring of 1987.

#### **The Extended Demonstration Project**

In consultation with the State of Pennsylvania, the Department decided to extend demonstration project operations. On December 30, 1985, the Department published an Amended General Notice in the *Federal Register* (50 FR 53170) to extend the project for 15 additional months. During this phase, the operating procedures remained as published in the August 1984 Amended General Notice except that the EBT Center was operational 24 hours per day instead of the 18 hours stated in the Notice. An evaluation of the EBT demonstration continued through the extension period. The purpose of the extended EBT demonstration project evaluation is to obtain data that will facilitate Departmental oversight, guide other State or Federal EBT initiatives, and provide recommendations to management of the EBT system. Included in the more specific objectives are data on administrative costs, system security, and impact on EBT users.

For the first three months of the extended demonstration, PRC continued to operate the EBT system under contract with the Pennsylvania State agency. Subsequent to this period, Pennsylvania assumed responsibility for operating the EBT system and moved the EBT equipment and EBT Center operations to their own offices in Harrisburg, Pennsylvania. During the second phase, all operations were coordinated by State personnel in Harrisburg. The State's operation of the EBT Demonstration Project is governed by an amendment to the State Plan of Operation. In this amendment the State agreed to maintain the EBT system performance at a level which met or exceeded the pre-existing acceptable levels of performance, with no degradation of system operations or

performance, and to include a back-up system which provided continuous processing to minimize system down time and manual processing.

An evaluation of the EBT demonstration is continuing through the extension period. The purpose of the extended EBT demonstration project evaluation is to obtain data that will facilitate Departmental oversight, guide other State or Federal EBT initiatives, and provide recommendations to management of the EBT system. Included in the more specific objectives are to obtain data on administrative costs, system security, and impact on EBT users.

#### **Current Action**

This extension will allow the extended EBT demonstration to continue to operate under demonstration project authority, providing that certain assurance made to this Department under the State's FSP Plan of Operations are met by the ongoing EBT system, and with the caveat that the Department may determine that continued operation is no longer in the interest of the government. Suspension or termination of the project by the Department will not be made without reasonable notice to the State, to insure no disruption of benefits to FSP participants due to a change in the form of benefit issuance. Such suspension or termination, if undertaken by the Department, would be performed in accordance with Attachment L of OMB Circular A-102 where applicable. Alternatively, it can be foreseen that the success of this demonstration may lead to the use of EBT systems under normal FSP operating authority.

System enhancements which will accompany the extension will for the most part be transparent to users. The changes will improve internal systems accountability and cost performance. One exception for clients is the additional ability to make a voice and data call for an account balance inquiry by touch tone phone. This Sperry Voice Information System can also be used by retailers for daily deposit inquiries, and internal systems reporting. The account information in the computer is translated to voice communication heard on the phone. In another change, retailers will be able to obtain balances for individual cash registers at various times during the day in addition to "end-of-day" deposit figures. The back-up system for continuous processing will result in less system down time and resulting inconveniences to clients and retailers.

If the Department allows expansion of the EBT service population, it would

occur in two steps, beginning with the addition of approximately 500 households who are residents of a public housing project adjacent to the demonstration area. The second step will be broadening the base of retailer participation to include all of Berks County and approximately 1,500 additional FSP households. To receive the Department's authorization of an expansion, the State would submit an implementation plan to FNS. The plan would include the State's provisions to notify retailers of the impact of EBT on their operations and to invite retailer comments. The State would report on these comments to the Department. The plan would also include Notices to clients and training to familiarize new users with the EBT system operating procedures. The current hotline for information would be maintained to respond to client questions.

Performance standards for this extension are negotiated by the Department with the State to reflect expected improvements in performance. These standards are in the areas of: transaction time at check-out counters; processing time and timelines for batch jobs; system accessibility/reliability; maintaining accurate accounts; and system security and accuracy of executing system operations.

FNS liability shall be limited to liability under current FSP Statutes, Regulations and Procedures. The State is strictly liable for issuances of benefits through this project in excess of amounts authorized to be issued through the certification process, and as set forth in 7 CFR Part 276.

Dated: April 9, 1987.

S. Anna Kondratas,

*Acting Administrator.*

[FR Doc. 87-8283 Filed 4-13-87; 8:45 am]

BILLING CODE 3410-30-M

#### **Forest Service**

##### **Recreation Residence Authorizations; Proposed Policy**

**AGENCY:** Forest Service, USDA.

**ACTION:** Extension of public comment period.

**SUMMARY:** On January 2, 1987 at 52 FR 206, the Forest Service published a proposal to revise policies and procedures for administering special-use permits that authorize privately-owned recreation residences on National Forest System lands. The public comment period was to expire on April 2. The leadership of the Homeowners Division of the National Forest Recreation

Association, the National Inholders Association, and others have requested an extension to ensure that recreation residence and cabin permittees have sufficient time to adequately review and comment on this matter. In response, the Forest Service is extending the public comment period until May, 2.

**DATE:** Public comments must be received on or before May 2, 1987

**ADDRESS:** Send written comments to F Dale Robertson, Chief (2720), Forest Service USDA, P.O. Box 96090, Washington, DC 20090-6090.

**FOR FURTHER INFORMATION CONTACT:** Ruben Williams, Lands Staff, Forest Service, (703) 235-2253.

Dated: April 7, 1987.

F. Dale Robertson,  
Chief.

[FR Doc. 87-8247 Filed 4-13-87; 8:45 am]  
BILLING CODE 3410-11-M

## DEPARTMENT OF COMMERCE

### Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**Agency:** Bureau of the Census.

**Title:** School Enrollment Report.

**Form number:** Agency—P-3, P-4; OMB—0607-0459.

**Type of request:** Revision of a currently approved collection.

**Burden:** 110 respondents; 55 reporting hours.

**Needs and uses:** This survey will collect enrollment information for preparation of state population estimates. Enrollment data are used in two of the three estimating methods employed by Census, making collection of the information critical to the program's success.

**Affected public:** State or local governments, non-profit institutions.

**Frequency:** Annually.

**Respondent's obligation:** Voluntary.

**OMB desk officer:** John Griffin, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Griffin, OMB Desk Officer, Room

3228 New Executive Officer Building, Washington, DC. 20503.

Dated: April 7, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87-8308 Filed 4-13-87; 8:45 am]

BILLING CODE 3510-07-M

## International Trade Administration

### Computer Systems Technical Advisory Committee; Closed Meeting

A meeting of the Computer Systems Technical Advisory Committee will be held May 1, 1987 9:30 a.m., the Herbert C. Hoover Building, Room B841, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to computer systems or technology.

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202-377-4217

For further information contact Betty Ferrell at 202-377-2583.

Dated: April 9, 1987

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology & Policy Analysis.

[FR Doc. 87-8298 Filed 4-13-87; 8:45 am]

BILLING CODE 3510-DT-M

### Licensing Procedures and Regulations Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

A meeting of the Licensing Procedures and Regulations Subcommittee of the Computer Systems Technical Advisory Committee will be held April 30, 1987 1:00 p.m., in the Herbert C. Hoover Building, Room 1414, 14th Street & Constitution Avenue, NW., Washington, DC. The Licensing Procedures and Regulations Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

#### Agenda

1. Opening remarks by the Chairperson.
2. Presentation of papers or comments by the public.
3. Discussion of new and revised export licenses; G-CEU, G-CG, etc.
4. Status report on Automation process.
5. Requests for input from exporters on the use of licenses.
6. Review of draft of Export Licensing forms.
7. New Business.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

For further information or copies of the minutes, call Betty Ferrell at 202/377-2583.

Dated: April 9, 1987.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 87-8299 Filed 4-13-87; 8:45 am]

BILLING CODE 3510-DT-M

### Transportation and Related Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Transportation and Related Equipment Technical Advisory Committee will be held May 5, 1987 at 9:30 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue NW., Washington, DC.

The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to transportation and related equipment or technology.

#### Agenda:

1. Opening remarks by the Chairman.

2. Election of Chairman.
3. Technical Advisory Committee Membership.
4. 1987 Plan.
5. Presentation of papers or comments by the public.
6. New Business.

**Executive Session:**

7 Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 30, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5 (c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: (202) 377-4217. For further information or copies of the minutes call Ruth D. Fitts, 202-377-4959.

Dated: April 9, 1987.

Margaret A. Cornejo,  
Director, Technical Support Staff, Office of  
Technology and Policy Analysis.

[FR Doc. 87-8300 Filed 4-13-87; 8:45 am]

BILLING CODE 3510-DT-M

## National Oceanic and Atmospheric Administration

### Marine Mammals; Issuance of Permit; National Zoological Park, Smithsonian Institution

On February 2, 1987 notice was published in the *Federal Register* (52 FR 5326) that an application had been filed by the National Zoological Park, Smithsonian Institution, for a permit to

take Hawaiian monk seals (*Monachus schauinslandi*) for scientific research and to enhance the propagation and survival of the species.

Notice is hereby given that on April 3, 1987 as authorized by the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this Permit; and (3) will be consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with and is subject to Parts 220-222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

This permit is available for review in the following offices:

Assistant Administrator for Fisheries,  
1825 Connecticut Avenue NW., Room  
805, Washington, DC; 20235 and  
Director, Southwest Region, National  
Marine Fisheries Service, 300 S. Ferry  
Street, Terminal Island, California  
90731-7415.

Dated: April 8, 1987.

Dr. Nancy Foster,  
Director, Office of Protected Species and  
Habitat Conservation, National Marine  
Fisheries Service.

[FR Doc. 87-8248 Filed 4-13-87; 8:45 am]

BILLING CODE 3510-22-M

[Docket No. 70221-7021]

### National Fish and Seafood Promotional Council; Request for Nominations

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

**ACTION:** Notice of reopening of request for Council nominations.

**SUMMARY:** The Fish and Seafood Promotion Act of 1986 creates a fifteen (15) member National Fish and Seafood Promotional Council. The National Council will develop annual plans and budgets for generic marketing and promotion of fisheries products, including consumer education, research, and other appropriate activities. Members of the Council are to be appointed by the Secretary of Commerce. NOAA issued a notice (52

FR 4926, February 18, 1987) for all interested parties to submit the names of nominees with biographical data. This notice reopens that request for nominations.

**EFFECTIVE DATE:** Nominations and biographical information should be submitted to the Director, Office of Industry Services, National Marine Fisheries Service, Washington, DC 20235, by April 28, 1987

**FOR FURTHER INFORMATION CONTACT:** Phyllis S. Bentz, Office of Industry Services, National Marine Fisheries Service, Washington, DC 20235. Telephone: (202) 673-5497

Dated: April 9, 1987.

Carmen J. Blondin,  
Acting Director, Office of Industry Services.  
[FR Doc. 87-8301 Filed 4-13-87; 8:45 am]

BILLING CODE 3510-22-M

## Patent and Trademark Office

### Electronic Data Dissemination Policies and Guidelines; Withdrawal of Notice

**AGENCY:** Patent and Trademark Office, Commerce.

**ACTION:** Withdrawal of notice.

**SUMMARY:** The Patent and Trademark Office of the Department of Commerce hereby withdraws the notice entitled "Electronic Data Dissemination Policies and Guidelines," published at 52 FR 9526 on March 25, 1987

**FOR FURTHER INFORMATION CONTACT:** Bradford R. Huther by telephone at (703) 557-1572 or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

The notice entitled "Electronic Data Dissemination Policies and Guidelines," published by the Patent and Trademark Office at 52 FR 9526 on March 25, 1987 is hereby withdrawn.

Dated: April 9, 1987

Donald J. Quigg,  
Assistant Secretary and Commissioner of  
Patents and Trademarks.

[FR Doc. 87-8260 Filed 4-13-87; 8:45 am]

BILLING CODE 3510-16-M

## COMMISSION ON MERCHANT MARINE AND DEFENSE

### Meeting

**Summary:** The Commission on Merchant Marine and Defense was established by Pub. L. 98-525 (as amended), and the Commission was constituted in December 1986. The Commission's mandate is to study and

report on problems relating to transportation of cargo and personnel for national defense purposes in time of war or national emergency, the capability of the Merchant Marine to meet the need for such transportation, and the adequacy of the shipbuilding mobilization base to support naval and merchant ship construction. In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the Commission announces the following meeting:

**Dates and times:** Monday, May 18, 1987. Beginning 2:00 p.m.

**Place:** Center for Naval Analyses Auditorium, First Floor, 4401 Ford Avenue, Alexandria, Virginia.

**Type of meeting:** Open.

**Contact person:** Allan W. Cameron, Executive Director, Commission on Merchant Marine and Defense, Suite 520, 4401 Ford Avenue, Alexandria, Virginia 22301-0268.

**Purpose of meeting:** To receive and consider statements on the perspective of shipyards and the shipyard industry on the problem of constructing, repairing, and maintaining adequate shipping to support the defense needs of the United States, and of sustaining a shipyard mobilization base sufficient to support defense needs. Individuals or organizations desiring to present oral testimony at the hearing must notify the Executive Director in writing by May 6, 1987 and must provide 40 copies of written testimony no later than May 14. Witnesses will be allowed a maximum of 15 minutes to summarize their written testimony and will be asked to respond to questions from the Commissioners. Questions about the nature and content of testimony, scheduling, due dates, and related matters should be directed to Mr. Robert Nevel, Technical Director, at the Commission's office in writing or by telephone at (202) 758-0411.

**Supplementary information:** Other interested persons are invited to submit written statements about the shipyard industry and the shipping required to implement United States defense policy. Written statements should be received by the close of business on May 14, 1987. All written submissions will be made available for inspection by interested parties, and may be published as part of the Commission's proceedings. All submissions should be addressed to the Executive Director at the Commission's office in Alexandria, Virginia.

Allan W. Cameron,  
Executive Director, Commission on Merchant Marine and Defense.

[FR Doc. 87-8288 Filed 4-13-87; 8:45 am]

BILLING CODE 3820-01-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Defense Science Board Task Force on Security Subgroup on Technological and Operational Surprise

**ACTION:** Notice of advisory committee meetings.

**SUMMARY:** The Defense Science Board Task Force on Security Subgroup on Technological and Operational Surprise will meet in closed session on May 13-14 and June 23, 1987 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will evaluate the potential for technological and operational surprise in the U.S.-Soviet military competition.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c) (1) (1982), and that accordingly these meetings will be closed to the public.

April 9, 1987.

Patricia H. Means,  
OSD Federal Register Liaison Officer,  
Department of Defense.

[FR Doc. 87-8315 Filed 4-13-87; 8:45 am]

BILLING CODE 3810-01-M

### Department of the Army

#### Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB)

Dates of meeting: 7-8 May 1987

Times of meeting:

0900-1700 hours, 7 May 1987

0800-1700 hours, 8 May 1987

Place: Pentagon, Washington, DC.

Agenda: The Army Science Board Ad Hoc Subgroup for Ballistic Missile Defense Follow-On will meet for briefings and discussions on several topics to include Battle Management/Command, Control, and Communications; National Test Bed, and Countermeasures. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof,

and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 87-8289 Filed 4-13-87; 8:45 am]

BILLING CODE 3710-08-M

### DELAWARE RIVER BASIN COMMISSION

#### Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, April 22, 1987 beginning at 1:30 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey. The hearing will be part of the Commission's regular business meeting which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 11:00 a.m. at the same location.

The subjects of the hearing will be as follows:

*Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or section 3.8 of the Compact*

1. *Camden County Municipal Utilities Authority D-71-9 CP (Revision No. 3).* This application requests: (1) Revisions of the Comprehensive Plan by eliminating the proposed District II treatment plant and conveying all District II sewage to the District I plant for treatment; (2) an expansion of the District I plant service area to include Berlin Borough and Berlin Township, including portions that are in the Atlantic Basin. This represents a projected importation of approximately 1 million gallons per day (mgd) of sewage to the Delaware River Basin; and (3) a rerating of the existing Delaware No. 1 treatment facility from 38 mgd to 43 mgd, and to increase the ultimate planned capacity for the single plant from 75 to 80 mgd. The treatment plant is located in Camden City, Camden County, New Jersey and the effluent will continue to be discharged to the Delaware River in Water Quality Zone 3 at River Mile 97.93.

**2. North Wales Water Authority D-78-94 CP RENEWAL.** An application to renew the permitted withdrawal of ground water from existing Well No. 25 to supply water to the applicant's system. The 30-day withdrawal limit remains at 0.25 million gallons per day from Well No. 25. Well No. 25 is located 2,500 feet southeast of the intersection of Route 309 and Bethlehem Pike in Lower Gwynedd Township, Montgomery County, in the Ground Water Protected Area of Southeastern Pennsylvania.

**3. Borough of Dublin D-81-75 CP RENEWAL.** An application for the renewal of a ground water withdrawal project to supply up to 27,000 gallons per day (seven day average) from Well Nos. 1 and 2. Commission approval on December 12, 1984 was limited to two years. The application for renewal was received from the applicant on August 29, 1986 and supplemental information was received on December 16, 1986. The applicant requests that the total withdrawal from the two wells remain the same, but that the control pumping levels be modified. The project is located in Bucks County in the Ground Water Protected Area of Southeastern Pennsylvania.

**4. Herbert Barnes Well No. 1 and Pond D-86-66.** A ground water withdrawal project to augment surface water withdrawal from an existing pond. The water is to be used for golf course irrigation. During any 30-day period, the withdrawal from Well No. 1 shall not exceed 6.30 million gallons (mg) and the total water use from pond and well shall not exceed 27.9 mg. The well is located west-southwest of the intersection of Cold Springs Creamery Road and Durham Road (Route No. 413), in Buckingham Township, Bucks County, Pennsylvania. Future plans call for use of the well as a possible source of municipal water supply. The project is located in the Southeastern Pennsylvania Ground Water Protected Area.

**5. Mid-Atlantic Cannery Association D-86-83.** An application for approval of a ground water withdrawal project to supply up to 5.1 mg/30 days of water to the applicant's bottling and canning facility from existing Well Nos. 1, 2, and 3, not previously approved by the Commission. The project is located in Hamburg Borough, Berks County, Pennsylvania.

**6. Pfizer Pigments Inc. D-87-11.** An application to modify a 0.95 mgd industrial waste treatment plant located off Hackett Avenue in the City of Easton, Northampton County,

Pennsylvania. The facility treats wastewater from the applicant's pigment manufacturing process only. The applicant proposes to replace secondary settling ponds with dual media pressure filters. No increase of capacity is proposed. Treatment plant effluent will continue to be discharged to Bushkill Creek at River Mile 184.1-2.55 through the existing outfall.

**Revised Proposed Water Charging Contract for the Philadelphia Electric Company Limerick Generating Station.** Pursuant to the provisions of the Delaware River Basin Compact, DRBC Resolution No. 71-4 and section 5-3.2 of Resolution No. 74-6, a contract is proposed between the Delaware River Basin Commission (DRBC) and the Philadelphia Electric Company (PECO) to provide an annual minimum payment to the DRBC for the use of water withdrawn from the Schuylkill River and the East Branch of Perkiomen Creek for the consumptive and non-consumptive water use at the Limerick Generating Station in Pennsylvania. Based on comments received in connection with the original September 17, 1986 hearing on this contract, the proposal has been revised. This hearing continues that of September 17, 1986.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact David B. Everett concerning docket-related questions and Dr. Richard Tortoriello concerning the proposed PECO contract. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Susan M. Weisman,  
Secretary.

April 7, 1987

[FR Doc. 87-8302 Filed 4-13-87; 8:45 am]

BILLING CODE 6380-01-M

## DEPARTMENT OF ENERGY

### Wetlands Involvement Notification for Proposed Decontamination Research and Development Project Actions for Properties Located in Wayne, NJ

**AGENCY:** Department of Energy.

**ACTION:** Notice of Wetlands Involvement and Opportunity for Comment.

**SUMMARY:** The Department of Energy proposes to conduct decontamination research and development project actions involving removal and control of radioactively contaminated materials on

properties in Wayne, New Jersey, as initially authorized by Congress in the House-Senate Conference Report accompanying the Energy and Water Development Appropriations Act of 1984. Wayne lies in the northeast corner of New Jersey in the western portion of Wayne Township in Passaic County, approximately 36 km (22 miles) northwest of New York City. The project actions would involve the removal of approximately 10,000 yd<sup>3</sup> of slightly radioactively contaminated materials from Sheffield Brook, and a small portion of the Pompton River at its confluence with Sheffield Brook. These project actions are necessary to remove soil and sediments that contain radioactive contamination that exceeds the present Department of Energy guidelines. The radioactively contaminated material would be placed in interim storage on the property formerly owned by the W. R. Grace Company, located at 868 Black Oak Ridge Road, Wayne, New Jersey.

The Department of Energy is considering the following actions:

1. Removal of the radioactively contaminated materials from Sheffield Brook west of Farmingdale Road and the Pompton River at its confluence with Sheffield Brook, and

2. Interim storage of the contaminated material on the former W. R. Grace property (not in a wetlands area).

In accordance with the Department of Energy regulations for compliance with floodplain/wetlands environmental review requirements (10 CFR 1022), the Department of Energy is preparing a wetlands assessment. Further information is available from the Department of Energy at the address shown below. Public comment or suggestions regarding the proposed activities in this wetlands area are invited.

**DATE:** Any comments are due on or before April 29, 1987

**ADDRESS:** Written comments should be addressed to: James W. Wagoner II, Division of Facility and Site Decommissioning Projects (NE-23), Office of Remedial Action and Waste Technology, U.S. Department of Energy, Washington, DC, 20545.

Issued in Washington, DC on March 19, 1987.

A. David Rossin,  
Assistant Secretary for Nuclear Energy.

[FR Doc. 87-8253 Filed 4-13-87; 8:45 am]

BILLING CODE 6450-01-M



# Office of Fossil Energy; Coal Policy Committee of the National Coal Council

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Coal Policy Committee of the National Coal Council.

Date and time: Tuesday, May 5, 1987; 2:00 p.m. to 6: p.m.

Place: The Westin Hotel, at Fountain Square, Cincinnati, Ohio 45202.

Contact: Georgia A. Benjamin, U.S. Department of Energy, Office of Fossil Energy (FE-23), Washington, DC 20545, Telephone: 301/353-4718.

Purpose of the Parent Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to coal and coal industry issues.

Purpose of the meeting: For the Committee to discuss reports to be prepared by the National Coal Council with respect to requests from the Secretary of Energy for advice, information, and recommendations.

## Tentative Agenda:

- Call to Order by Gerald Blackmore, Chairman
- Adoption of Agenda
- Report and presentation of study results by work group chairmen and Executive Director; comments and discussion
- Discussion and decision on disposition of the reports
- Discussion of any other business properly brought before the Committee
- Public Comment—10 Minute Rule
- Adjournment

Public Participation: The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Georgia A. Benjamin at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on April 7, 1987:

J. Robert Franklin,

Deputy Advisory Committee, Management Officer.

[FR Doc. 87-8254 Filed 4-13-87; 8:45 am]

BILLING CODE 6450-01-M

# Federal Energy Regulatory Commission

[Docket Nos. ER87-358-000 et al.]  
Arkansas Power & Light Co. et al.

## Electric Rate and Corporate Regulation Filings

April 7, 1987.

Take notice that the following filings have been made with the Commission:

### 1. Arkansas Power & Light Company

[Docket No. ER87-358-000]

Take notice that on March 31, 1987, Arkansas Power and Light Company (APL) submitted for filing the Twelfth Amendment to the Power Coordination, Interchange and Transmission Service Agreement between APL and Arkansas Electric Cooperative Corporation (AECC). The amendment provides for an increase in capacity at seven delivery points, the transfer of capacity at two delivery points and the modification of effective delivery dates for five points of delivery.

APL requests that the Commission waive any requirements with which APL has not already complied.

*Comment date:* April 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

### 2. Boston Edison Company

[Docket No. ER87-361-000]

Take notice that on April 1, Boston Edison Company (Edison) tendered for filing a supplemental Exhibit A to a Service Agreement for Braintree Electric Light Department (Braintree), under its FERC Electric Tariff, Original Volume No. III, Non-Firm Transmission Service (the Tariff). The Exhibit A specifies the amount and duration of transmission service required by Braintree under the Tariff.

Edison requests waiver of the Commission's notice requirements to permit the Exhibit A to become effective as of the commencement date of the transaction to which it relates, March 5, 1987.

Edison states that it has served the filing on Braintree Electric Light Department and the Massachusetts Department of Public Utilities.

*Comment date:* April 21, 1987 in accordance with Standard Paragraph E at the end of this document.

### 3. The Cincinnati Gas & Electric Company

[Docket No. ER87-62-000]

Take notice that on March 30, 1987, The Cincinnati Gas & Electric Company (the Company) tendered for filing an amendment to the change in the

Company's FERC Electric Tariff, first revised Volume No. 1, Rider F-Fuel Cost Adjustment, Docket No. ER87-62-000.

*Comment date:* April 21, 1987 in accordance with Standard Paragraph E at the end of this notice.

### 4. MSU System Services, Inc.

[Docket No. ER87-55-000]

Take notice the MSU System Services, Inc. ("SSI"), formerly Middle South Services, Inc. ("MSS"), as agent for Arkansas Power & Light Company ("AP&L"), Louisiana Power & Light Company ("LP&L"), Mississippi Power & Light Company ("MP&L") and New Orleans Public Service Inc. ("NOPSI"), on February 20, 1987 tendered for filing an Amendment to a Letter Agreement between SSI and Oklahoma Gas and Electric Company, revised to incorporate pricing provisions on energy purchased for resale which comply with Section 35.23 of the Commission's regulations.

SSI requests an effective date of January 1, 1987 for the Amendment and for the Letter Agreement previously filed in Docket No. ER87-55-000. SSI requests waiver of the Commission's notice requirements under Section 35.11 of the Commission's Regulations.

*Comment date:* April 21, 1987 in accordance with Standard Paragraph E at the end of this notice.

### 5. Northern States Power Company, Wisconsin

[Docket No. ER87-359-000]

Take notice that on March 31, 1987 Northern States Power Company, Wisconsin filed tariff changes decreasing its rates for wholesale service by \$405,000 on an annual basis. The Company requests waiver of the prior notice requirements and an effective date of April 1, 1987.

*Comment date:* April 21, 1987 in accordance with Standard Paragraph E at the end of this notice.

### 6. SEMASS Partnership

[Docket No. ER87-357-000]

Take notice that on March 30, 1987, SEMASS Partnership (SEMASS), a qualifying small power production facility, tendered for filing as an initial rate schedule an executed Power Sale Agreement (Agreement) between SEMASS and Commonwealth Electric Company (CEC) for a unit sale of capacity and energy from a solid waste resource recovery and electric generating facility to be located at Rochester, Massachusetts (the "Facility"). SEMASS is subject to the Commission's ratemaking jurisdiction

because its power production capacity is in excess of 30 megawatts. SEMASS also requests waiver of the Commission's regulations requiring that rate schedules be submitted no more than 120 days before the rates are to become effective, the submission of cost-of-service data, accounting practices, adjustment and certification of accounts and reports, and other full filing requirements not applicable to qualifying facilities.

The proposed initial rate as set forth in the Agreement is established in four phases: a test power phase, a first-to-third year phase, a third-to-eighteenth year phase, and a post-eighteenth year phase. The negotiated rate in each phase is either a formula based on CEC's avoided costs of fuel and energy, a fixed rate, or the greater of the amounts under the fixed rate or formula.

Copies of the instant filing have been served upon CEC and the Massachusetts Department of Public Utilities.

*Comment date:* April 21, 1987 in accordance with Standard Paragraph E at the end of this notice.

#### 7. Sycamore Cogeneration Company

[Docket No. EL87-27-000]

Take notice that on March 31, 1987 Sycamore Cogeneration Company (Sycamore) tendered for filing its Petition For a Declaratory Order that certain interconnection equipment which Sycamore proposes to own and operate as a component of its Sycamore Cogeneration Facility is part of the qualifying facility certified on April 18, 1986 by the Commission in Docket No. QF83-51-000.

*Comment date:* April 21, 1987 in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. 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. 87-8261 Filed 4-13-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER87-334-000 et al.]

#### Electric Rate and Corporate Regulation Filings; Bangor Hydro-Electric Company et al.

April 6, 1987.

Take notice that the following filings have been made with the Commission:

##### 1. Bangor Hydro-Electric Company

[Docket No. ER87-334-000]

Take notice that the Bangor Hydro-Electric Company ("BHE") on March 26, 1987 tendered an amendment to its filing for an initial rate schedule, a Unit Exchange and Energy Banking Agreement ("Agreement") dated as of December 23, 1986 among BHE, Boston Edison Company ("BECO"), and Down East Peat, L.P. ("DEP"). For administering the Agreement, BHE would receive approximately \$48,000 per year.

Under the Agreement, beginning on or after the commencement date of operation of the DEP Qualifying Facility located in Deblois, Maine, BHE will mitigate the risks to DEP or revenue interruptions in DEP's power sales contract with BECO, which interruptions or other cost penalties may otherwise result from transmission constraints on the north-south transmission path between DEP's qualifying small power production facility in Deblois, Maine and BECO. Copies of the filing have been served upon BECO and DEP.

*Comment date:* April 20, 1987 in accordance with Standard Paragraph E at the end of this notice.

##### 2. APS GROUP-PJM GROUP Interconnection Agreement

[Docket No. ER87-338-000]

(West Penn Power Company, The Potomac Edison Company, Monongahela Power Company, (Above referred to collectively as the APS Group)).

(Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power and Light Company, Baltimore Gas and Electric Company, Jersey Central Power and Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Potomac Electric Company, Atlantic City Electric Company, Delmarva

Power and Light Company, (Above referred to collectively as the PJM Group)).

Take notice that on March 24, 1987 the Office of the Pennsylvania-New Jersey-Maryland (PJM) Interconnection filed, on behalf of the above listed parties to the APS-PJM Agreement, that Agreement consisting of the original agreement dated April 26, 1965, all supplemental agreements thereto, all schedules thereto currently in effect except Schedule 7.05, and Schedule 7.06 superseding Schedule 7.05 currently in effect.

The purpose of this filing is to supersede the current rate schedule designations for the individual parties of the PJM Group listed above with a single rate schedule designation for the PJM Group and to modify the Short Term Power Schedule as set forth in Schedule 7.06. The parties have requested an effective date of March 30, 1987 for the new rate schedule designation and Schedule 7.06.

The modification to the Short Term Power Schedule include the provision for daily as well as weekly reservation; ceiling charges and adders for power generated by either party provided the total cost of services supplied is not less than 110% of the total out-of-pocket cost of supplying the Short Term Energy; ceiling charges and adders for power transmitted by PJM for others, and reduction in charges when transmission system constraints, unforeseen when the reservation was made, result in curtailment of Short Term Energy deliveries.

*Comment date:* April 20, 1987 in accordance with Standard Paragraph E at the end of this notice.

##### 3. The Connecticut Light and Power Company

[Docket No. ER87-341-000]

Take notice that on March 25, 1987 the Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule pertaining to a sales agreement (Sales Agreement) with Respect to Montville and Middletown Units between CL&P and Massachusetts Municipal Wholesale Electric Company (MMWEC) dated as of July 1, 1986.

CL&P states that the rate schedule provides for a sale to MMWEC of capacity and energy from CL&P's Montville Units Nos. 5 and 6 and Middletown Units Nos. 2, 3, and 4 (the Units) during the period November 1, 1986 to October 31, 1992, together with related transmission service.

CL&P requests that the Commission permit the rate schedule filed to become effective as of November 1, 1986.

CL&P states that the capacity charge rate for the first twenty-four months for the proposed service is a negotiated rate, based on the market price for this capacity, and less than the cost-of-service rate. The capacity charge for the remainder of the term is determined on a cost-of-service basis at the time that the Sales Agreement was executed. The monthly transmission charge rate is equal to one-twelfth of the annual average cost of transmission service on the transmission systems of CL&P and its affiliated Northeast Utilities companies at the time that the Sales Agreement was executed and is determined in accordance with section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthly Transmission Charge is determined by the product of (i) the appropriate monthly transmission charge rate (\$/kW-Month) and (ii) the number of kilowatts of winter capability which MMWEC is entitled to receive during such month. This charge is reduced to give due recognition of the payment made by MMWEC to intervening systems providing transmission service over Pool Transmission Facilities for the delivery of the purchase provided under the Sales Agreement. The Energy Charge and the Station Service Energy Charge are based on MMWEC's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive these charges.

CL&P states that the services to be provided under the Sales Agreement are similar to the services provided by CL&P pursuant to purchase agreements with UNITIL Power Corporation (FERC Rate Schedule No. CL&P 358), and with Boston Edison Company (FERC Rate Schedule No. CL&P 369).

CL&P states that a copy of this filing has been mailed to MMWEC, Ludlow, MA.

CL&P further states that the filing is in accordance with Part 35 of the Commission's Regulations.

*Comment date:* April 20, 1987 in accordance with Standard Paragraph E at the end of this notice.

#### 4. Consumers Power Company

[Docket No. ER87-343-000]

Take notice that Consumers Power Company (Consumers Power) on March 26, 1987 tendered for filing a Letter Agreement dated December 23, 1986 between Consumers Power and Commonwealth Edison Company

(Commonwealth) which redetermines the fixed charge factor applicable to transactions under the "Agreement for Sale of Portion of Generating Capability of Ludington Pumped Storage Plant by Consumers Power Company to Commonwealth Edison Company," dated June 1, 1971 as amended through Amendment No. 3 date July 1, 1985 (Agreement), denoted Consumers Power Company Rate Schedule FPC (now FERC) No. 28. Consumers Power states that the fixed charge factor was redetermined pursuant to the terms of the Agreement and does not amend the Agreement.

Consumers Power States that the Letter Agreement reduces the fixed charge factor from 14.582% to 13.527% on and after January 1, 1987. Consumers Power states that the Tax Reform Act of 1986, effective January 1, 1987 reduces the effective corporate income tax rate from 46% to 40%; the effect of this was a reduction of 1.045% in the fixed charge factor.

Consumers Power states the fixed charge factor is subject to further redeterminations during the term of the agreement in accordance with section 4.2 thereof.

Consumers Power states that copies of the filing were served on Commonwealth, The Detroit Edison Company and on the Michigan Public Service Commission.

Consumers Power requests waiver of the notice requirements to permit an effective date of January 1, 1987 for the 13.537% fixed charge rate.

*Comment date:* April 20, 1987 in accordance with Standard Paragraph E at the end of this notice.

#### 5. Idaho Power Company

[Docket No. ER87-346-000]

Take notice that on March 27 1987 Idaho Power Company (Idaho Power) of Boise, Idaho, submitted for filing as an initial rate schedule, the following Agreements, which have been executed by Idaho Power and Utah Power & Light Company (Utah Power):

Agreement for Interconnection and Transmission Services, Dated March 19, 1982

Amendment No. 1 to the Agreement for Interconnection and Transmission Services, Idaho Power Company-Utah Power & Light Company, Dated August 17 1982

The March 19, 1982 Agreement establishes an additional point of interconnection between Utah Power and Idaho Power at Idaho Power's Borah Substation in Idaho, provided for construction of certain transmission and switchyard facilities and defined

ownership of facilities, and provides Utah Power certain wheeling rights.

The August 17 1982 Amendment redefined ownership of certain interconnection facilities.

Idaho Power states that the filing includes an amendment to Exhibit A of the March 19, 1982 Agreement which removes the automatic rate of return adjustment provisions in compliance with current Commission policy.

Idaho Power requests that the requirements of prior notice be waived for an effective date of March 19, 1982.

Idaho Power states that it has served copies of its filing on Utah Power and on the public utilities commissions of the states of Idaho, Utah and Wyoming.

*Comment date:* April 20, 1987 in accordance with Standard Paragraph E at the end of this notice.

#### 6. Idaho Power Company

[Docket No. ER87-347-000]

Take notice that on March 27 1987 Idaho Power Company (Idaho Power) of Boise, Idaho, submitted for filing as an initial rate schedule, the following Agreements, which have been executed by Idaho Power and Sierra Pacific Power Company (Sierra Pacific):

Idaho Power Company, Sierra Pacific Power Company, Interconnection Agreement, Dated September 1, 1976  
Idaho Power Company, Sierra Pacific Power Company Interconnection and Transmission Services Agreement, Dated May 29, 1981

The September 1, 1976 Agreement was to provide for an interconnecting transmission line between the Idaho Power and Sierra Pacific systems over which sales, exchanges and other transfer of power and energy and to provide for transmission capacity in Idaho Power's system for certain firm purchases of power and energy by Sierra Pacific from Utah Power & Light Company. However, the anticipated transmission line was never constructed, and the September 1, 1976 Agreement was cancelled and superseded by the Interconnection and Transmission Services Agreement dated May 29, 1981. No charges or services were made or provided under the September 1, 1976 Agreement.

The May 29, 1981 Agreement provides for an interconnecting transmission line between the Idaho Power and Sierra Pacific systems over which Idaho Power's share of the Valmy Project in northern Nevada may be transmitted and other transfers of power and energy may be made as the parties may hereafter agree, and to provide for transmission capacity in Idaho Power's

system for those purchases of power and energy by Sierra Pacific from Utah Power & Light Company referred to in the May 29, 1981 agreement.

Idaho Power states that the filing includes an amendment to Paragraph 5.5A.3 of the May 29, 1981 Agreement which removes the automatic rate of return adjustment provisions in compliance with current Commission policy.

Idaho Power requests that the requirements of prior notice be waived for an effective date of May 29, 1980, the date of commercial operation of the Interconnecting Line and of the date of the initial charges by Idaho Power under the May 29, 1981 Agreement.

Idaho Power states that it has served copies of its filing on Sierra Pacific and on the public utilities commissions of the states of Idaho, Nevada, California and Oregon.

*Comment date:* April 20, 1987, in accordance with Standard Paragraph E at the end of this notice.

#### 7. Mississippi Power Company

[Docket No. ER87-344-000]

Take notice the Mississippi Power Company ("MPC") on March 24, 1987 tendered for filing proposed changes as supplements to certain designated sheets of its FERC Electric Service Tariff Original Volume No. 1. No change in the level of rate in the existing tariff is involved. The supplements tendered for filing consist of changes in language made necessary because portions of the existing tariff specifically identify co-operative electric power associations as the parties to whom the tariff applies. The tendered supplements are for the purpose of making provisions of the existing tariff applicable to wholesale service to the City of Collins, Mississippi, the first municipality to be served at wholesale by MRC, and to delete, as to the City of Collins, certain tariff provisions relevant only to existing co-operative customers.

Copies of the filing were served upon MPC's jurisdictional customers and the Mississippi Public Service Commission.

*Comment date:* April 20, 1987 in accordance with Standard Paragraph E at the end of this notice.

#### 8. Portland General Electric Company

[Docket No. ER87-340-000]

Take notice that on March 24, 1987, Portland General Electric Company (PGE) tendered for filing its revised Average System Cost (ASC) which reflects PGE's Power Cost Adjustment (PCA) rate change which became

effective with meter readings on and after July 31, 1986. This filing includes a revised Schedule 4 to Appendix 1, exhibit C of the Residential Purchase and Sale Agreement along with the authorization of implement this rate change from the Public Utility Commission of Oregon.

PGE states that the filing shows that the third quarter PCA adjustment to the current base ASC is 1.90 mills/kWh credit, which when added with the base ASC results in a net ASC rate effective for this period.

*Comment date:* April 20, 1987, in accordance with Standard Paragraph E at the end of this document.

#### 9. Public Service Company of New Mexico

[Docket No. ER87-360-000]

Take notice that on March 31, 1987 Public Service Company of New Mexico (PNM) tendered for filing new service schedules to the PNM-Plains Electric Generation and Transmission Cooperative, Inc. (Plains) Master Interconnection Agreement, amendments to existing service schedules to the PNM-Plains Master Interconnection Agreement, amendment to the existing PNM-Plains Electric Service Agreement, and an amendment to an existing PNM-Texas-New Mexico Power Company (TNP) Interconnection Agreement. These agreements were entered into as a result of Principles of Transmission Service between PNM and Plains dated December 20, 1984, as modified by Restated Principles of Transmission Service between PNM and Plains dated September 15, 1986.

The reasons for the changes submitted are to modify the terms and conditions under which PNM has been providing transmission services to Plains related to Unit 1 of Plains' Escalante Generating Station; to set forth new terms and conditions by which PNM provides Plains with electric service and ancillary transmission service under the PNM-Plains Agreement for Electric Service; to modify certain PNM-TNP arrangements for the provision of service to Plains at the Hidalgo Switching Station; and to modify the terms and conditions under which Plains provides transmission service to PNM's Clayton Division.

Copies of the filing were served upon Plains, TNP and the New Mexico Public Service Commission.

*Comment date:* April 20, 1987, in accordance with Standard Paragraph E at the end of this notice.

#### 10. The Toledo Edison Company

[Docket No. ER87-336-000]

Take notice that on March 23, 1987, The Toledo Edison Company ("Toledo Edison") tendered for filing a Resale Service Rate Agreement effective as of October 1, 1986 between Toledo Edison and Southeastern Michigan Rural Electric Cooperative ("Southeastern Michigan").

Toledo Edison states that Southeastern Michigan presently purchases firm power up to its FERC Electric Tariff, Original Volume No. 1. Under the Resale Service Rate Agreement, Toledo Edison will sell to Southeastern Michigan all of the power and energy needed by Southeastern Michigan to serve its requirements.

Toledo Edison states that the rate set forth in the Resale Service Rate Agreement is a negotiated rate between Toledo Edison and Southeastern Michigan. The charges under the Resale Service Rate Agreement reflect an increase in the monthly minimum bill from 200 KVA to 700 KVA in the first three years of the Agreement. Based on the twelve months ending September 1986, Toledo Edison would have received \$22,471 less from Southeastern Michigan if service has been rendered under the FERC Electric Tariff. Toledo Edison also states that the Resale Service Rate Agreement will help Southeastern Michigan become competitive in its source of power.

Toledo Edison has requested waiver of certain provisions of the Commission's regulations in order to permit the Resale Service Rate Agreement to be made effective without suspension or modification on October 1, 1986.

*Comment date:* April 20, 1987 in accordance with Standard Paragraph E at the end of this notice.

#### 11. VEPCo-PJM Group Interconnection Agreement

[Docket No. ER87-348-000]

(Virginia Electric and Power Company, (referred to as VEPCo)).

(Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Potomac Electric Power Company, Atlantic City Electric Company, Delmarva Power & Light Company, (Above referred to collectively as the PJM Group)).

Take notice that on March 26, 1987

the Office of the Pennsylvania-New Jersey-Maryland (PJM) Interconnection filed, on behalf of the above listed parties to the VEPCo-PJM Agreement, the Agreement consisting of the original agreement dated September 30, 1965, all supplemental agreements thereto, all schedules thereto currently in effect except Schedule 7.04, and Schedule 7.05 superseding Schedule 7.04 currently in effect.

The purpose of this filing is to supersede the current rate schedule designations for the individual parties of the PJM Group listed above with a single rate schedule designation for the PJM Group and to modify the Short Term Power Schedule as set forth in Schedule 7.05. The parties have requested an effective date of March 30, 1987 for the new rate schedule designation and Schedule 7.05.

The modifications to the Short Term Power Schedule include the provision for daily as well as weekly reservations; ceiling charges and adders for power generated by either party provided the total cost of services supplied in not less than 110% of the total out-of-pocket cost of supplying the Short Term Energy; ceiling charges and adders for power transmitted by VEPCo for others; new fixed rates for power transmitted system constraints, unforeseen when the reservation was made, result in curtailment of Short Term Energy deliveries.

*Comment date:* April 20, 1987 in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraphs

E. 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, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. 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. 87-8259 Filed 4-13-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF87-337-000 et al.]

#### Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc., Albany Cogeneration Associates et al.

*Comment date:* Thirty days from publication in the Federal Register in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

##### 1. Albany Cogeneration Associates

[Docket No. QF87-337-000]

April 7, 1987

On March 25, 1987 Albany Cogeneration Associates (Applicant), of One City Square, 330 Broadway, Albany, New York 12207 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Albany County, New York. The facility will consist of two identical power/heat recovery trains, each consisting of a combustion turbine generating unit, a duct burner for supplementary firing and a heat recovery-heat exchanger for heating process hot water. Thermal energy recovered from the facility will be used for space and process heating. The electric power production capacity will be 8.8 MW. The primary energy source will be natural gas. Installation of the facility is scheduled to begin on May 1, 1987

##### 2. Chowchilla Biomass Power Plant Associates Limited Partnership

[Docket No. QF87-336-000]

On March 25, 1987 Chowchilla Biomass Power Plant Associates Limited Partnership (Applicant), of California Agricultural Power Company, Inc., General Partner, 1581 Cummins Drive, Suite 141-A, Modesto, California 95352, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Chowchilla, California and will consist of a waterwall steam generator and a steam turbine generator. The net electric power production capacity of the facility will be 8.8 MW. The primary source of energy will be biomass in the form of corn stalks, cotton stalks, and orchard prunings.

##### 3. Cogent Energy Company

[Docket No. QF86-523-001]

April 8, 1987

On March 25, 1987 Cogent Energy Company (Applicant), of Four Gateway Center, Pittsburgh, Pennsylvania 15222, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility was originally certified as a qualifying 196.4 MW cogeneration facility on July 3, 1986 (Docket No. QF86-523-000, 36 FERC ¶62,013 (1986)). The application for recertification requests that an extraction/condensing turbine generator be added to the facility and the qualifying net electric power production capacity for the facility be reduced from 196.4 MW to 190.2MW.

##### 4. Southwest Texas State University

[Docket No. QF87-341-000]

April 8, 1987

On March 27 1987 Southwest Texas State University (Applicant), of Texas State University, P.O. Box 1002, SWTSU Station, San Marcos, Texas 78666 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in San Marcos, Texas and will consist of a reciprocating engine generator and a heat recovery steam generator. The net electric power production capacity of the facility will be 5,925 kW. The primary source of energy will be natural gas. Construction of the facility will begin in September 1987

#### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. 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. 87-8257 Filed 4-13-87; 8:45 am]

BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-3185-5]

### Science Advisory Board, Environmental Effects, Transport and Fate Committee, Municipal Waste Combustion Review Subcommittee, Open Meeting

Under the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Municipal Waste Combustion Review Subcommittee of the Science Advisory Board's Environmental Effects, Transport and Fate Committee will convene for a two day meeting. The meeting will begin at 9:00 a.m. on April 30, 1987 in the Mayflower Room of the Bellevue Hotel, 505 Geary Street, San Francisco, California, and will adjourn at approximately 5:00 p.m. on May 1.

The purpose of the meeting is to continue with a review of a series of scientific issues related to municipal waste incineration. Three documents are currently in preparation by the Subcommittee, each addressing different topics related to municipal waste combustion. These documents respectively focus on: (1) a risk assessment methodology for municipal waste combustor emissions, (2) a summary of the state of technology and the scientific issues involved, and (3) a research plan for municipal waste combustion. The reviews are in various stages of completion, and various degrees of Subcommittee consensus have been attained. This meeting will achieve consensus, bring documents closer to completion, and thereby, will bring sharper focus to defining the scientific issues pertinent to municipal waste combustion.

The meeting is open to the public. Any member of the public wishing to attend, present information to the subcommittee, or obtain further information concerning the meeting should contact Ms. Janis Kurtz, Executive Secretary, or Mrs. Luthia Barbee, Staff Secretary, Environmental Effects, Transport and Fate Committee, Science Advisory Board (A-101F), U.S. EPA, 401 M Street, SW., Washington,

DC 20460, telephone: (202) 382-2552 or FTS 8-382-2552. Written comments will be accepted, and can be sent to Ms. Kurtz at the above address. Persons interested in making statements before the Committee must contact Ms. Kurtz at the above address no later than April 27, 1987 in order to be assured of space on the agenda.

Dated: April 7, 1987.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 87-8279 Filed 4-13-87; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3185-9]

### Science Advisory Board, Environmental Health Committee, Halogenated Organics Subcommittee, Open Meeting

#### Amended Notice: Correction in Location of the Meeting to Earlier Notice

Under Pub. L. 92-463, notice is hereby given that a one-day meeting of the Halogenated Organics Subcommittee of the Environmental Health Committee of the Science Advisory Board will be held on Monday, April 20, 1987 at the U.S. Environmental Protection Agency, Region 7 726 Minnesota Avenue, Kansas City, Kansas 66103. The meeting will start at 9:00 a.m. and adjourn no later than 5:00 p.m. The information supersedes an earlier notice in the *Federal Register* of March 31 (52 FR 10262) announcing a different location.

The principal purpose of the meeting will be to review the scientific adequacy of the Final Draft Criteria Document for Ortho-Dichlorobenzene, Meta-Dichlorobenzene, Para-Dichlorobenzene, February, 1987 prepared by the Criteria and Standards Division in the Office of Drinking Water, U.S. Environmental Protection Agency. To obtain copies of (or further information about) the draft document, write to Dr. Edward Ohanion, Criteria and Standards Division [WH-550D], U.S. EPA, 401 M Street, SW., Washington, DC 20460, or call (202) 382-7571.

The meeting will be open to the public. Any member of the public desiring to attend or to provide comments to the Subcommittee should contact either Dr. Terry F. Yosie, Director, Science Advisory Board or Mrs. Joanna Foellmer located at 401 Street, SW., Washington, DC 20460 or call (202) 382-4128 by c.o.b. April 16, 1987.

Dated: April 9, 1987

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 87-8280 Filed 4-13-87; 8:45 am]

BILLING CODE 6560-50-M

[OW-10-FRL-3185-7]

### General NPDES Permit for Concentrated Animal Feeding Operations in the State of Idaho

AGENCY: Environmental Protection  
Agency, Region 10.

ACTION: Notice of issuance of final  
general NPDES permits.

**SUMMARY:** On May 9, 1986 (51 FR 17236) EPA published notification of the proposed General NPDES Permit for concentrated animal feeding operations in Idaho. During the public comment period which ended September 30, 1986, EPA held four hearings and two workshops and received many letters of comment. All written comments and oral testimony received during the public comment period have been reviewed and considered in preparation of the final general permit.

**EFFECTIVE DATE:** This General NPDES Permit shall become effective May 14, 1987.

**FOR FURTHER INFORMATION CONTACT:** Karen Harder, U.S. Environmental Protection Agency, Region 10, Water Permits and Compliance Branch, WD-134, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 442-1669 or FTS 399-1669.

**SUPPLEMENTARY INFORMATION:** On May 9, 1986, EPA published a notice in the *Federal Register* of the availability of this general permit. During the public comment period which ended September 30, 1986, EPA held four hearings and two workshops. Over 130 letters of comment were received and more than 50 people presented oral testimony at the hearings.

Public hearings were held July 14-17, 1986, in Moscow, Boise, Twin Falls, and Pocatello, where numerous individuals presented oral comments. Comments received from the public prompted reconsideration of several proposed permit requirements. As a result, some tentative changes to the permit were made and presented at workshops held September 17 and 18, 1986, in Twin Falls and Boise.

All written comments and oral testimony received during the public comment period have been reviewed and considered in preparation of the final general permit. Several changes were made to the permit as a result of these

comments. The Agency's Response to Comments published below addresses all significant comments received and supplements the Fact Sheet which provides the basis for the general permit. The original Fact Sheet was published with the proposed general permit in the Federal Register (51 FR 17236, May 9, 1986) and is incorporated here by reference.

The final general permit is published below. The permit will become effective on May 14, 1987, and will have a term of five years.

#### Response to Comments

1. *Comments:* The permit improperly applies the guidelines (40 CFR Part 412) to smaller feedlots. Best professional judgment could have been used to support these standards for the smaller feedlots, but this was not the basis as is described in the Fact Sheet. The permit should therefore not cover such facilities.

*Response:* The Clean Water Act requires facilities that discharge pollutants to waters of the United States to have NPDES permits. Permit limits are based on nationally promulgated guidelines, treatment achievable using available technology, or specific water quality needs. Part IV.A.3.c. of the Fact Sheet explains this support for the permit:

Effluent limitations and requirements for all confined animal feeding operations (CAFOs) covered by this general permit are identical. They are supported by the promulgated guidelines (40 CFR 412.13), best management practices (BMPs), the water quality assessment, and other requirements.

More specifically, requirements concerning the retention of runoff from the 25-year 24-hour rainfall event and process generated wastewater by operations confining 1,000 or more animal units are based on the promulgated guidelines (40 CFR Part 412). The requirement for fences on operations of all sizes is based on Idaho Code Section 18-4301 which prohibits the discharge of filth or other materials or obstruction to the free flow of water.

Retention of snowmelt runoff for these same operations is based on the water quality and environmental assessments conducted for this permit. These studies discuss water quality problems associated with discharges resulting from snowmelt runoff, such as excess nutrients, fecal coliform bacteria, floating, suspended, or submerged matter, and oxygen-demanding materials. The water quality assessment shows that fecal coliform levels in runoff waters from Idaho feeding operations have been observed as high as 500,000/100ml. This concentration

exceeds both state and federal standards. Idaho Water Quality Standards (16 IDAPA 1-12250.01) sets limits of 500/100 ml as a maximum at any time, 200/100 ml in 10% of all samples taken in any month, and a geometric mean of 50/100 ml based on a minimum of five samples taken in any 30-day period. Federal standards include a log-mean of 200/100 ml based on a minimum of five samples taken during a month and 400/100 ml in 10% of the samples taken in any 30-day period. EPA has, after careful analysis, determined that runoff from snowmelt can violate standards and must therefore be contained.

Operations confining 300 or more animal units are required to be covered by NPDES permits pursuant to 40 CFR 122.23, Appendix B. Since no guidelines have been promulgated for these operations, permit limitations are requirements must be based on water quality concerns or an analysis of the limits that can be achieved using the best available technology. The environmental assessment discusses both methods for establishing permit limitations.

Retention of runoff from the 25-year 24-hour rainfall event and process generated wastewater is being required for operations confining 300 or more animal units based on best professional judgment regarding the best available technology economically achievable. Requirements for these smaller operations concerning snowmelt runoff and the installation of fences are the same as those for operations confining greater than 1,000 animal units and are based on state and federal water quality standards.

The environmental assessment examined the costs involved with applying the promulgated guidelines for facilities confining greater than 1,000 animal units to those confining fewer animals. Many different technologies were evaluated, including land application, dehydration, composting, oxidation ditches, runoff control systems, lagoons, and activated sludge systems. Costs and impacts to the operators were examined for each alternative. Runoff control systems and lagoons were found to be the least expensive to install and maintain.

The major cost associated with runoff and waste control is the construction of holding ponds. Holding ponds are commonly used by feeding operations nationwide. Low labor requirements, a reduction of fly problems, and long-term storage that allows field spreading at appropriate time are some of the advantages associated with this system. Additionally, grass infiltration areas,

diversion structures, and management practices can be used to decrease or eliminate costs. A partial budget for evaluating the costs and returns of such a system was presented in the assessment and included capital outlays, fixed and variable costs, operating costs, and possible returns. The net costs incurred by this treatment system are considered to be affordable.

Many costs associated with treatment alternatives vary between operations due to site-specific factors. These factors include location of surface water, land slope, surface drainage patterns, climate, vegetation, soil types, and erosion potential. The assessment explains, however, that established operations on sites with poor physical characteristics can benefit from the use of management practices to reduce elevated treatment costs.

Frequency and method of manure removal can significantly affect total wasteload and costs associated with its treatment. Stockpiling of manure in areas protected from rainfall is another management practice that will additionally reduce total costs for the operator. Other practices that can be used for this purpose include installing diversion structures and planting vegetation strips to reduce total runoff, and solids separation prior to containment in a lagoon.

Economic returns from waste treatment have also been found to reduce costs to the operator, such as applying manure to the land for use as a fertilizer and soil conditioner. A comparison of annual costs and returns from alternative waste management systems was presented in the environmental assessment. Greater detail is provided and consideration is made for different herd sizes and management systems.

The draft general permit that was proposed May 9, 1986, included coverage for feeding operations confining fewer than 300 animal units if they were determined, from an on-site inspection, to be significant contributors of pollution. Numerous comments received during the public notice period objected to automatic coverage of these smallest operations under a permit perceived to be primarily designed for the larger operations. Many people felt the costs were disproportionate to be pollution caused by these facilities.

EPA agrees that automatic coverage of facilities confining fewer than 300 animal units under this general permit may be overly restrictive. As a result of these comments, EPA has changed the applicability section of the permit to exclude these smaller operations. EPA

has retained in this section, however, the opportunity for operators, who have been designated as significant contributors of pollutants, to be covered by the general permit if they so choose. In this way, individual permits containing different requirements may be written for small facilities or, at the discretion of the operator, authorization may be granted for discharging under the general permit.

**2. Comment:** Retention of runoff from three inches of snowmelt should not be required for all locations in Idaho. The amount of winter precipitation varies greatly throughout Idaho and this should be considered. Additionally, in south central Idaho, evaporation values are higher which reduce the amount of snowmelt running off the land. Surface retention of melted snow should also be considered.

**Response:** Retention of runoff from three inches of snowmelt was required in the draft general permit based on the amount of runoff expected from a winter's worth of snowfall after evaporation and other factors were taken into account. Treatment for all winter runoff was required based on the practical restrictions of applying wastewaters to the land when the ground was frozen. Frost commonly extends one to two feet deep in the soil mantle during this time throughout the state. In addition, thawing does not usually occur until after at least six days of warming temperatures. This generally prevents land application of solids and wastewaters during the winter months. Additionally, antecedent soil moisture conditions may cause wastewaters pumped onto fields to immediately run off.

Many comments were received objecting to this requirement on the basis that it was inappropriate due to varying climatic patterns throughout the state. EPA has changed this requirement of the permit to allow permittees to either design treatment facilities to accommodate runoff from three inches of snowmelt, or calculate a different volume for containment. Guidance will be available from the state regarding these calculations. The calculations must be retained on-site and be made available to authorized officials upon request. Permittees will now be able to design treatment facilities specifically for their location or opt for the three inches which EPA has determined is necessary to protect water quality.

Snowmelt runoff refers to that amount of snow that actually melts and runs off the land. Infiltration, surface retention, and other site specific factors reduce the total amount of water that actually enters the receiving water. Permittees

opting to calculate snowmelt runoff for their operations may consider these variable in addition to evaporation, retention time, and the value of the one-one-five year winter.

**3. Comment:** Reporting requirements and the number of copies that must be sent to the regulating agencies should be reduced. Also, the operating plan should be required only of those operations that have recurring discharges.

**Response:** EPA agrees that the reporting requirements of the proposed general permit can be reduced without a corresponding reduction in permit compliance. Several of these requirements have therefore been changed. The amount of information required to be submitted in the Notice of Intent has been reduced and both the annual compliance report and the operating plan have been eliminated. EPA has decided that monitoring and reporting each discharge as it occurs is sufficient.

EPA plans to work closely with permittees whose operations have recurring discharges. Reporting requirements may be increased for these facilities in addition to the use of different or additional management practices or other recommendations that will be made to the operator to improve compliance with the permit.

**4. Comment:** A more in-depth economic impact analysis should be done concerning the expense of complying with the proposed permit. Also, low-interest loans should be provided to permittees for the installation of the required waste treatment facilities.

**Response:** A cost analysis was performed prior to the promulgation of the regulation requiring runoff from the 25-year 24-hour rainfall event to be retained on-site. When this permit was proposed, another cost analysis was performed and included in the environmental assessment. The impact of compliance with the general permit was analyzed, including not only an evaluation of upgrading existing treatment facilities, but also a cost analysis of installing such facilities where none previously existed. EPA evaluated these studies and determines that excessive or unreasonable financial burdens would not result from compliance with this permit. While EPA is not authorized to provide loans to industry for wastewater treatment, such loans may be available from the Small Business Administration (1441 L St. NW., Washington, DC 20418).

**5. Comment:** Regulations should be placed only on new dairies being built today and in future years. It costs too much to rebuild existing facilities.

**Response:** Cost tests were performed for both existing and newly-built facilities in support of the promulgated guidelines. The results indicated that while many industries incur high costs when retrofitting a facility with a more advanced treatment technology, it is not that costly to install sedimentation pond systems at existing facilities. This general permit, therefore, treats old and new facilities alike.

**6. Comment:** Each facility should be visited prior to being authorized under this general permit to determine applicability.

**Response:** The general permit is designed to cover a large number of similar operations under one permit. This action saves time and money not only for the regulating agency, but for the permittee as well. If all applicants were to be visited prior to being authorized to discharge under this permit, more than 2,000 visits may have to be conducted. EPA will therefore primarily rely upon the information provided by individual operators in making applicability determinations.

**7. Comment:** Operations that do not discharge do not need a permit. If something should occur to cause a discharge unexpectedly, this should not constitute a violation. Such a facility should be exempt because of an excellent past record.

**Response:** Any facility that discharges without a permit is in violation of the Clean Water Act except if this discharge occurs only in the event of a 25-year 24-hour rainfall. If an unexpected discharge occurs without being the result of such a storm, a violation occurs. This same discharge may be allowable, however, if the facility is covered by and in compliance with the general permit.

**8. Comment:** The permit should apply to all operations big and small. A large number of smaller-sized operations in an area can contribute as much or more pollution to Idaho waterways as can a few larger-sized operations.

**Response:** Large numbers of small operations in Idaho do collectively contribute significant amounts of pollution to Idaho's waterways. This was one of the reasons discussed in the water quality assessment supporting inclusion of these operations under the general permit. The general permit will therefore automatically cover operations confining 300 or more animal units. The smaller facilities, if identified to be causing significant pollution problems, will be covered under either the general permit or individual permits. Together, these permits will protect water quality from discharges from variously-sized operations.

9. *Comment:* Small operations that have streams running through them are definite polluters. They should not require an on-site inspection prior to needing an NPDES permit.

*Response:* The regulations state that prior to requiring a facility to apply for a permit, EPA must conduct an on-site inspection for those facilities confining fewer than 300 animal units (40 CFR 122.23(c)). The location of the facility relative to nearby waterways will be considered when making the determination that the operation is a significant contributor of pollution and therefore needs a permit. Other considerations include the size of the operation and the amount of wastes discharged, the means of conveyance of animal wastes and wastewaters to surface waters, and the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge. In scheduling on-site inspections, facilities with streams running through them would be given a high priority.

10. *Comment:* The permit should state the size of animals that must be covered, and whether calves or cows are covered.

*Response:* Maturity and sometimes weight are specified in the applicability requirements in Part I.A.1. of the permit. Where these factors are not specified, all such animals are included regardless of size or weight. However, Part I.A.1.a. was further clarified as a result of this comment.

11. *Comment:* Some corrals are used only once or twice a year, some seasonally, some year around but for a few hours per day, others all day. This permit does not distinguish between these different situations for implementation of the requirements.

*Response:* The general permit covers all operations which discharge wastewaters and stable or confine and feed or maintain certain numbers of animals for a total of 45 days or more in any 12-month period. This applicability requirement is contained in Part I.A.1. of the permit. Thus, a twice yearly use might not be covered.

12. *Comment:* The permit should be phased in over a period of several years to ease financial stress on the permittee.

*Response:* On the effective date of the issued permit, all permittees must be in compliance with all stated limitations and requirements. The Water Quality Act of 1987, requires that all facilities for which guidelines have been promulgated must be in compliance with these regulations by no later than three years since the promulgation date. For facilities confining 1000 or more animal units, this date was in 1979. All of these

larger facilities must therefore be in compliance with the general permit on its effective date. Facilities that confine fewer than 1000 animal units are required by the Act to be in compliance with the permit as early as possible but no later than March 31, 1989. However, since applicability of the permit limitations to these small facilities are partially based on water quality concerns, compliance is required by the effective date of the permit. This is based on the 1972 Federal Water Pollution Control Act which requires compliance with water quality standards by 1977. Administrative Orders may be issued to individual facilities, however, which would allow a reasonable period of time to be granted to obtain compliance with the permit. Time frames would vary between operations but would probably not exceed one year. When applying for coverage under the general permit, operators should indicate the amount of time necessary to come into compliance with the permit.

13. *Comment:* A cooperative voluntary approach to solving waste problems is preferable to regulation.

*Response:* The Clean Water Act requires that NPDES permits be issued to all facilities that discharge pollutants to waters of the United States. EPA will be working with individual permittees to attain compliance and expects that such compliance will be achieved primarily on a voluntary basis. The agency also expects a few permittees will attempt to obtain a competitive advantage by not installing the necessary pollution control facilities. In the interest of fairness to the entire industry, such permittees will be addressed with appropriate enforcement actions.

14. *Comment:* Additional education should be provided regarding the permit and the design and construction of control facilities.

*Response:* Workshops were held during the public comment period for the general permit which included discussion sessions between the attendees and agency personnel. Information was provided on permit limitations and requirements, the level of technology required to treat wastewaters properly, regulations, and financial implications.

The State of Idaho Department of Health and Welfare has developed guidelines for the design of treatment facilities. Technical training sessions were held in early March to present this information.

Employees at the EPA offices in Seattle and Boise and various state agency offices throughout Idaho are available to answer technical questions

as they arise. Other agencies that can provide information include the Soil Conservation Service and the University of Idaho Extension Service. EPA is committed to providing the necessary educational opportunities. If more formal education is requested by the industry trade association, EPA will make every effort to positively respond to such requests.

15. *Comment:* Individual NPDES permits are more appropriate than one general permit.

*Response:* A general permit may be written if the sources covered by it involve the same or substantially similar types of operations, discharge the same types of wastes, require the same effluent limitations or operating conditions, require the same or similar monitoring, and are determined to be more appropriately controlled under a general permit than under individual permits (40 CFR 122.28(a)(2)). EPA determined that these conditions were met in this situation. Additionally, burdens associated with applying for and obtaining permits will be lessened with this alternative process.

16. *Comment:* Part I.F.2. of the permit offers individual permits to operators. This seems to be inviting a lot of excess paperwork. There may be confusion regarding whether a general permit or an individual permit is required.

*Response:* EPA expects the majority of applicants to be covered by the general permit. The option must be made available, however, for operators to obtain individual permits if their facilities differ substantially from the types that were considered during the development of this general permit. EPA and state officials are available to clear up any confusion this provision may cause.

17. *Comment:* In Part III.G., discussion of laboratory controls for a retention structure seems inappropriate.

*Response:* This part of the permit has been changed.

18. *Comment:* Part III. of the permit, "Compliance Responsibilities," was taken from Oregon regulations. This is inappropriate.

*Response:* This part of the permit was based on national regulations (40 CFR 122.41) and policy guidance from EPA Headquarters (November 22, 1985).

19. *Comment:* "Land application" should be defined.

*Response:* This definition has been added to Part I.B. of the permit.

20. *Comment:* Some sections of the permit, such as those pertaining to toxics and bypassing, seem irrelevant and unnecessary.

*Response:* Provisions in the permit concerning toxics are appropriate to many animal feeding operations due to the use of dipping vats for pest and parasite control and other pesticide and herbicide uses. Discussion of toxics has, however, been consolidated, resulting in the deletion of Part IV.A. of the permit. Bypassing provisions are appropriate when facilities, for example, divert runoff away from sedimentation ponds for the purpose of cleaning or enlargement.

21. *Comment:* Part IV.E.1.c. refers to operations owned by a municipality, state, federal, or other public agency. Since there aren't any of these in Idaho, this section should be deleted.

*Response:* These types of animal feeding operations do exist in Idaho and may be covered by the general permit. Some examples include the state penitentiary and university facilities.

22. *Comment:* Operators should not be restricted to having a certain number of animals confined.

*Response:* The permit does not restrict the number of animals that may be confined in a facility. Numbers of animals are only mentioned in the permit to determine applicability of the permit.

23. *Comment:* Idaho should operate under the same regulations and definitions of feedlots that apply to other states that have general NPDES permits.

*Response:* Many of the conditions of this general permit are similar to those required in other states. However, the permit also protects regional interests. The requirement concerning containment of winter precipitation accumulations, for example, is not present in the Arizona general permit. EPA is required to consider local conditions and the findings of the environmental assessment as well as national consistency in the development of permits.

24. *Comment:* Flies, dust, and odor will be constant problems if the required treatment systems are installed.

*Response:* These types of problems often occur when treatment systems become overloaded. The addition of hydrated lime may be used to increase the pH or a mechanical aerator may be utilized to help eliminate odors. A properly designed and operated facility, however, should not require this treatment.

25. *Comment:* EPA has no right to require each and every dairy farmer to install a pollution treatment system. EPA should at least pay for the systems themselves if they believe it is necessary.

*Response:* Any industry or municipality that intends to operate and discharge wastewaters to waters of the United States is responsible for the quality of that effluent and any damage that may be caused by it. EPA, on the other hand, has the responsibility to regulate such facilities and require treatment as is needed to achieve compliance with permit limitations. The Clean Water Act does not authorize the expenditure of federal funds to construct pollution control facilities for private industrial operations.

26. *Comment:* Containment structures should not be required of operations located close to the water table. In addition, the sites for these feedlots and dairies were selected many years ago without consideration for meeting these kinds of requirements. It is now impractical to install such systems as are required by the permit.

*Response:* Since there is no particular treatment system required by the permit, the operator may use a variety of techniques to comply. Sedimentation ponds or above-ground containment facilities may be constructed, diversions may be built to separate out uncontaminated waters, and certain management practices may be implemented. Operators can usually reduce wastewaters discharged from their facilities and decrease the size required for their treatment systems using one or more of these methods. If the water table is close to the ground surface, an above-ground storage system or pond liners may be appropriate.

Groundwater contamination is not expected to be a concern with the construction and use of waste treatment systems. Manure naturally seals soils of sandy loam texture or finer which would prevent infiltration of wastewaters. In areas with coarser soils, a layer of finer soil can be applied to the bottom and sides of the pond to achieve the same effect.

27. *Comment:* EPA should require runoff to be calculated using the SCS formula and a curve number of 85. Acceptance of this formula will enable us to better understand the amount of runoff resulting from the 25-year 24-hour rainfall event that must be retained.

*Response:* EPA cannot require that a particular method for designing wastewater treatment facilities be used. The calculation and design of such a facility is the responsibility of the permittee. Values representing the 25-year 24-hour rainfall event throughout Idaho are available, however, from the National Weather Service and will also be available from EPA or state offices offering information on this permit.

28. *Comment:* EPA should approve plans for the design of control facilities prior to construction. This would protect the operator from spending a lot of money and later being told the system is inadequate.

*Response:* EPA does not have authority to approve engineering designs. An operator may, however, be able to obtain assurance from the state or a hired engineer regarding the adequacy of a treatment system. Additionally, guidelines currently being developed by the state will help operators to evaluate control facility design for themselves.

29. *Comment:* Discharges into water not considered navigable will sometimes reach navigable waters. This possibility should be covered in the permit.

*Response:* The permit was revised to clarify that discharges that reach waters either directly or indirectly through man-made flushing systems, require an NPDES permit.

30. *Comment:* Herbicides should be controlled by the permit.

*Response:* Use of herbicides is not directly addressed by this general permit. If, however, wastewater discharges are found to contain herbicides, provisions in the permit concerning toxic pollutants may become applicable.

31. *Comment:* Measuring the flow and volume of a discharge is difficult without the proper equipment and training. A flume or metering device would be needed along with a course of instruction.

*Response:* The general permit requires that an estimate of volume be reported whenever discharges occur from a facility. Complicated monitoring devices are not required.

32. *Comment:* After a heavy storm, the small amount of runoff from a feedlot is mixed in with a large amount of water running off thousands of acres. The pollutants are diluted and are of no consequence. A permit should not be necessary for this type of runoff.

*Response:* Numerous studies have been conducted and hundreds of complaints received at EPA and the state supporting the finding that feedlots are a significant source of pollution. The water quality assessment that was completed for this permit also addresses the impacts of runoff from these facilities. Defined as a point source of pollution by 40 CFR 122.23, concentrated animal feeding operations discharging pollutants to waterways must have NPDES permits.

33. *Comment:* Accidental discharges, such as those that occur when a pump breaks or when a line freezes, cannot be



prevented. The permit should allow for this.

**Response:** The permittee is expected to have backup or auxiliary systems ready in anticipation of equipment failure. This is considered to be proper operation and maintenance discussed in Part III.G. of the permit. If, however, the treatment facilities have been properly operated and maintained, certain accidental discharges may be considered upsets and are allowable subject to the requirements of Part III.I. of the permit.

**34. Comment:** Certain weather conditions will always cause runoff. The permit should not require zero discharge.

**Response:** The permit recognizes that zero discharge is not always possible and establishes the weather conditions under which a discharge is allowed. A certain volume of runoff must be retained on-site and other permit requirements and conditions must be met.

**35. Comment:** A setback distance (e.g. 50 ft) should be required from canals and streams to allow for a buffer zone of grasses and bushes.

**Response:** EPA determined from the water quality and environment assessments conducted for this permit that restricting access to waterways is necessary to protect water quality. EPA feels that a specific set-back distance could be incorporated voluntarily as a management practice in specific operations that are able to accommodate it. It is the operators responsibility to control discharges and to decide on the measures necessary to meet such permit requirements.

**36. Comment:** The permit should include limits concerning how close corrals and containment structures may be built to homes.

**Response:** Zoning requirements are administered by the city or county in which the facility is located. EPA is not able to regulate the location of treatment systems in this permit.

**37. Comment:** This permit should be no different from the individual NPDES permits issued to feedlot operators in 1974.

**Response:** Limitations differ between the two permits because in 1984, new regulations became effective which must now be incorporated into all new NPDES permits. Additional water quality considerations have also become of greater concern and are addressed in the environmental assessment.

**38. Comment:** The permit should require all operations to comply with Idaho's surface and groundwater provisions in the water quality

standards, Wastewater Treatment Requirements, and other applicable regulations.

**Response:** The permit must require compliance with all state guidelines and regulations. Greater specificity is most appropriately provided by the state.

**39. Comment:** Part I.D. of the permit requires that operators of existing facilities must send EPA a Notice of Intent within 30 days of issuance of the general permit. Newly-built facilities must submit this information 60 days prior to the construction of their facility. The proposed permit should require 30 days for the new facilities to be consistent.

**Response:** This change has been made to the permit.

**40. Comment:** The operator should not be held responsible if someone is contracted to design and construct a control facility and it's not sufficient.

**Response:** The operator is responsible for all discharges of pollutants to waters of the United States. That responsibility properly extends to the hiring of a competent designer and contractor which should have some legal obligation to build an adequate facility. If the cause of such a discharge is inadequate design or construction, the operator is responsible for mitigative measures which may include reconstruction.

**41. Comment:** The discretion of inspectors looking at the smaller facilities is too broad. The regulations can be interpreted differently by each individual inspector.

**Response:** EPA or state officials visiting operations will all be inspecting facilities for compliance with conditions specified by the permit. Further review of inspection reports is conducted at the EPA Regional Office in Seattle before further action is considered. This review will insure consistency and fairness.

**42. Comment:** Borrowing the money to build wastewater treatment facilities is going to be difficult for most farmers.

**Response:** Much consideration and analysis has been given to the economic feasibility of compliance. While most operators are expected to be able to afford the changes needed to comply with the permit, some will probably still need to borrow funds.

**43. Comment:** The proposed requirements will have negligible property enhancement for collateral purposes. This may cause difficulties for operators borrowing funds from lending institutions.

**Response:** The demand for a property, and hence its market value, will increase when the wastewater treatment facilities are installed and the operation is in compliance with its

permit. Otherwise, a new owner must allocate the resources for this purpose after the sale. When a property is sold, the NPDES permit is transferred to the new owner with the property.

**44. Comment:** Because of the financial stress this industry is currently experiencing, funds should not be spent for wastewater treatment facilities which will yield no return or profitability.

**Response:** Wastewater treatment facilities that will most commonly be constructed to comply with this permit are already in use by many variously sized operations in Idaho and nationally. Economic feasibility and profitability are therefore very possible under these requirements.

## Legal Requirements

### A. State Certification

Section 301(b)(1)(c) of the Act requires that NPDES permits contain conditions which ensure compliance with applicable State Water Quality Standards. Section 401 requires that states certify federally issued permits to ensure they are in compliance with state law. On March 12, 1987 EPA received certification on this general permit from the State of Idaho Department of Health and Welfare.

### B. Executive Order 12291

The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12291 pursuant to section 8(b) of that order.

### C. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in this general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of this permit have already been approved by the Office of Management and Budget in submissions made for the NPDES permit program under the provisions of the Clean Water Act.

### D. The Regulatory Flexibility Act

After the review of the facts presented in the notice printed above, I hereby certify pursuant to the provisions of 5 U.S.C. 605(b) that this general NPDES permit will not have a significant impact on a substantial number of small entities. Moreover, the permit reduces a significant administrative burden on regulated sources.

Dated: March 27, 1987.

Robie G. Russell,

Regional Administrator, Region 10, U.S.  
Environmental Protection Agency.

## FINAL GENERAL NPDES PERMIT

### I. Effluent Limitations, Reporting Requirements, and General Permit Conditions

#### A. Applicability

Concentrated animal feeding operations (CAFOs) in the state of Idaho covered by this permit include the following:

1. New and existing operations which either discharge pollutants into navigable waters through a manmade ditch, flushing system, or other similar manmade device, or directly into waters of the United States, and which stable or confine and feed or maintain for a total of 45 days or more in any 12-month period, more than the numbers of animals specified in any of the following categories;

a. 300 slaughter/feeder cattle and/or dairy heifers,

b. 200 mature dairy cattle (whether milked or dry cows),

c. 750 swine, each weighing over 55 pounds,

d. 150 horses,

e. 3,000 sheep or lambs,

f. 16,500 turkeys,

g. 30,000 laying hens or broilers (if the facility has continuous overflow watering),

h. 9,000 laying hens or broilers (if the facility has a liquid manure handling system), or

i. 300 animal units (see definition, Part I.B.2.).

2. Following an on-site inspection performed by EPA or an authorized representative, the Director may determine that any operation confining fewer animals than the numbers specified in Part I.A.1.a.-1. above is a significant contributor of pollution to waters of the United States. This determination shall be based on the following factors:

a. The size of the CAFO and the amount of wastes reaching waters of the United States,

b. The locations of the CAFO relative to waters of the United States,

c. The means of conveyance of animal wastes and wastewaters into waters of the United States,

d. The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes and wastewaters into waters of the United States, and

e. Other relevant factors.

Within 30 days of being notified of such a determination, the operator must

either submit a Notice of Intent to be covered under this general NPDES permit or submit application forms for coverage under an individual NPDES permit. This choice is at the discretion of the operator.

#### B. Definitions

1. "Animal feeding operation" means lot or facility (other than aquatic animal production facility) where the following conditions are met:

a. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and

b. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Two or more animal feeding operations under common ownership are a single animal feeding operation if they adjoin each other, or if they use a common area or system for the disposal of wastes.

2. "Animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers: The number of slaughter and feeder cattle and dairy heifers multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

3. "Best Management Practices" (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States" BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

4. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

5. "Concentrated animal feeding operation" means an "animal feeding operation" which meets the criteria in Part 122, Appendix B, or which the Director designates as a significant contributor of pollution pursuant to 40 CFR 122.23.

6. "Control facility" means any system used for the retention of all wastes on the premises until their ultimate disposal. This includes the retention of manure, liquid waste, and runoff from the feedlot area.

7. "Feedlot" means a concentrated, confined animal or poultry growing operation for meat, milk, or egg production, or stabling, in pens or

houses wherein the animals or poultry are fed at the place of confinement and crop or forage growth or production is not sustained in the area of confinement.

8. "Land application" means the removal of waste solids from a control facility and incorporation into the soil mantle primarily for disposal purposes.

9. "Manmade" means constructed by man and used for the purpose of transporting wastes.

10. "Process generated wastewater" means water directly or indirectly used in the operation of a feedlot for any or all of the following: Spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other feedlot facilities; direct contact swimming, washing, or spray cooling of animals; and dust control.

11. "Process wastewater" means any process generated wastewater and any precipitation (rain or snow) which comes into contact with any manure or litter, bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animals or poultry or direct products (e.g., milk, eggs).

12. "Severe Property Damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

13. "Toxic Pollutants" mean any pollutant listed as toxic under section 307(a)(1) of the Act.

14. "Upset" means and exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

15. "25-year 24-hour rainfall event" means a rainfall event with a probable recurrence interval of once in 25 years, as defined by the National Weather Service in Technical Paper Number 40, "Rainfall Frequency Atlas of the United States" May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.

### C. Effluent Limitations

1. There shall be no discharge of process wastewater pollutants from a CAFO to navigable waters, unless rainfall events, either chronic or catastrophic, cause an overflow of process wastewater from a facility designed, constructed, and operated to contain all process generated wastewaters and the contaminated runoff from a 25-year 24-hour rainfall event for the location of the point source.

2. Control facilities must be designed and constructed to additionally contain runoff from three inches of winter precipitation accumulations. The permittee may, as an option, calculate this runoff for a specific operation. Such calculations must incorporate evaporation and the length of the average winter season, and must be based on the one-in-five-year winter. Calculations may also include allowances for surface retention, infiltration, and other site specific factors. All information supporting a retention of less than three inches must be retained on site and made available upon request.

3. No flowing surface waters (e.g. rivers, streams, canals) shall come into direct contact with the animals confined on the CAFO. Fences may be used to restrict such access.

4. Waste handling, treatment, and management:

a. Shall not create a public health hazard;

b. Shall not result in groundwater contamination;

c. Shall conform with State guidelines and/or regulations.

5. Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the United States.

6. All wastes from dipping vats, pest and parasite control units, and other facilities utilized for the application of potentially hazardous or toxic chemicals shall be handled and disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the United States.

### D. Recommended Best Management Practices

The following best management practices (BMPs) are recommended for the control abatement of pollutant discharges.

1. At all times, sufficient volume should be maintained within the control facility to accommodate manure, other

solids, and wastewaters described in Part I.C.1. above.

2. Uncontaminated drainage or runoff should be segregated and excluded from wastewaters flowing to the control facility. Diversion ditches and roof drains are commonly constructed for this purpose.

3. Operators should provide routine maintenance of their control facilities in accordance with a schedule to ensure compliance with permit limitations and state water quality criteria. This schedule should be written and include a description of the pollution control equipment and structure used, operating schedules for dewatering the pollution control facilities and disposing of the accumulated solids, and a description of where the removed liquid and solid wastes are to be disposed prevent entry to any waters of the United States.

### E. Monitoring and Reporting Requirements

Permittees are required to submit to the Director and the State the following:

#### 1. Notice of Intent

a. Individuals who intend to obtain coverage under this general permit shall notify the Director of their intent within 30 days of the effective date of this general permit or at least 30 days prior to the commencement of construction of a new CAFO.

b. Owners (or operators when owners do not operate the facility) who fail to notify the Director of their intent to be covered and discharge pollutants to waters of the United States are in violation of this general permit.

c. The Notice of Intent shall include:

i. Previous NPDES permit number if applicable;

ii. Facility owner's name and address;

iii. Facility operator's name, address and telephone number;

iv. Facility name, address, and location;

v. Types of treatment currently used for processing wastes;

vi. Name of receiving water(s) to which wastewaters are discharged from the facility;

vii. The type and number of animals in open confinement and/or housed under roof;

viii. The number of acres used for confined feeding;

ix. A sketch of the operation, including control facilities, diversion ditches, building structures, feeding areas, slope, direction of overland and surface water flow, and proximity to surface waters.

### 2. Discharge Notification

a. If, for any reason, there is a discharge from the CAFO, the permittee shall monitor the discharge and provide the Director and the States with the following information, in writing within five days and orally within 24 hours, of becoming aware of such discharge.

i. A description and cause of the discharge, including an estimate of the discharge volume;

ii. The period of discharge, including exact dates and times, and, if not corrected, the anticipated time the discharge is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the discharge; and

iii. If caused by a precipitation event, information from the nearest National Weather Service station concerning the size of the precipitation event.

b. Measurements taken for the purpose of monitoring shall be representative of the monitored activity.

3. The permittee shall notify EPA within 30 days of a change in facility ownership or operational control.

### F. General Permit Conditions.

1. The Director may require any person authorized by this general permit to apply for and obtain an individual NPDES permit as provided in 40 CFR 122.28(b)(2)(i). The Director will notify the owner or operator in writing that a permit application is required.

2. Any owner or operator authorized by this general permit may request to be excluded from the coverage of this general permit by applying for an individual permit. The owner or operator shall submit an application together with the reasons supporting the request to the Director no later than 90 days after the publication by EPA of the general permit in the Federal Register.

3. When an individual NPDES permit is issued to an owner or operator otherwise subject to this general permit, the applicability of the general permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit.

### II. Recording and Reporting Requirements

A. *Written Notification.* Signed copies of the Notice of Intent and monitoring reports shall be submitted to the Director and the State at the following addresses:

United States Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: Water Permits and Compliance Branch M/S 521

Idaho Department of Health and Welfare Administrator, Division of Environment Statehouse, Boise, Idaho 83720

**B. Retention of Records.** The permittee shall retain copies of all records required by this permit for a period of at least three years from the date reported. This period may be extended by request of the Director at any time.

**C. Anticipated Noncompliance.** The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

**D. Other Noncompliance Reporting.** The permittee shall report all instances of noncompliance. The reports shall contain the information listed in Part I.E.2.a.

**E. Penalties for Falsification of Reports.** The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

**F. Availability of Reports.** Except for data determined to be confidential under 40 CFR Part 2, information submitted to EPA may be claimed as confidential by the submitter. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. As required by the act, however, Notices of Intent, permits, and effluent data shall not be considered confidential and any claims of confidentiality for this information will be denied.

### III. Compliance Responsibilities

**A. Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for loss of authorization to discharge under this general permit; or for denial of a permit application.

**B. Toxic Pollutants.** The permittee shall comply with effluent standards of prohibitions established under section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

**C. Penalties for Violations of Permit Conditions.** The Act provides that any

person who violates a permit condition implementing sections 301, 302, 306, 307 308, 319, or 405 of the Act is subject to a civil penalty not to exceed \$25,000 per day for each violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307 308, 318, or 405 of the act, or any permit condition or limitation is subject to a fine of not less than \$2,500, nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both.

**D. Continuation of the Expired General Permits.** An expired general permit continues in force and effect until a new general permit is issued. Only those facilities authorized to discharge under the expiring general permit are covered by the continued permit.

**E. Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**F. Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**G. Proper Operation and Maintenance.** The permittee shall at all time properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

**H. Bypass of Treatment Facilities.** 1 Notice:

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible at least ten days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.D.

2. Prohibition of bypass.

a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass. Unless:

i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance

during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass with occurred during normal periods of equipment downtime or preventive maintenance; and

iii. The permittee submitted notices as required under paragraph H.I. of this section.

b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in Part 2.a. of this section.

#### I. Upset Conditions.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations, if the requirements of paragraph 2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, if final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

a. An upset occurred and that the permittee can identify the specific cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required under Part II.D., and

d. The permittee complied with any remedial measures required under Part III. F

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

J. Inspection and Entry. The permittee shall allow the Director, or an authorized representative of EPA or the State, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment),

practices, or operations regulated or required under this permit, and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

#### IV. General Requirements

**A. Planned Changes.** The permittee shall give notice to the Director, as soon as possible, of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged.

**B. Duty to Provide Information.** The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

**C. Other Information.** When the permittee becomes aware that he failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Director, he shall promptly submit such facts or information.

**D. Signatory Requirements.** All Notices of Intent, reports, or information submitted to the Director shall be signed and certified.

1. All Notices of Intent shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having

responsibility for the overall operations of a principal geographic unit of the agency.

2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is duly authorized representative only if:

a. The authorization is made in writing by a person described above and submitted to the Director.

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position or equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

3. Changes to authorization. If an authorization under paragraph IV.D.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.D.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**E. Penalties for Falsification of Monitoring Systems.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in Part II. E. of this permit.

**F. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee

from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

**G. Property Rights.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

**H. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**I. Transfers.** This permit is not transferable to any person except after notice to the Director. The Director may require the operator to apply for and obtain an individual NPDES permit as stated in Part I.F.

**J. State Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.

[FR Doc. 87-8282 Filed 4-13-87; 8:45 am]

BILLING CODE 6560-50-M

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## FEDERAL HOME LOAN BANK BOARD

[No. 87-421]

### Prices for Federal Home Loan Bank Services; Technical Correction

Dated: April 8, 1987

**AGENCY:** Federal Home Loan Bank Board.

**ACTION:** Notice; technical correction.

**SUMMARY:** The Federal Home Loan Bank Board ("Board") adopted on March 17, 1987 a Notice of Prices for Federal Home Loan Bank Services. This Notice was published on pp. 10137-10161 of the Federal Register of Monday, March 30, 1987. In this Notice the prices for services charged on the Federal Home Loan Banks to member institutions of District 3—The Federal Home Loan Bank of Pittsburgh were incorrectly reported. This technical amendment corrects that error. This correction is needed in order to avoid confusion among the member institutions as to the exact cost of services charged by the Federal Home Loan Banks to member



institutions of District 3—the Federal Home Loan Bank of Pittsburgh. Please note that an additional correction to this document is published elsewhere in the Corrections Section of this issue of the Federal Register.

Accordingly, the Board corrects the following errors: (1) On pp. 10138–10139 revise the entry for table District 3.—Federal Home Loan Bank of Pittsburgh (1986 NOW Services) to read as follows:

**DISTRICT 3.—FEDERAL HOME LOAN BANK  
OF PITTSBURGH**  
[1986 NOW Services]

Services	Fee
<b>Inclearing:</b>	
First 50,000 items/month (per item).....	\$0.0380
50,001–100,000 items/month (per item).....	.0362
100,001–150,000 items/month (per item).....	.0344
150,001–200,000 items/month (per item).....	.0326
Over 200,000 items/month (per item).....	.0308
<b>Backroom:</b>	
Truncated Checks (per item).....	.039
Non-truncated Checks (per item).....	.049
Over-the-Counter Checks (per item).....	.15
Return Call (per item).....	.75
Late Return Call (per item).....	.66
Items Over \$2,500 Returned to FRB (per item).....	4.25
Check Copies (per copy).....	3.00
Check Retrieval (per item).....	1.50
Statement & Report Postage.....	(1)
<b>Statement Envelopes:</b>	
Small Standardized (per envelope).....	.05
Small Customized (per envelope).....	.07
Large (per envelope).....	.46
MICR Sort Option (monthly fixed fee per customer of thrift).....	25.00
(per item).....	.03
<b>Mid-cycle statement rendering:</b>	
Purged Statement (per item—minimum charge of \$2.50).....	.50
Non-purged Statement (per statement).....	2.50
Minimum Charge: (per month).....	200.00

<sup>1</sup> Actual cost.

Notes: Transportation of checks or reports between Federal Home Loan Bank's designated distribution points and the individual financial institution is at the expense of the financial institution.

(2) On pp. 10147–10149 revise the entry for table District 3.—Federal Home Loan Bank of Pittsburgh (1986 DDA Services) to read as follows:

**DISTRICT 3.—FEDERAL HOME LOAN BANK,  
OF PITTSBURGH**  
[1986 DDA Services]

Service	Fee
<b>Deposit, Processing Service:</b>	
Deposit Ticket Entry (per entry).....	\$2.25
Deposit Transfer Voucher (per entry).....	1.75
Mail Deposit Ticket Entry (per entry).....	2.25
Deposit Item Processing (per item).....	.035
Deposit Item Encoding (per item).....	.03
Deposit Item Return (per item).....	1.50
Deposit Item Photocopy (per item).....	2.00
Deposit Pickup (per pickup).....	6.75
<b>Check and Money Order Clearing Service:</b>	
Clearing Item Processing (per item).....	.11
Clearing Item Reconciliation Copy Processing:	
By Manual Input (per item).....	.06
By Magnetic Tape Input (per item).....	.03
Clearing Item Fine Sorting for Return with Bank Statements (per item).....	.06
Stop Payment Orders (per entry).....	9.75
Imprinting Checks and Money Orders.....	( <sup>1</sup> )
Standard Earnings Checks (per item).....	.05
<b>Wire Transfer of Funds:</b>	
<b>Outgoing Wires:</b>	
Receiving Bank On-line (Federal Reserve) (per transfer).....	6.00
Receiving Bank Off-line (Federal Reserve) (per transfer).....	9.25
Incoming Wire (per transfer).....	3.50
ACH Debit/Credit (per item).....	.05
<b>Lockbox Service:</b>	
Lockbox Item Processing (per item).....	.11
Deposit Item Processing (per item).....	.035
Deposit Ticket Entry (per entry).....	.25
Transportation (per month) (per institution).....	20.00
Account Maintenance (per acct./month).....	8.00
Account Overdraft Penalty.....	( <sup>2</sup> )
<b>Collection Service:</b>	
<b>Foreign Items:</b>	
West (per item, plus drawee bank charges).....	\$10.00
East (per item, plus drawee bank charges).....	5.00
Bonds (East Only) (per bond).....	10.25
<b>Bond Coupons:</b>	
West (per envelope).....	3.25
East (per envelope).....	3.25
<b>EASTERN COIN AND CURRENCY SERVICE:</b>	
<b>Requisition:</b>	
Currency (per strap).....	.23

**DISTRICT 3.—FEDERAL HOME LOAN BANK,  
OF PITTSBURGH—Continued**  
[1986 DDA Services]

Service	Fee
Coin (per bag).....	.70
(per box).....	1.85
<b>Deposit:</b>	
Currency/Food Coupons (per \$1,000 or part thereof).....	.25
Coin (per bag).....	1.00
<b>Transportation:</b>	
Zone 1 (per stop).....	17.20
Zone 2 (per stop).....	24.10
<b>WESTERN COIN AND CURRENCY SERVICE:</b>	
<b>Requisition:</b>	
Currency (per \$1,000 or part thereof).....	.21
Coin (per box).....	1.50
<b>Deposit:</b>	
Currency (per \$1,000 or part thereof).....	.70
<b>Coin:</b>	
Unsorted (per \$1,000 or part thereof).....	7.50
Sorted (per \$1,000 or part thereof).....	1.25
<b>Food Coupons:</b>	
Unsorted (per \$1,000 or part thereof).....	3.00
Sorted (per \$1,000 or part thereof).....	1.75
<b>Transportation:</b>	
Western Pennsylvania (per stop).....	10.85
West Virginia:.....	
Zone 1 (per stop).....	27.80
Zone 2 (per stop).....	33.20
<b>SAFEKEEPING AND INVESTMENT SERVICE:</b>	
Trade Executed (per transaction).....	\$10.00
<b>Receipt of Security:</b>	
Physical Form (per transaction).....	14.00
DTC (per transaction).....	9.00
Book Entry (per transaction).....	8.00
<b>Delivery of Security:</b>	
Physical Form (per transaction).....	14.00
DCT (per transaction).....	9.00
Book Entry (per transaction).....	8.00
<b>Redemption at Maturity:</b>	
Physical Form (per transaction).....	14.00
DTC (per transaction).....	9.00
Book Entry (per transaction).....	8.00
<b>Income Collection:</b>	
Physical Form (per collection, per issue).....	4.00
DTC (per collection, per issue).....	4.00
Book Entry (per collection, per issue).....	2.00
<b>Safekeeping Account Maintenance (per month).....</b>	10.00
<b>Switch Account/Pledge:</b>	
Physical Form (per transaction).....	12.00
Book Entry (per transaction).....	6.00
<b>Retail-Repo Custodial Service (per month).....</b>	30.00

DISTRICT 3.—FEDERAL HOME LOAN BANK,  
OF PITTSBURGH—Continued

[1986 DDA Services]

Service	Fee
<b>SAFEKEEPING CHARGE FOR ADVANCE COLLATERAL.</b> Assignment of Collateral for Outstanding Advances, Ad- vance Commitments, Letters of Credit, and Interest Rate Swaps .....	( <sup>3</sup> )
Physical Delivery of Collateral for Outstanding Advances, Advance Commitments, Let- ters of Credit, and Interest Rate Swaps .....	( <sup>4</sup> )

<sup>1</sup> Direct cost pass-through from supplier.<sup>2</sup> Greater of \$75 or the interest on the amount of the overdraft calculated at a daily interest rate that is equal to the highest advance rate plus 3%.<sup>3</sup> Greater of \$2.00 per million or \$10.00 per month.<sup>4</sup> Greater of \$4.00 per million or \$10.00 per month.

By the Federal Home Loan Bank Board.  
Jeff Sconyers,  
Secretary.

[FR Doc. 87-8238 Filed 4-13-87; 8:45 am]

BILLING CODE 6720-01-M

## FEDERAL MARITIME COMMISSION

## Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.. 202-008054-025.

Title: South and East Africa/U.S. Conference.

Parties:

The Bank Line, Ltd.  
Lykes Bros. Steamship Co., Inc.  
South Africa Marine Corp. Ltd.

Synopsis: The proposed amendment would permit the parties to charter vessel space to and from one another.

Agreement No.. 224-010747-001.

Title: Long Beach Terminal

Agreement.

Parties:

City of Long Beach  
Sullexport Corporation (SC)

Synopsis: The proposed amendment would permit a reduction of SC's insurance coverage from twenty million dollars to six million dollars.

Agreement No.. 202-010776-018.

Title: Asia North America Eastbound Rate Agreement.

Parties:

American President Lines, Ltd.  
Barber Blue Sea  
Japan Line, Ltd.  
Kawasaki Kisen Kaisha, Ltd.  
A.P. Moller-Maersk Lines  
Mitsui O.S.K. Lines, Ltd.  
Neptune Orient Lines, Ltd.  
Nippon Yusen Kaisha Line  
Orient Overseas Container Line, Inc.  
Sea-Land Service, Inc.  
Showa Line, Ltd.  
United States Lines, Inc.  
Yamashita-Shinnihon Steamship Co., Ltd.  
Zim Israel Navigation Co., Ltd.

Synopsis: The proposed amendment would prohibit independent action on any matter pertaining to credit terms or the availability of credit with respect to cargoes destined to Canada.

Agreement No.. 224-011089.

Title: Galveston Terminal Agreement.

Parties:

The Board of Trustees of the Galveston Wharves (Port)  
Union Equity Co-operative Exchange (Union Equity)

Synopsis: The proposed agreement would permit the Port to reimburse Union Equity for 75% of the dockage fees collected from vessels berthed at the premises leased by Union Equity. The agreement would have a sixty day term and the parties have requested a shortened review period.

Agreement No.. 224-011090

Title: Savannah Terminal Agreement

Parties:

Georgia Ports Authority  
Cia. Chilena de Navegacion  
Interoceanica S.A. (CCNI)

Synopsis: Under the terms of the proposed agreement CCNI would receive certain rate and operational concessions in return for designating the Port of Savannah as its designated South Atlantic load center. The agreement would remain in effect for a period of five years.

Dated: April 9, 1987.

By Order of the Federal Maritime Commission

Joseph C. Polking,

Secretary.

[FR Doc. 87-8307 Filed 4-13-87; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License;  
Applicants

Notice is hereby given that the following persons have filed applications for licenses as ocean freight forwarders with the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and 46 CFR Part 510.

Persons knowing of any reason why any of the following persons should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Donald T. Maley dba Empire Sea-Air Company, 147-39 175th Street, Jamaica, NY 11434  
Mirella Garcia, 9428 SW. 4th Lane, Miami, FL 33174

All Fast Express, Inc., 2120 Colorado Blvd., Suite 1, Los Angeles, CA 90041  
Officers: Monson Chinn, President, Timothy Chang, Vice President, Joel Fisher, Vice President/Treasurer, Winston Lee, Vice President  
Air & Ocean International Forwarding, Inc., 1245 17th Street, Hermosa Beach, CA 90254

Officers: Anthony Chien, President/Director, Joseph Chen, Chief Financial Officer/Director  
International Transport Management, Inc., 80 Washington Street, Hoboken, NJ 07030  
Officer: Silvia P. Schmid, President/Director

Allport Freight Inc., 182-30 150th Road, Jamaica, NY 11413  
Officers: Derek Davis, President/Director, Joseph M. Carsem, Vice President/Director, Christopher Cargill, Treasurer/Director  
Jong Gil, Kim dba Ace Freight System, 17060 11th Avenue North East, Seattle, WA 98155

Dated: April 8, 1987.

Joseph C. Polking,

Secretary.

[FR Doc. 87-8245 Filed 4-13-87; 8:45 am]

BILLING CODE 6730-01-M

Malpractices in the Trans-Atlantic  
Trades

AGENCY: Federal Maritime Commission.

ACTION: Notice of enforcement initiative.

**FOR FURTHER INFORMATION CONTACT:** Seymour Glanzer, Director, Bureau of Hearing Counsel, (202) 523-5783.

Notice is hereby given that the Commission on April 8, 1987 has initiated an enforcement initiative relating to Malpractices in the Trans-Atlantic Trades—Between U.S. Ports and Points and Ports and Points in the United Kingdom, Ireland, France, Federal Republic of Germany, Belgium, Holland, Denmark, Sweden, Norway and Finland. This initiative, as described herein, is designed to achieve compliance with the Shipping Acts administered by the Commission.

This action is in response to information obtained by the Commission in the regular course of business and data generated by the Commission's staff indicating that major rate malpractices, including rebating, may now be affecting the Trans-Atlantic Trades. The information and data identify some of the leading commodities which may be involved. Inbound those commodities appear to be chemicals originating in Germany; wines and spirits from the United Kingdom and France; and furniture from Denmark. Outbound, malpractices seem to taint the movements of agricultural commodities such as cotton, peanuts, tobacco and fruit, and some other commodities requiring refrigeration.

This initiative includes the granting of a particular type of "amnesty" to persons who voluntarily come forward and admit and provide details of violations of the Shipping Act of 1984 in the Trans-Atlantic Trades. In return, the Director, Bureau of Hearing Counsel, acting under authority of this enforcement plan and pursuant to existing delegated authority, is empowered, in his discretion, to remit any civil penalties under the shipping statutes administered by the Commission arising from those violations. The amnesty period will expire in ninety days, on July 8, 1987.

The amnesty portion of this program is reinforced by an Order, issued this day, instituting Fact Finding Investigation No. 16, a nonadjudicatory investigation to determine whether there is sufficient evidence to warrant ancillary informal or formal penalty proceedings.

Within a week, Bureau of Investigation personnel will be calling upon shippers and consignees and other persons to explain the amnesty program and to encourage cooperation.

If the amnesty concept does not succeed in voluntary cooperation, subpoenas issued by the Fact Finding Officer named in the Fact Finding

Investigation may be served, where appropriate. Thereafter, the Fact Finding Officer may take testimony under oath and compulsory process.

Shippers and carriers are subject to monetary penalties of up to \$25,000 for each violation of the anti-rebating provisions of the 1984 Act. Additionally, the 1984 Act empowers the Commission to suspend the tariffs of carriers for violations of the Act's prohibitions against rebating and other rate malpractices.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87-8250 Filed 4-13-87; 8:45 am]

BILLING CODE 6730-01-M

#### [Fact Finding Investigation No. 16]

#### Possible Malpractices in the Trans-Atlantic Trades; Order

The Federal Maritime Commission has reason to believe that some persons participating in the United States foreign commerce between ports and points in the United States and those in Northern Europe, more specifically, the United Kingdom, Ireland, Holland, Denmark, Sweden, Finland, Norway, Belgium, France and The Federal Republic of Germany, ("Trans-Atlantic Trades") directly or indirectly, may have obtained, or attempted to obtain, transportation of property at less or different compensation than the rates and charges shown in applicable tariffs or service contracts. The various unfair devices or means which appear to have been used include rebates, concessions, absorptions and allowances other than those set forth in applicable tariffs, and other similar practices, in violation of the prohibitions of section 10(a)(1) of the Shipping Act of 1984, 46 U.S.C. app. 1709(10)(a)(1). Such violations are subject to civil penalties not to exceed \$5,000 for each violation, and not to exceed \$25,000 for each violation willfully and knowingly committed, pursuant to section 13(a) of the Shipping Act of 1984, 46 U.S.C. app. 1712.

The Commission also has reason to believe that some carriers operating in the United States foreign commerce between ports and points in the Trans-Atlantic Trades, directly or indirectly, may have provided, or allowed other persons to obtain, transportation of property at less or different compensation than the rates and charges shown in applicable tariffs or service contracts. These actions also appear to have been accomplished by various unfair devices or means, such as rebates, concessions, absorptions and

allowances other than those set forth in applicable tariffs or through other similar practices, in violation of the prohibitions of section 10(b) of the Shipping Act of 1984, 46 U.S.C. app. 1709(b). Such violations are subject to civil penalties not to exceed \$5,000 per violation, and not to exceed \$25,000 for each violation willfully and knowingly committed, pursuant to section 13(a) of the Shipping Act of 1984, 46 U.S.C. app. 1712. Additionally, carriers who rebate or commit other rate malpractices in contravention of their tariffs or service contracts, may have their tariffs or their participation in conference tariffs suspended by the Commission pursuant to section 13(b)(1) of the Shipping Act of 1984, 46 U.S.C. app. 1712.

In order that the Commission may properly exercise its regulatory duties to ensure protection of the public interest in the proper and effective administration and enforcement of the law, the Commission believes that it is essential to conduct a nonadjudicatory investigation to determine whether sufficient evidence exists to warrant informal compromise procedures or formal investigation and assessment proceedings for violations of the Shipping Act of 1984 with regard to the transportation of property in the Trans-Atlantic Trades.

Therefore, it is ordered, that pursuant to sections 11 and 12 of the Shipping Act of 1984, 46 U.S.C. app. 1710 and 1711, and Subpart R of Title 46 of the Code of Federal Regulations, 46 CFR 502.281, et seq., a nonadjudicatory investigation is hereby instituted into the practices of rebates, concessions, absorptions and allowances in excess of those set forth in applicable tariffs, and any other devices or means of obtaining, providing, or allowing other persons to obtain, transportation of property at less or different compensation than the rates and charges shown in applicable tariffs or service contracts, in the United States foreign commerce, between ports and points in the Trans-Atlantic Trades:

It is further ordered, that the Investigative Officer shall be Vern W. Hill of the Commission. Mr. Hill shall direct the investigation and shall be assisted by such staff members as he may designate or as may be assigned by the Commission's Managing Director;

The Investigative Officer shall have the full authority of the Commission to hold public or nonpublic sessions, to resort to all compulsory process authorized by law (including the issuance of subpoenas ad testificandum and duces tecum), to administer oaths and to perform such other duties as may be necessary in accordance with the

laws of the United States and the regulations of the Commission;

It is further ordered, that said investigative officer shall issue to the Commission interim progress reports every four months and a final report of findings and recommendations no later than one year after publication of this Order in the Federal Register, all such reports to remain confidential unless and until the Commission rules otherwise; and

It is further ordered, that this proceeding will be discontinued upon issuance of the final report by the Investigative Officer;

It is further ordered, that Notice of this Order be published in the Federal Register.

By the Commission.

Joseph C. Polking,  
Secretary.

[FR Doc. 87-8251 Filed 4-13-87; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Change in Bank Control; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and section 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 29, 1987.

**A. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. **Gary D. Karre**, Papillion, Nebraska; Larry Rozmiarek, Ralston, Nebraska; Norman H. Stevens, Omaha, Nebraska; Larry Taylor, Omaha, Nebraska; Hal Zimmerman, Omaha, Nebraska; Carolyn Smith, New York, New York; Ray Zagodzda, Sr., Ralston, Nebraska; Ray Zagodzda, Jr., Ralston, Nebraska; William E. Vacek, Hermosa Beach, California; Michael Dudzinski, Omaha, Nebraska; Mini Plaza, Omaha, Nebraska (controlled by Michael Dudzinski);

Gerald B. and Frances J. Campbell, Omaha, Nebraska; Richard Fogelman, Papillion, Nebraska; Ted F. Melonis, Omaha, Nebraska; Edward E. and Joann Zbylut, Omaha, Nebraska; Clifford Pawol, Omaha, Nebraska; Paul Zagodzda, Omaha, Nebraska; and Elizabeth Novak, Papillion, Nebraska; to acquire 100 percent of the voting shares of First Financial Savings Corporation, La Vista, Nebraska, and thereby indirectly acquire Brentwood Bank, La Vista, Nebraska.

2. **Donald L. Sturm**, Omaha, Nebraska; to acquire 61.1 percent of the voting shares of American Bank Corporation, Omaha, Nebraska, and thereby indirectly acquire American National Bank of Affton, Affton, Wyoming; American National Bank of Cheyenne, Cheyenne, Wyoming; and American National Bank of Evanston, Evanston, Wyoming.

Board of Governors of the Federal Reserve System, April 8, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-8235 Filed 4-13-87; 8:45 am]

BILLING CODE 6210-01-M

### Union Planters Corp. et al., Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 6, 1987.

**A. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President), 411 Locust Street, St. Louis, Missouri 63166:

1. **Union Planters Corporation**, Memphis, Tennessee; to acquire at least 90 percent of the voting shares of The First BancCrossville, Inc., Crossville, Tennessee, and thereby indirectly acquire The First National Bank of Crossville, Crossville, Tennessee.

**B. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. **Security National Bancshares of Sapulpa, Inc.**, Sapulpa, Oklahoma; to become a bank holding company by acquiring 80 percent of the voting shares of Security National Bank of Sapulpa, Sapulpa, Oklahoma.

Board of Governors of the Federal Reserve System, April 8, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-8236 Filed 4-13-87; 8:45 am]

BILLING CODE 6210-01-M

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### Privacy Act of 1974

**AGENCY:** Federal Retirement Thrift Investment Board.

**ACTION:** Notice; initial publication of notice of systems of records.

**SUMMARY:** This notice is being published pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, as amended, in order to describe new systems of records established by a Federal agency containing information on individuals.

**DATES:** Comments must be received on or before June 15, 1987. This notice is effective April 14, 1987.

**ADDRESS:** Written comments may be sent to: John J. O'Meara, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044; or delivered to the Board's office at Room 214, 1717 H Street NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** John J. O'Meara, (202) 653-2537.

**SUPPLEMENTARY INFORMATION:** The Federal Retirement Thrift Investment Board was established by Pub. L. No. 99-335 (June 6, 1986), the Federal Employee's Retirement System Act of 1986, 1986 U.S. Code Cong. & Ad. News (100 Stat. 514) (to be codified principally at 5 U.S.C. 8401-8479), as amended by Pub. L. No. 99-509, the Omnibus Reconciliation Act of 1986, and Pub. L. No. 99-556, the Federal Employees'

Retirement System Technical Corrections Act of 1986. Its primary function is to invest the assets of the Thrift Savings Fund and manage the Thrift Savings Plan. The Board is an independent establishment located in Washington, DC., and it has no field offices. However, the Board does have a recordkeeping responsibility which is performed by contract and the contractor may be located outside of the Washington, DC area. The records maintained for the Board by its contractor are subject to its Privacy Act regulations and constitute a Board system of records. At this time, the record keeping contract is held by the National Finance Center, Department of Agriculture, New Orleans, Louisiana. The notice set forth herein relates to new systems of records which have been established by the Federal Retirement Thrift Investment Board in accordance with the requirements of its enabling legislation. The Board will issue a final notice of these systems of records after the comment period has expired.

Federal Retirement Thrift Investment Board.  
Francis X. Cavanaugh,  
Executive Director.

#### Federal Retirement Thrift Investment Board Systems of Records

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#### FRTIB-1

##### SYSTEM NAME:

Thrift Savings Plan Records.

##### SYSTEM LOCATION:

These records are located at the National Finance Center, Department of Agriculture, Building 350, 13800 Old Gentilly Road, New Orleans, Louisiana.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former Federal employees, and present and former Members of Congress, who have been or are participants in the Thrift Savings Plan, and their beneficiaries.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain the following kinds of information: Thrift Savings Plan Account records of employee contributions, employer contributions employee and Member social security number, date of birth and home address, account earnings and balance, records showing whether a participant's interest is vested, participant designated beneficiaries, locator information on former spouses and spousal waivers, records of garnishment action against accounts, employing agency, servicing payroll office, servicing personnel office of the participant, and the participant's investment status by Fund.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8474.

##### PURPOSE:

The purpose of this system of records is to record and document contributions and earnings of each plan participant and to communicate with participants in order to make certain that they receive their entitlement at the time of separation from government service.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

- a. To disclose financial data to Federal, State, and local government tax enforcement agencies so that they may enforce applicable tax laws.
- b. To disclose to annuity vendors so that these firms may provide retired employees with an annuity.
- c. To disclose to financial institutions who are qualified pension plan sponsors for purposes of transfer to an individual retirement account or to transfer into another qualified pension plan.
- d. To disclose to agency payroll and personnel offices information necessary to assure the effective operation of the Thrift Savings Plan.
- e. To disclose to beneficiaries so that they may exercise their entitlement rights under the Act.
- f. To disclose to current and former spouses so that they may exercise their entitlement rights under the Act.
- g. To disclose to the Department of Labor and to private sector audit firms so that they may perform audits as provided for in the Act.

h. To disclose to the General Accounting Office to allow that agency to perform reviews requested by Congress.

i. To disclose to any inquirer, if sufficient information is provided to assure positive identification of an individual on whom a department or agency maintains retirement records, the fact that an individual is or is not on the retirement rolls, and, if so, the type of annuity (employee or survivor, but not disability retirement) being paid, or if not, whether a refund has been paid.

j. When an individual to whom a record pertains dies, to disclose to any person possibly entitled in the order of precedence of lump sum benefits, information in the individual's record which might properly be disclosed to the individual, and the name and relationship of any other person whose claim to benefits takes precedence or who is entitled to share the benefits payable. When a representative of the estate has not been appointed, the individual's next of kin may be recognized as the representative of the estate.

k. To disclose to the Department of the Treasury information necessary to issue checks.

l. To disclose information to any person who is responsible for the care of the individual to whom a record pertains and who is found by a court to be incompetent or under other legal disability, information necessary to assure payment of benefits to which the individual is entitled.

m. To disclose to the Parent Locator Service of the Department of Health and Human Services, upon its request, the present address of an annuitant, survivor annuitant, or former employee, for the purpose of enforcing child support obligations against such individual.

n. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where the Board becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

o. To disclose information to the Office of Management and Budget at any stage of the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

p. To disclose information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.



q. To disclose to the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

r. To disclose an official of another Federal agency information needed in the performance of official duties related to reconciling or reconstructing data files, compiling descriptive statistics, and making analytical studies in support of the function for which the records were collected and maintained.

s. To disclose to a Federal agency, in response to its request, the present address of a former employee and any other information the agency needs in order to contact the former employee concerning a possible threat to his or her health or safety.

t. To disclose information to the Department of Justice when

- (1) The Board, or any component thereof; or
- (2) Any employee of the Board, in his or her official capacity; or
- (3) Any employee of the Board in his or her individual capacity, where performance of official duties is at issue; or
- (4) The United States, where the Board determines that litigation is likely to affect the agency or any of its components,

Is a party to litigation or has an interest in such litigation, and the Board determines that use of such records is relevant and necessary to the litigation:

u. To disclose information in a proceeding before a court or adjudicative body before which the Board is authorized to appear, when

- (1) The Board or any component thereof; or
- (2) Any employee of the Board in his or her official capacity; or
- (3) Any employee of the Board in his or her individual capacity, where performance of official duties is at issue; or
- (4) The United States, where the Board determines that litigation is likely to affect the agency or any of its components,

Is a party to litigation or has an interest in such litigation, and the Board determines that use of such records is relevant and necessary to the litigation.

**POLICIES AND PRACTICES OF STORING, RETRIEVING, SAFEGUARDING, AND RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

These records are maintained on magnetic media, microfiche and in folders.

**RETRIEVABILITY:**

These records are retrieved by name, Social Security Number, and date of birth of the individual to whom they pertain.

**SAFEGUARDS:**

Records are kept in metal file cabinets in a secure facility with access limited to those whose official duties require access. Personnel screening is employed to prevent unauthorized disclosure. Automatic data processing software security mechanisms are used to prevent unauthorized access to the magnetic media.

**RETENTION AND DISPOSAL:**

All records are retained as long as the Board has a custodial responsibility for a particular asset and for three years thereafter. Disposal of manual records is by shredding or burning, magnetic media are erased.

**SYSTEM MANAGER(S) AND ADDRESS:**

Executive Director, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

**RECORD ACCESS PROCEDURE:**

Current federal employees wishing to inquire if this system contains information about them should contact their servicing personnel office. Separated personnel with the same inquiry should contact the system manager.

Individuals must furnish the following information for their records to be located and identified:

- a. Name, including all former names.
- b. Date of birth.
- c. Social Security Number.
- d. Name and address of office in which currently or formerly employed in the Federal Service.

The individual requesting access must follow the Board's identity verification procedure.

**NOTIFIED PROCEDURE:**

Current federal employees wishing request amendment of their records in this system should contact their servicing personnel office. Separated personnel with the same inquiry should contact the system manager.

Individuals must furnish the following information for their records to be located and identified:

- a. Name, including all former names.
- b. Date of birth.
- c. Social Security Number.
- d. Name and address of office in which currently or formerly employed in the Federal Service.

**CONTESTING RECORDS PROCEDURE:**

Current federal employees wishing to request amendment of their records in this system should contact their servicing personnel office. Separated personnel with the same inquiry should contact the system manager.

Individuals must furnish the following information for their records to be located and identified:

- a. Name, including all former names.
- b. Date of birth.
- c. Social Security Number.
- d. Name and address of office in which currently or formerly employed in the Federal Service.

**RECORD SOURCE CATEGORIES:**

The information in this system is obtained from the following sources:

- a. The individual to whom the information pertains.
- b. Agency pay, leave, and allowance records.
- c. Court orders.
- d. Spouses and former spouses.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**FRTIB-2**

**SYSTEM NAME:**

Personnel Background Investigation Reports.

**SYSTEM LOCATION:**

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street NW., Washington, DC.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former applicants for employment by the Board; employees considered for access to restricted areas; and/or contractors, employees of contractors, experts, and consultants to the Board.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records may contain investigative information regarding an individual's character, financial responsibility, conduct, behavior, arrests and convictions for any violations against the law; reports of interviews with former supervisors; co-workers, associates, and educators; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies; former employers; educational institutions attended; and other information developed from the above.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8474.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The contents of these records may be disclosed and used as follows:

- a. To assist in determining the suitability for access to classified information.
- b. To designated officers and employees of other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, in connection with performance of a service to the Federal Government, under a contract or other agreement, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government.
- c. To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.
- d. To any source from which information is requested by the Board in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation and to identify the type of information requested.
- e. In the event of an indication of any violation or potential violation of the law, either civil, criminal, or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall include, and be deemed to authorize any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing.
- f. As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of

individuals) under the Freedom of Information Act.

**POLICIES AND PRACTICES OF STORING, RETRIEVING, RETAINING, ACCESSING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Files are maintained in folders and index cards in steel file cabinets with manipulation proof combination lock.

**RETRIEVABILITY:**

Records are indexed by name in alphabetical order.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons whose official duties require access and who have appropriate security clearance.

**RETENTION AND DISPOSAL:**

The indexing cards are retained indefinitely, while the reports of investigation are returned to the originating agency after separation of employment.

**SYSTEM MANAGER AND ADDRESS:**

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

**NOTIFICATION PROCEDURE:**

An individual may inquire as to whether or not the system contains a record pertaining to him or to her by addressing a written request to the System Manager.

The request should include the full name and date and place of birth of the individual, and any available information regarding the type of record involved, and the category of individual under which the inquirer feels he or she fits.

**RECORD ACCESS PROCEDURE:**

In response to a written request by an individual to determine whether or not the system contains a record pertaining to him or to her, the Director will set forth the procedure for gaining access to the record. If the individual desires to contest the contents of a record, he or she may do so by writing to the System Manager.

**RECORD SOURCE CATEGORIES:**

Information contained in the system is obtained from the following:

1. Applications and other personnel and security forms furnished by the individual.
2. Investigative material furnished by other Federal agencies. Notices of personnel actions furnished by other Federal agencies.

3. Personal investigation or written inquiry from sources such as:

Employers  
Schools  
References  
Neighbors  
Associates  
Police Departments  
Courts  
Credit Bureau  
Medical Records  
Probation Officials  
Prison Officials

4. Newspapers, magazines, periodicals, and other publications.

5. Published hearings of Congressional Committees.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5) (the Privacy Act) and the Board's regulation relating thereto (5 CFR 1630.16), certain portions of this system of records may be exempt from certain provisions of the Act where: (1) Such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

**FRTIB-3****SYSTEM NAME:**

General Personnel Records.

**SYSTEM LOCATION:**

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW., Washington, DC.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

This system of records consists of a variety of documents relating to personnel actions of the Board and its determinations made about an individual during the course of his or her employment by the Board. These records may contain information about employees and former employees relating to employment, placement, personnel actions, performance considerations and evaluations; training and development activities and plans, background investigations; reference checks; salary history and other personnel matters. It also includes minority group and medical disability designators; records relating to benefits and designation of beneficiary; emergency contact, documentation

supporting personnel actions or decisions made about an individual; awards and other information relating to the status of the individual either while considered for employment or while employed by the Board.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8474.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records is used:

- a. To provide data for automated personnel records.
- b. To provide information to a Federal agency, or any other employer or prospective employer, in response to its request in connection with the hiring or retention of an employee, the letting of a contract, or 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.
- c. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information or other pertinent information to a Board 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 grant or other benefit.
- d. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.
- e. To transfer information necessary to report a claim for benefits under the various benefit programs in operation at the Board.

**POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in file folders, magnetic tape, disc, punched cards, index cards and microfilm.

**RETRIEVABILITY:**

Records are indexed by any combination of name, date of birth, social security number, or identification number.

**SAFEGUARDS:**

Records are located in lockable metal file cabinets in secured rooms with access limited to those whose official duties require it.

**RETENTION AND DISPOSAL:**

The General Personnel Record is retained until five years after death or until an individual achieves age 75 where he or she does not separate employment by retirement.

**SYSTEM MANAGER AND ADDRESS:**

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

**NOTIFIED PROCEDURE:**

Inquiries, including name, date of birth, and social security number should be addressed to the System Manager, address above.

**RECORD ACCESS PROCEDURES:**

Current and former Board employees who wish to gain access to or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and social security number.

**RECORD SOURCE CATEGORIES:**

Information in this system of records comes from the individual to whom it applies or is derived from the information the individual supplied, except information provided by Board officials. Information is also obtained from the following sources for administration of the benefits portion of the system:

1. OPM Personnel Management Records System.
2. Personnel records of other Government agencies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5) (the Privacy Act) and the Board's regulation relating thereto (5 CFR 1630.16), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) Such portions represent investigatory material compiled for law enforcement purposes; or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

**FRTIB-4**

**SYSTEM NAME:**

EEO Discrimination Complaint File.

**SYSTEM LOCATION:**

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW., Washington, DC.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Applicants for Board employment and current and former Board employees who file a complaint of discrimination or appeal a determination made by an official of the Board relating to equal employment opportunities.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records contains information or documents relating to a complaint or a decision made by the Board affecting an individual under the Board's EEO regulations and procedures. The records consist of the initial complaint or appeal letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimony of witnesses, investigative reports, instructions to the Board and/or individual about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8474.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The information in the records may be used:

- a. To adjudicate an appeal, complaint, or grievance.
- b. To refer, where there is an indication of a violation or potential violation of law, whether civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
- c. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the

requesting agency's decision on that matter.

**POLICIES AND PRACTICES OF STORING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

These records are maintained in file folders, binders, and index cards.

**RETRIEVABILITY:**

These records are indexed by the names of the individuals on whom they are maintained.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**RETENTION AND DISPOSAL:**

The records are maintained indefinitely.

**SYSTEM MANAGER AND ADDRESS:**

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

**NOTIFICATION PROCEDURE:**

Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

**RECORD ACCESS PROCEDURES:**

Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access or contest the records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application and the kind of action taken by the Board.

**RECORD SOURCE CATEGORIES:**

- a. Individual to whom the record pertains
- b. Board employees
- c. Affidavits or statements from employee
- d. Testimony of witnesses
- e. Official documents relating to the appeal, grievance, or complaint.
- f. Correspondence from specific organizations or persons.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to subsection 5 U.S.C. 552a (k)(2) (the Privacy Act) and the Board's regulation relating thereto (5 CFR 1630.16) certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled for law enforcement purposes.

**FRTIB-5**

**SYSTEM NAME:**

Adverse Information and Action Records; Disciplinary Records.

**SYSTEM LOCATION:**

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street NW., Washington, DC.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former Board employees, (including special employees) and annuitants who are involved in an adverse action; employees who suffer a withholding of a Progress Step Increase; and those employees who have creditors contracting the Board relative to credit problems.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records may contain information or documents relating to a determination made by the Board affecting an individual. The records consist of letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimony of witnesses, investigative reports, and related correspondence, opinions and recommendations. Letters from creditors are also contained in this system.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8474.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The information in the records may be used:

- a. To adjudicate an appeal, complaint, or grievance.
- b. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the

statute, rule, regulation or order issued pursuant thereto.

b. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to a Board decision concerning the hiring or retention of a employee, the issuance of a security clearance, the letting of a contract, or the issuance of a grant or other benefit.

d. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

These records are maintained in fine folders, binders, and index cards.

**RETRIEVABILITY:**

These records are indexed by the names of the individuals on whom they are maintained.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

**RETENTION AND DISPOSAL:**

The records are maintained indefinitely after cessation of employment unless deemed unnecessary, and then destroyed.

**SYSTEM MANAGER AND ADDRESS:**

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

**NOTIFICATION PROCEDURE:**

Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and type of situation with which concerned, to the System Manager, address above.

**RECORD ACCESS PROCEDURE:**

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager above. Former Board employees should direct

such a request in writing, including their name, date of birth and social security number.

**RECORD SOURCE CATEGORIES:**

Information provided by persons involved in there adverse action process including law enforcement personnel.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**FRTIB-6**

**SYSTEM NAME:**

Payroll Records.

**SYSTEM LOCATION:**

General Services Administration, National Capital Region, copies held by the Board. (GSA holds records for the Board under contract.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Past and present employees and members of the Board.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Varied payroll records including payment vouchers, comprehensive listing of employees, requests for deductions, tax forms, W-2 forms, overtime requests, leave data, workmen's compensation data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8474.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used in the preparation of Board payroll, as input to several management reports, and, from time to time, input to other contributing organizations for use in studies, analyses, and reports or support activities.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

On tape, punched cards, index cards, folders and document files.

**RETRIEVABILITY:**

Filed by name, social security number, and employee number.

**SAFEGUARDS:**

Access is restricted to authorized personnel only. Records are stored in cabinets and a safe. Access to computer records is restricted to authorized personnel.

**RETENTION AND DISPOSAL:**

Minimum of one year from date of annual audit; maximum of indefinite.

**SYSTEM MANAGER AND ADDRESS:**

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station P.O. Box 511, Washington, DC 20044.

**NOTIFICATION PROCEDURE:**

Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, identification number (if known).

**RECORD ACCESS PROCEDURES:**

Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, identification number (if known).

**RECORD SOURCE CATEGORIES:**

Internal personnel forms, Federal, state, and local tax forms, employee authorizations and directive forms, insurance forms, leave and overtime reports. Federal and state garnishment forms.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**FRTIB-7**

**SYSTEM NAME:**

Leave Records

**SYSTEM LOCATION:**

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW, Washington, DC.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present employees, former employees for a period of three years following their separation from the Board.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains timekeeper records, leave cards, payroll notifications, supporting memorandum, periodic leave statements, and creditable service documentation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8474.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used as a data source for management information and payment of leave, for production of statistics and analytical studies in support of the function for which records are collected

and maintained or for related personnel management functions, and manpower studies. This information is provided to the General Services Administration which is under contract to provide personnel support to the Board and it will be disclosed to other Federal agencies in connection with official audit activities.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Punched card, tape, disk, index card, folder, and print out.

**RETRIEVABILITY:**

Filed by date, but may be filed by name or identifying number.

**SAFEGUARDS:**

Stored in locked metal file cabinets, other record stored in secured limited access computer facilities.

**RETENTION AND DISPOSAL:**

Specific information destroyed after three years. Summary data is a part of permanent official personnel file.

**SYSTEM MANAGER AND ADDRESS:**

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

**NOTIFICATION PROCEDURE:**

Individual wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager above. Former Board employees should direct such a request in writing, including their name, date of birth, and social security number.

**RECORD ACCESS PROCEDURE:**

Individuals wishing to gain access or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and social security number.

**RECORD SOURCE CATEGORIES:**

Records, files and forms of the Board, information provided by the employee.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**FRTIB-8**

**SYSTEM NAME:**

Consultant and Staff Associate File.



**SYSTEM LOCATION:**

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW., Washington, DC 20044.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals retained by formal agreement, who: (1) Provide consulting services to the Board and (2) act as advisors to the Board, but do not maintain the independence of action necessary to meet the requirements for classification as an independent contractor.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Documents, letters, memorandum of understanding relating to agreement, rates of pay, payment, records, vouchers, invoices, and selection; negotiation, implementation, scope and performance of work. Additional information may be found on reemployed annuitants in the Board's General Personnel Records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8474.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Routine uses include, but are not restricted to, selection, monitoring, evaluation and control, audit and analysis, routine management activity, and statistical use without individual identification: Verification and confirmation; and referral when used as a basis for prospective employment by employers other than the Board; to provide information or disclose to a Federal agency, or any other employer or prospective employer, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or 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.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Folder, punched card, tape, disk and index card.

**RETRIEVABILITY:**

Filed by name and cross indexed by voucher number and date.

**SAFEGUARDS:**

Stored in secured area, access limited to Board staff on an official use basis.

**RETENTION AND DISPOSAL:**

Indefinite.

**SYSTEM MANAGER AND ADDRESS:**

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

**NOTIFICATION PROCEDURE:**

Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

**RECORD ACCESS PROCEDURE:**

Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access or contest the records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application, and the kind of action taken by the Board.

**RECORD SOURCE CATEGORIES:**

Information in this system of records is obtained from the individual to whom it applies or is derived from information supplied by the individual, except information provided by Board staff, and for reemployed annuitants where the inactive General Personnel File is activated.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (5 CFR 1630.16), certain portions of this systems of records may be exempted from certain provisions of the Act where: (1) Such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

**FRTIB-9.****SYSTEM NAME:**

Board Members File.

**SYSTEM LOCATION:**

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW., Washington, DC 20044.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Past and present members of the Board.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Biographies of past and present members of the Board, oaths of office, and miscellaneous correspondence relating to such Members.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8474.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used for background information to determine qualifications for appointment, reappointments, for compiling information for new releases and other publications, and for recording correspondence concerning the members.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records.

**RETRIEVABILITY:**

Indexed by name.

**SAFEGUARDS:**

Locked in a metal file cabinet. Access limited to Board staff on a restricted basis.

**RETENTION AND DISPOSAL:**

Indefinite.

**SYSTEM MANAGER AND ADDRESS:**

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

**NOTIFICATION PROCEDURE:**

Contact the System Manager, address above.

**RECORD ACCESS PROCEDURES:**

Contact the System Manager, address above.

**RECORD SOURCE CATEGORIES:**

Generated by individuals, incoming correspondence and staff response thereto.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT**

Pursuant to 5 U.S.C. 552a(k)(5) (the Privacy Act) and the Board's regulation

relating thereto (5 CFR 1630.16) certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

#### **FRTIB-10**

##### **SYSTEM NAME:**

Biographical File on Board employees.

##### **SYSTEM LOCATION:**

Federal Retirement Thrift Investment Board, Room 204, 1717 H Street, NW., Washington, DC.

##### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present and former Board officers, and their staff.

##### **CATEGORIES OF RECORDS IN THE SYSTEM:**

This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed by the Board. These records contain information about an individual relating to birth date; education; veteran status; tenure; handicap; past and present salaries; grades, and position titles; personnel actions, including but not limited to appointment, reassignment, demotion, detail, promotion, transfer, and separation; photograph, awards; and other information relating to the status of the individual.

##### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8474.

##### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

- a. To provide reports to Congress, agencies, and the public on characteristics of the work force.
- b. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

##### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

###### **STORAGE:**

Records are maintained in file folders.

###### **RETRIEVABILITY:**

Records are indexed by combination of name or identification number.

###### **SAFEGUARDS:**

Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

###### **RETENTION AND DISPOSAL:**

Retained indefinitely.

###### **SYSTEM MANAGER AND ADDRESS:**

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

###### **NOTIFICATION PROCEDURE:**

Inquiries, including name, date of birth, and social security numbers should be addressed to the System Manager, address above.

###### **RECORD ACCESS PROCEDURE:**

Current and former Board employees who wish to gain access and contest their records should direct such a request in writing, including their name, date of birth, and social security number to the System Manager, address above.

###### **RECORD SOURCE CATEGORIES:**

Information in this system of records comes from either the individual to whom it applies, extracted from documents he or she supplied, or data provided by Board officials and employees.

###### **SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

#### **FRTIB-11**

##### **SYSTEM NAME:**

Employee Locator Card Files.

##### **SYSTEM LOCATION:**

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street NW., Washington, DC.

##### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of the Board.

##### **CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains information regarding the organizational location and telephone extension of individual Board employees. The system also

contains the home address and telephone number of the employee, and the name, address, and telephone number of an individual to contact in the event of a medical or other emergency involving the employee.

##### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8474.

##### **PURPOSE(S):**

Information is collected for this system for use in preparing telephone directories of the extensions of Board employees. The record also serves to identify an individual for Board officials to contact, should an emergency of a medical or other nature involving the employee occur while the employee is on the job. These records may be used to locate individuals for personnel research.

##### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used:

a. By the Board in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of the elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

b. 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.

##### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

###### **STORAGE:**

Records are maintained on cards.

###### **RETRIEVABILITY:**

Records are retrieved by the name of the individual on whom they are maintained.

###### **SAFEGUARDS:**

Records are maintained in secured areas and are available only to authorized personnel whose duties require access.

###### **RETENTION AND DISPOSAL:**

Records are maintained as long as the individual is an employee of the Board.

Expired records are destroyed by burning or shredding.

**SYSTEM MANAGER AND ADDRESS:**

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

**NOTIFICATION PROCEDURE:**

Board employees wishing to inquire whether this system contains information about them should contact the System Manager. Individuals must supply their full name for their records to be located and identified.

**RECORD ACCESS PROCEDURES:**

Board employees wishing to request access to records about them should contact the System Manager. Individuals must supply their full name for their records to be located and identified.

**CONTESTING RECORD PROCEDURES:**

Office employees may amend information in these records at any time by resubmitting the cards. Individuals wishing to request amendment of their records under the provisions of the Privacy Act should contact the Board's Administrative Officer. Individuals must furnish full name for their records to be located and identified.

**RECORD SOURCE CATEGORIES:**

Information is provided by the individual who is the subject of the record.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**FRTIB-12**

**SYSTEM NAME:**

Grievance Records.

**SYSTEM LOCATION:**

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW., Washington, DC.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current or former Board employees who have filed grievance.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system contains records relating to grievances filed by Board employees. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiners' findings and recommendations, a copy of the original decision, and related correspondence and exhibits. This system does not include files and

records of any grievance filed under negotiated procedures with recognized labor organizations.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8474.

**PURPOSE(S):**

These records are used to process grievances submitted by Board employees for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

c. To disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, issuance of a security clearance, conducting of a security or suitability investigation of an individual, the classifying of jobs, letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

d. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Council, when requested in connection with appeals, special studies of the civil service and other merit systems, alleged or possible prohibited personnel practices, and such other functions as may be authorized by law.

e. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discriminatory practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee

Selection Procedures, or other functions vested in the Commission.

f. To disclose information to the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair labor practices or matters before the Federal Service Impasses Panel.

g. 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.

**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 3 years after closing of the case. Disposal is by shredding or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

**NOTIFICATION PROCEDURE:**

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the personnel or designated office where the action was processed, regarding the existence of such records on them. They must furnish the following information for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

**RECORDS ACCESS PROCEDURES:**

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the personnel or designated office where the action was processed. Individuals must

provide the following information for their records to be located and identified:

- a. Name.
- b. Date of birth.
- c. Approximate date of closing of the case and kind of action taken.

**CONTESTING RECORD PROCEDURES:**

Review of requests from individual's seeking amendment of their records which have been the subject of a judicial or quasijudicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the personnel or designated office where the grievance was processed. Individuals must furnish the following information for their 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.

**RECORD SOURCE CATEGORIES:**

Information in this system of records is provided:

- a. By the individual on whom the record is maintained.
- b. By testimony of witnesses.
- c. By agency officials.
- d. From related correspondence from organizations or persons.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**FRTIB-13**

**SYSTEM NAME:**

Recruiting and Placement Records.

**SYSTEM LOCATION:**

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW., Washington, DC 20044.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who have applied for employment with or are employed by the Board.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records may contain information relating to the education, training, employment history and earnings, appraisal of past performance, convictions for offenses against the law, results of tests, appraisal of potential, honors, awards of fellowships, military

service, veteran status, school transcripts, work samples, birth date; social security number, shipping authorizations; travel vouchers, offer letters and correspondence, reference checks, and home address of persons who have applied for Board employment or are employed by the Board.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8474.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used:

a. To refer applicants for purposes of consideration for placement in positions for which an applicant has applied and is qualified. This includes various government organizations.

b. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State or local, charged with the responsibility of investigating or prosecuting such violation or with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

c. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information 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.

d. To provide information or disclose to a Federal agency, or any other employer or prospective employer in response to its request; in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained on magnetic tapes, lists, forms, and in folders.

**RETRIEVABILITY:**

Records are indexed by name, combination of birth date, social security account number, and applicable identification number.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

a. Files of eligibles. Retained for a minimum of one year after date of determination that no suitable position exists currently.

b. Index cards. Destroyed when no longer needed.

**SYSTEM MANAGER AND ADDRESS:**

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, DC 20044.

**NOTIFICATION PROCEDURE:**

Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

**RECORD ACCESS PROCEDURES:**

Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

**RECORD SOURCE CATEGORIES:**

Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplies, except reports from medical personnel on physical qualifications; and statements supplied by references.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (5 CFR 1630.18), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) Such portions represent investigatory material compiled for law enforcement purposes; or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

**FRTIB-14**

**SYSTEM NAME:**

Financial Disclosure Reports and Outside Business Interest Records.

**SYSTEM LOCATION:**

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street NW, Washington, DC.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Board members; officials, and key Board employees who are required to file annual financial disclosure reports pursuant to Title II of the Ethics in Government Act, as amended, Pub. L. 95-521, 1978 and Pub. L. 96-19, 1979 or pursuant to Board Regulation, and outside business interest application forms, filed pursuant to Board regulations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain:

- a. The annual financial disclosure reports filed on forms prescribed by the Office of Government Ethics, for those Board members and officials who are required by statute to file these reports;
- b. Confidential annual financial disclosure reports filed annually by designated Board employees who are required by Board regulations to file these reports; and
- c. Outside business interest application forms filed by employees pursuant to Board regulation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8474.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The information in these records may be used:

- a. To provide information to the Office of Government Ethics.
- b. To provide copies of those financial disclosure reports filed pursuant to the Ethics in Government Act to the public, upon request.
- c. To refer, where there is an indication of a violation or potential violation of law, to the appropriate agency, whether federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

These records are maintained in file folders in locked steel file cabinets.

**RETRIEVABILITY:**

These records are indexed by the names of the individuals to whom they pertain.

**SAFEGUARDS:**

Access to and use of these records is restricted to those persons whose official duties require such access.

**RETENTION AND DISPOSAL:**

- a. Financial disclosure reports filed pursuant to the Ethics in Government Act are retained for the statutorily required six-year period, after which they are destroyed, unless needed in an ongoing investigation.
- b. Confidential financial disclosure reports filed pursuant to Board regulation are maintained indefinitely.
- c. Outside Business Interest Applications are maintained indefinitely.

**NOTIFICATION PROCEDURE:**

- a. Requests for access to financial disclosure reports filed pursuant to the Ethics in Government Act are to be submitted on the form provided by the Office of Government Ethics.
- b. Individuals wishing to have access to their own confidential financial disclosure reports or outside business interest applications should contact the System Manager above.

**RECORD ACCESS PROCEDURE:**

Individuals wishing to gain access to or to correct information maintained about them in this system of records should contact the System Manager above. Former Board employees should direct such a request in writing, including their name, date of birth and social security number.

**RECORD SOURCE CATEGORIES:**

Individual to whom the record pertains.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**FRTIB-15****SYSTEM NAME:**

Health Records.

**SYSTEM LOCATION:**

Federal Retirement Thrift Investment Board, Room 214, 1717 H Street, NW, Washington, DC.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

- a. Applicants for disability retirement.
- b. Current and former Board employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

- a. Information relating to an individual's medical qualifications to hold a position with the Board.
- b. Medical information relating to an individual's capability (physical and mental) to satisfactorily perform the duties of the position he or she holds or held.
- c. Information relating to an employee's participation in an occupational health services program.
- d. Information relating to pre-employment or periodic medical examinations to assure that the incumbent is qualified (physically and mentally) to satisfactorily perform the duties of the position.
- e. Information attesting to an annuitant's state of health as required for insurable interest survivor annuity elections.
- f. Information relating to handicaps.
- g. Information relating to employee participation in the Federal Civilian Employee Alcoholism and Drug Abuse Program.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8474.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

1. Information in these records is used to:
  - a. Support applications for disability retirement
  - b. Support insurable interest survivor annuity elections
  - c. Assist in medical counseling
2. Information used in these records may be provided to private contractors providing employee benefits and to officials of other Federal agencies responsible for Federal benefit programs administered by:
  - a. Office of Workmen Compensation Programs
  - b. Retired Military Pay Centers
  - c. Veterans Administration
  - d. Social Security Administration
  - e. Office of Personnel Management
3. Information in these records is used:
  - a. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
  - b. To request information from a Federal, state or local agency



maintaining civil, criminal or other relevant enforcement or other pertinent information, such as a license, if necessary to obtain relevant information to the Board's decision concerning the hiring or retention of an employee, the issuance of a security clearance, the lettering of a contract or the issuance of a grant or other benefit.

c. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract or 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.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are in folders.

**RETRIEVABILITY:**

Records are indexed by name, social security number, identification number, date of birth and/or claim number.

**SAFEGUARDS:**

Access to and use of these records are limited to those persons whose official duties require such access. Records are stored in lockable metal containers.

**RETENTION AND DISPOSAL:**

- a. Medical certificates and other medical records of examination used to determine an employee's fitness for a job are retained 6 years after separation.
- b. Miscellaneous medical records, correspondence dispensary records and similar papers are retained for 6 months after separation.
- c. Applicant's medical records are retained for 6 years after separation.
- d. Disability requirement medical files are retained for 6 years after separation.

**SYSTEM MANAGER AND ADDRESS:**

Administrative Officer, Federal Retirement Thrift Investment Board, Benjamin Franklin Station, P.O. Box 511, Washington, D.C. 20044.

**NOTIFICATION PROCEDURE:**

Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned to the System Manager, address above.

**RECORDS ACCESS PROCEDURES:**

Board employees wishing to request access to records about them should

contact the System Manager. Individuals must supply their full name for their records to be located and identified.

**CONTESTING RECORD PROCEDURES:**

Office employees may amend information in these records at any time by resubmitting the cards. Individuals wishing to request amendment of their records under the provisions of the Privacy Act should contact the Board's Administrative Officer. Individuals must furnish full name for their records to be located and identified.

**RECORD SOURCE CATEGORIES:**

Information is provided by the individual who is the subject of the record.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 87-8286 Filed 4-13-87; 8:45 am]

BILLING CODE 6820-SB-M

**FEDERAL TRADE COMMISSION**

**Agency Information Collection Activities Under OMB review; Funeral Industry**

**AGENCY:** Federal Trade Commission.

**ACTION:** Application to OMB under the Paperwork Reduction Act, (44 U.S.C. 3501 *et seq.*) for review of a voluntary follow-up survey of consumers' experiences in arranging a funeral.

**SUMMARY:** The FTC is requesting OMB review under 5 CFR 1320.14 of the Funeral Rule Follow-up Survey. This will be a mail survey of consumers for the purpose of evaluating the impact of the Funeral Industry Practices Rule (16 CFR Part 453). The data from the survey will be compared to the Funeral Rule Baseline Study completed in 1982. The comparison of the baseline data and follow-up results will be used to help the Commission determine whether there is a continuing need for the funeral rule and if so, whether any changes in it are needed.

This one-time survey will entail an estimated 1,317 burden hours, including 917 hours of mail screening of a pre-existing consumer panel of 55,000 households to establish a demographically balanced group of 1,200 individuals who have recently arranged a funeral. A questionnaire (entailing 400 burden hours) will be used to obtain information from the group.

**DATE:** Comments on this request for OMB review must be submitted on or before May 14, 1987

**ADDRESS:** Send comments to Mr. Don Arbuckle, Office of Information Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC. Copies of the application may be obtained from: Public Reference Branch, Room 130, Federal Trade Commission, Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Maronick, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580 (202) 326-2291.

Robert D. Paul,  
General Counsel.

[FR Doc. 87-8262 Filed 4-13-87; 8:45 am]

BILLING CODE 6750-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Alcohol, Drug Abuse, and Mental Health Administration**

**National Advisory Council on Drug Abuse; Meeting**

**AGENCY:** Alcohol, Drug Abuse, and Mental Health Administration.

**ACTION:** Notice of Meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of the forthcoming meetings of the agency's initial review committees and national advisory bodies in the month of May 1987. These committees will be open for discussion of administrative announcements and program developments. The committees will be performing initial review of applications for Federal assistance. Therefore, portions of the meetings will be closed to the public as determined by the Administrator, ADAMHA, in accordance with 5 U.S.C. 552(b)(6) and 5 U.S.C. app. 2 10(d). Notice of these meetings is required under the Federal Advisory Committee Act, Pub. L. 92-463.

Committee Name: National Advisory Council on Drug Abuse

Date and Time: May 5-6: 9:00 a.m.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31C Conference Room 8, Bethesda, MD 20892

Status of Meeting: OPEN—May 5: 9:00 a.m.—12:00 noon; May 6: 9:00 a.m.—5:00 p.m. CLOSED—Otherwise

Contact: Sheila Gardner, Room 10A-03, Parklawn Building 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-6460

Purpose: The National Advisory Council on Drug Abuse advises and makes recommendations to the

Secretary, Department of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, including prevention and treatment research, and research training. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes final recommendations on grant applications.

**Committee Name:** National Advisory Mental Health Council

**Date and Time:** May 18-20: 9:00 a.m.

**Place:** May 18: National Institutes of Health, Building 31, Conference Room 10, 9000 Rockville Pike, Bethesda, MD 20892 May 19-20: Parklawn Building, Conference Rooms G and H, 5600 Fishers Lane, Rockville, MD 20857

**Status of Meeting:** OPEN—May 18: 9:00-5:00 p.m., CLOSED—Otherwise

**Contact:** Rachel Driver, Room 9-105, Parklawn Building, 5600 Fishers Lane Rockville, MD 20857 (301) 443-3367

**Purpose:** The National Advisory Mental Health Council advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health regarding policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research and training in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and amount of, these grants.

**Committee Name:** Services Subcommittee of the Epidemiologic and Services Research Review Committee

**Date and Time:** May 27-29: 9:00 a.m.

**Place:** Sheraton Washington Hotel, 2660 Woodley Road, NW. Washington, DC 20008

**Status of Meeting:** OPEN—May 27: 9:00-10:00 a.m., CLOSED—Otherwise

**Contact:** Gloria Yockelson, Room 9C-14, Parklawn Building 5600 Fishers Lane, Rockville, MD 20857 (301) 443-1367

**Purpose:** The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities as they relate to mental health epidemiology, mental health services, with recommendations to the National Advisory Mental Health Council for final review.

**Committee Name:** Cognition, Emotion, and Personality Research Review Committee

**Date and Time:** May 28-30: 10:00 a.m.

**Place:** Dupont Plaza, 1500 New Hampshire Avenue, NW. Washington, DC 20036

**Status of Meeting:** OPEN—May 28: 9:00-10:00 a.m., CLOSED—Otherwise

**Contact:** Shirley Maltz, Room 9C-26, Parklawn Building, 5600 Fishers Lane Rockville, MD 20857 (301) 443-3944

**Purpose:** The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities relating to the fields of personality, cognition, emotion, and higher mental processes with recommendations to the National Advisory Mental Health Council for final review.

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of committee members may be obtained as follows: NIDA: Ms. Camilla Holland, Committee Management Officer, Room 18-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-1622; NIMH: Ms. Joanna Kieffer, Committee Management Officer, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857 (301) 443-4333.

**Dated:** April 9, 1987.

**Estelle O. Brown,**  
*Acting Committee Management Officer,*  
*Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc. 87-8290 Filed 4-13-87; 8:45 am]

**BILLING CODE 4160-20-M**

## Food and Drug Administration

### Advisory Committees; Meetings

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

**Meetings:** The following advisory committee meeting are announced:

#### Orthopedic and Rehabilitation Devices Panel

**Date, time, and place.** May 7 1:30 p.m. and May 8, 2 p.m., North Auditorium, Health and Human Services Bldg., 330

Independence Ave. SW. (enter at C St. entrance), Washington, DC.

**Type of meeting and contact person.** Open public hearing, May 7 1:30 p.m. to 2 p.m., open committee discussion, 2 p.m. to 5 p.m., closed committee deliberations, 5 p.m. to 6 p.m., open public hearing, May 8, 2 p.m. to 2:30 p.m., open committee discussion, 2:30 p.m. to 4 p.m., closed committee deliberations, 4 p.m. to 4:30 p.m., Nirmal K. Mishra, Center for Devices and Radiological Health (HFZ-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7156.

**General function of the committee.** The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

**Agenda—Open public hearing.** Interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 30, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

**Open committee discussion.** The committee will discuss a premarket approval application (PMA) for a prosthetic ligament device and the 4-year followup data for an approved electrical bone growth stimulator. The committee will also have a brief discussion regarding guidelines for evaluation of prosthetic ligament devices.

**Closed committee deliberations.** The committee may review and/or discuss trade secret and/or confidential commercial information relevant to PMA's. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552(b)(4)).

#### Blood Products Advisory Committee

**Date, time, and place.** May 7 and 8, 8:30 a.m., May 7 Lister Hill Auditorium, Bldg. 38A, National Library of Medicine, National Institutes of Health, 8600 Rockville Pike, May 8, Rm. 121, Bldg. 29, Office of Biologics Research and Review, 8800 Rockville Pike, Bethesda, MD.

**Type of meeting and contact person:** Open public hearing, May 7 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 3 p.m.; closed committee deliberations, 3:30 p.m. to 5:30 p.m., May 8, 8:30 a.m. to 1:30 p.m.,

Clay Sisk, Center for Drugs and Biologics (HFN-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857 301-443-5455.

**General function of the committee.** The committee reviews and evaluates available data on the safety, effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases. The committee also reviews and evaluates the quality and relevance of FDA's research program which provides scientific support for the regulation of these products.

**Agenda—Open public hearing.** Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

**Open committee discussion.** The committee will have additional discussions on (1) blood and blood components drawn for autologous use but for which conversion of one or more components to homologous use may be contemplated, (2) specifications for in vitro diagnostic tests for antibody to hepatitis B core antigen, and (3) review of the intramural research programs of the Laboratory of Cell Biology, Division of Blood and Blood Products, Office of Biologics Research and Review, Center for Drugs and Biologics, Food and Drug Administration. The work of the individual scientists in the Laboratory will be presented.

**Closed committee discussion.** The committee will review part of the intramural research program in the Office of Biologics Research and Review. This session of the meeting will be closed to prevent disclosure of personal information concerning individuals associated with this research program, disclosure of which would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). The committee may also review trade secret and/or confidential commercial information relevant to pending license applications and investigational new drugs (IND's). This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

#### Ear, Nose, and Throat Devices Panel

**Date, time, and place.** May 18, 8:30 a.m. and May 19, 8 a.m., Rm. 503-529A, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

**Type of meeting and contact person.** Open public hearing, May 18, 8:30 a.m. to 9:30 a.m., open committee discussion, 9:30 a.m. to 4:30 p.m.; closed committee deliberations, May 19, 8 a.m. to 9 a.m.;

open committee discussion, 9 a.m. to 4 p.m., David A. Segerson, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8185.

**General function of the committee.** The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

**Agenda—Open public hearing.** Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before May 4, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

**Open committee discussion.** The committee will discuss a PMA for a cochlear implant for children.

**Closed committee deliberations.** The committee will discuss trade secret and/or confidential commercial information regarding the PMA. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

#### Circulatory System Devices Panel

**Date, time, and place.** May 22, 8:30 a.m., Rm. 703-727A, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

**Type of meeting and contact person.** Open public hearing, 8:30 a.m. to 9 a.m., open committee discussion, 9 a.m. to 2 p.m., closed committee deliberations, 2 p.m. to 4 p.m., Keith Lusted, Center for Devices and Radiological Health (HFZ-450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7594.

**General function of the committee.** The committee reviews and evaluates available data on the safety and effectiveness of medical devices currently in use and makes recommendations for their regulation.

**Agenda—Open public hearing.** Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before May 8, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

**Open committee discussion.** The committee will discuss the labeling of pulse generator battery longevity and PMA's for prosthetic heart valves.

**Closed committee deliberations.** The committee may discuss trade secret and/or confidential commercial information regarding the heart valves listed above. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

#### Ophthalmic Devices Panel

**Date, time, and place.** May 28 and 29, 9 a.m., Auditorium, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

**Type of meeting and contact person.** Open public hearing, May 28, 9 a.m. to 10 a.m., open committee discussion, 10 a.m. to 3 p.m., closed committee deliberations, 3 p.m. to 4 p.m., open public hearing, May 29, 9 a.m. to 10 a.m., open committee discussion, 10 a.m. to 3 p.m., closed committee deliberations, 3 p.m. to 4 p.m., open committee discussion, 4 p.m. to 5 p.m., Richard E. Lippman, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7320.

**General function of the committee.** The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation. The committee also reviews data on new devices and makes recommendations regarding their safety and effectiveness and their suitability for marketing.

**Agenda—Open public hearing.** Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before May 11, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

**Open committee discussion.** On May 28 the committee will discuss general issues relating to approvals of PMA's for Nd:YAG lasers and intraocular lenses (IOL's), and may discuss specific PMA's for these devices. If discussion of all pertinent Nd:YAG laser or IOL issues is not completed, discussion will be continued the following day. On May 29 the committee will discuss PMA's for contact lenses and other devices and requirements for PMA approval.

*Closed committee deliberations.* The committee may discuss trade secret and/or confidential commercial information relevant to PMA's for IOL's, Nd:YAG lasers, contact lenses, or other ophthalmic devices. These portions of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

#### **General and Plastic Surgery Devices Panel**

*Date, time, and place.* May 29, 9 a.m., Rm. 703-727A, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

*Type of meeting and contact person.* Open public hearing, 9 a.m. to 10 a.m., open committee discussion, 10 a.m. to 4 p.m., closed committee deliberations, 4 p.m. to 5 p.m., Paul F. Tilton, Center for Devices and Radiological Health (HFZ-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7156.

*General function of the committee.* The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

*Agenda—Open public hearing.* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before May 8, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

*Open committee discussion.* The committee will discuss a PMA for a gelatin matrix implant, a PMA for a collagen-hydroxylapatite implant, a reclassification petition for gut sutures, and, if time allows, the proposed classification regulation of wound dressings.

*Closed committee deliberations.* The committee will discuss trade secret and/or confidential commercial information regarding a PMA. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting

involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as it is practical, in accordance with the agenda published in this Federal Register notice. Charges in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are available from the contact person before and after the meeting. Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFW-35), Food and Drug Administration, Rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857 approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857 approximately 15 working days

after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and

information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: April 8, 1987.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 87-8234 Filed 4-13-87; 8:45 am]

BILLING CODE 4160-01-M

### Farmer's Union Grain Terminal Association; Withdrawal of Approval of NADA

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) held by the Farmer's Union Grain Terminal Association. The NADA provides for use of a Type A article containing 0.4- or 10-gram-per-pound tylosin for making Type C swine feeds. The firm requested the withdrawal of approval.

**EFFECTIVE DATE:** April 24, 1987

**FOR FURTHER INFORMATION CONTACT:**

Mohammad I. Sharar, Center for Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857 301-443-3184.

**SUPPLEMENTARY INFORMATION:** Farmer's Union Grain Terminal Association, Feed Division, P.O. Box 1447 Sioux Falls, SD 57117 is the sponsor of NADA 96-160 originally approved May 2, 1974 (39 FR 15270). The NADA provides for use of a 0.4-gram-per-pound tylosin Type A article to make a Type C swine feed for use as in 21 CFR 558.825(f)(1)(vi)(a). Subsequently, the NADA was approved for use of a 10-gram-per-pound tylosin Type A article for the same purposes (45 FR 23686, April 8, 1980).

By letter dated January 20, 1987 the sponsor requested the withdrawal of approval because the product was not being manufactured or marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360(e))) and

under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of application* (21 CFR 514.115), notice is given that approval of NADA 96-160 and all supplements thereto is hereby withdrawn, effective April 24, 1987.

In a final rule published elsewhere in this issue of the Federal Register, FDA is removing those portions of the regulations that reflect this approval and is removing the firm from the list of sponsors of approved NADA's.

Dated: April 8, 1987

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 87-8232 Filed 4-13-87; 8:45 am]

BILLING CODE 4160-01-M

### Health Resources and Services Administration

#### Application Announcement for Grants for Two-Year Programs of Schools of Medicine or Osteopathy

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for Fiscal Year 1987 Grants for Two-Year Programs of Schools of Medicine or Osteopathy are now being accepted under the authority of section 788(a), of the Public Health Service Act, as amended by Pub. L. 99-129.

Section 788(a) authorizes the award of grants to maintain and improve schools which provide the first or last two years of education leading to the degree of doctor of medicine or osteopathy. Grants provided under this authority to schools that were in existence on September 30, 1985, may be used for construction and purchase of equipment.

To be eligible for a grant under this authority, the applicant must be a public or nonprofit, private school providing the first or last two years of education leading to the degree of doctor of medicine or osteopathy and be accredited or be operated jointly with a school that is accredited by a recognized body or bodies approved for such purpose by the Secretary of Education.

Application materials will be sent only upon request. Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D31), Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C-22, 5600 Fishers Lane, Rockville, Maryland 20857 Telephone (301) 443-6880.

The deadline for receipt of applications is May 29, 1987.

Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date, or

(2) Postmarked on or before the deadline date, and received in time for submission to the independent review group.

A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Approximately \$500,000 is available in Fiscal Year 1987 for competing awards. Authorization for the current fiscal year is provided under a Continuing Resolution (Public Laws 99-500 and 591).

Should additional programmatic information be requested, please contact: Multidisciplinary Resources Development Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 4C-16, 5600 Fishers Lane, Rockville, Maryland 20857 Telephone (301) 433-6817.

The standard application form and specific instructions for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915-0060.

This program is not yet listed in the Catalog of Federal Domestic Assistance, therefore, no catalog number has been assigned. Applications submitted in response to this announcement that request construction assistance are subject to the intergovernmental review under provisions of Executive Order 12372, as supplemented by 42 CFR Part 100, Intergovernmental Review of Federal Programs. Applications submitted for program support only are not subject to intergovernmental review under these provisions.

Dated: April 8, 1987.

David N. Sundwall,

Assistant Surgeon General.

[FR Doc. 87-8291 Filed 4-13-87; 8:45 am]

BILLING CODE 4160-15-M

### Social Security Administration

#### Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Service (DHHS) covers the Social Security



Administration (SSA). Notice is given that Chapter SB as published in the *Federal Register* on January 4, 1983 and amended on August 15, 1983 is amended to establish the Division of Integration and Environmental Testing (DIET) and to realign other division-level functional responsibilities in the Office of System Operations (OSO). Chapter SU as published in the *Federal Register* on January 4, 1983 and amended on August 15, 1983; May 18, 1984; October 17, 1984; September 3, 1985 and November 8, 1985 is amended to reflect the abolishment of the Office of Systems Engineering in the Office of System Integration (OSI). These changes result from a major consolidation and realignment of systems functional responsibilities which is intended to improve organizational effectiveness.

The new material and changes are as follows:

Section SB.10 *The Office of System Operations—(Organization):*

D. The Office of Computer Processing Operations (SBP).

Add:

5. Division of Integration and Environmental Testing (SBP6).

Section SB.20 *The Office of System Operations—(Functions):*

D. The Office of Computer Processing Operations (SBP).

Add:

In Line 14, after "information data." add "The Office of Computer Processing Operations (OCPO) plans, directs and controls the integration, testing and, in conjunction with OSI, OSR and OIS, the production release of new or revised hardware and systems software. It develops policy and standards for integration testing, validation and acceptance of Automated Data Processing/Telecommunications systems software."

Delete:

1. The Division of Production Systems Operations (SBP1) in its entirety.

2. The Division of Computer Operations Production Control (SBP2) in its entirety.

3. The Division of Computer Operations Systems Software (SBP3) in its entirety.

4. The Division of Telecommunications Systems Operations (SBP5) in its entirety.

Add:

1. The Division of Production Systems Operations (SBP1):

a. Operates the centralized OSO computer facility, which includes computer systems hardware and associated peripheral equipment.

b. Directs the continuous operations of SSA's host telecommunications

computers in support of SSA-designed networks.

c. Schedules day-to-day workflow for the ADP facility within plans and priorities established by OCPO's Division of Computer Operations Production Control.

d. Controls the flow of materials into ADP production jobs. Reviews production results for accuracy and completeness.

e. Analyzes equipment problems, isolates malfunctions and oversees correction actions by SSA or vendor personnel.

f. Schedules and assures preventive maintenance of all equipment under the operational control of OCPO.

g. Develops and maintains a centralized integrated control center for use in monitoring the operating systems utilization, network control facilities and environmental status.

2. The Division of Computer Operations Production Control (SBP2):

a. Manages the production workload of OSO and administers effective resource utilization.

b. Designs, develops, implements and operates production control ADP systems which supervise library controls, automates the scheduling and allocates the production workload.

c. Manages and directs automated magnetic media processes and directs the activity of the magnetic tape library function.

d. Participates in the design reviews of proposed application systems to assure operational support and control aspects are being considered. Analyzes applications systems to assure compliance with systems standards. Approves applications systems for production status and incorporates them into the production library.

e. Assembles input material for ADP production jobs and delivers them to the Division of Production Systems Operations.

f. Expedites processing of critical jobs, operations and corrections.

g. Provides liaison with the users on status of production jobs and/or associated problems as required.

h. Maintains the integrity, manages and performs required recovery of all operational data, data media, tape and direct access for systems.

i. Maintains and enhances a transaction system for the control of a high-volume tape library.

j. Analyzes performance of the ADP production processes and recommends and implements improvements. Destroys sensitive material in compliance with provisions of the Privacy Act and SSA procedures.

3. The Division of Computer Operations Systems Software (SBP3):

a. Directs the analysis, design, development, implementation and maintenance of computer operating systems and utility software in support of programmatic and management information workloads for SSA's central data processing center and field components.

b. Directs the design, development, testing and continuing support of specialized data communications control software used to support SSA's data communications systems.

c. Directs the design, development, implementation and maintenance of information systems software in support of the central data processing center's problem, change and configuration management systems.

d. Supports the utility software and user activities in the areas of computer graphics, small computers and nonimpact printers.

e. Supports the user liaison and systems development activities of other OSO components in the resolution of technical and operational problems.

4. The Division of Telecommunications System Operations (SBP5):

a. Directs the operations of SSA's telecommunications network facilities for the transmission of program and management data over SSA-established networks.

b. Manages traffic flow between the telecommunications complex and other SSA computers. Monitors telecommunications operations, analyzes equipment problems and effects proper maintenance and repair.

c. Directs the implementation of new or revised operating policies and procedures. Recommends new procedures and appraises telecommunications operating instructions, centrally and in the field.

d. Establishes and enforces standards for controlling workflow and for assuring the integrity of data processed through the various data communications operations.

e. Acts as liaison with common carriers and network equipment vendors to maintain operational effectiveness of equipment.

f. Directs the operational performance evaluation of SSA's data communications systems.

g. Provides technical expertise and assistance on data communications procurements and other SSA systems modernization projects.

h. Directs the design, development and implementation of software to gather and report statistical information

on the functioning of telecommunications networks. Distributes the information to other SSA components to report on network performance and equipment utilization.

i. Designs and implements security software for SSA's telecommunications network and ensures that related procedures are followed by technical personnel.

j. Manages the installation, removal and relocation of local and remote telecommunications facilities, assuring compliance with governing Federal regulations.

k. Maintains an integrated control center, centrally and at the remote network nodes, to provide a point of contact of field offices reporting equipment or operational problems.

l. Conducts ongoing analyses of network configurations and workloads and initiates changes to the network topology to optimize cost/performance.

m. Develops standards and procedures for applications developers in interfacing to SSA's data communications network. Evaluates requested or proposed applications for impact on network resources.

n. Maintains and controls an inventory of all remote data communications equipment which assesses SSA's telecommunications networks, and the history and status of equipment outages for all SSA owned or leased data communications equipment.

o. Assigns, maintains and provides to data communications systems users, telecommunications site routing codes and terminal identifiers consistent with Governmentwide network addressing conventions.

p. Conducts investigations and analysis of system problems affecting local and remote users of the data communications networks, and provides liaison with regional staffs in identifying and correcting chronic problems and trends.

Add:

5. The Division of Integration and Environmental Testing (SBP6):

a. Directs and controls all activities with the release of new or enhanced versions of host programmatic and telecommunications-related software. Enforces software acceptance and certifications standards. Directs the initial staging of program modules to be tested, including generation of executable code.

b. Develops and maintains extensive test data bases for use in the acceptance, integration and environmental testing processes. Develops and incorporates the use of software simulators and emulators in software acceptance testing.

c. Directs the integration testing of new or enhanced communications host software, remote network/terminal and microprocessor software and network communications software. Participates in the movement and/or migration of software systems and associated data files between complexes and processing components.

d. Directs environmental testing to ensure that new or enhanced software is compatible with changing hardware configurations. Directs the integration of new or enhanced SSA programmatic software. Administers the generation of finalized testing results for evaluation. Directs software performance evaluations, parallel testing, timing studies, inter/intrasystem relationship and testing trend analysis.

e. Responsible for administering ADP hardware integration and acceptance testing.

f. Provides the checks and balances on SSA's ADP systems and equipment procurements for complying with contractual performance requirements throughout the life cycle of the procurement.

E. The Office of System Support and Planning (SBL):

Add:

In Line 7 after "OSO." add "The Office develops an ADP Capacity Plan to perform capacity allocation, monitor its usage and determine future requirements, based upon future workload information."

In Line 11, after "resources." add "It participates in the development of policies and procedures for the acquisition of ADP Computer and Telecommunications equipment, software and services, in compliance with SSA, HHS, the Office of Management and Budget and the General Services Administration policies and regulations."

Delete:

1. The Division of Operational Capacity Performance Management (SBL1) in its entirety.

Add:

1. The Division of Operational Capacity Performance Management (SBL1):

a. Evaluates computer performance and monitors resource utilization to ensure that the ADP and telecommunications systems are utilized effectively and efficiently. Analyses systems capacity as it relates to utilization and service objectives and prepares recommendations for upper management. As directed, performs similar functions for other SSA components including the program service centers.

b. Ensures that sufficient ADP capacity is available to process present and future workloads, coordinating decisions on target systems for new/modified workloads and system configuration changes.

c. Monitors the OSO service delivery to ensure that systems performance objectives as defined in the User Service Agreements are being met. Provides recommendations to enhance delivered service as necessary, and ensure that data bases are efficiently implemented.

d. Provides advice and services to other OSO components in the use of computer performance evaluation tools and the interpretation of reports/data resulting from evaluation and utilization studies.

e. Uses operations research tools (e.g., simulation and mathematical models and statistical analyses) to investigate operational efficiency problems and develop relationships between transaction volumes, resource utilization and resulting service delivery.

f. Schedules, arranges, conducts and reports on structured systems' effectiveness reviews to compare OSO service commitments with delivered levels of performance and contributes towards planning and enhancement of existing systems.

g. Coordinates, assists in the development/maintenance, and monitors all Systems service level agreements. Represents OSO in the User Service Agreement negotiations.

h. Performs a wide range of user coordination and problem resolution functions. Gathers and disseminates timely information, related to operational problems, errors and changes that affect the users.

2. The Division of Standards and Control (SBL2):

Delete:

g. Performs ongoing analysis of equipment configurations and projects requirements based on technological enhancements, workload changes and growth.

h. Prepares comprehensive reports and technical justifications for management's use.

Add:

g. Formulates an OSO-wide Systems Plan and assigns responsibility among major OSO components for various parts of the Plan. Work with OSO components to evaluate their proposed systems objectives in terms of technical feasibility, availability of OSO resources and systems costs. Identifies the major OSO activities and resources needed to support these objectives.

h. Directs and coordinates the OSO activities associated with operational planning and ADP Systems Planning.

i. Coordinates and directs the development of the total OSO technical manpower, equipment and other special costs for the SSA budget process and justifies these on the basis of the Operational Systems Plan. Allocates resources and monitors projects for all OSO activities, directs the preparation of detailed plans on the project or operational activity level and authorizes the use of resources by OSO components in support of these plans.

j. Monitors progress and use of manpower and equipment resources by OSO components against their approved plans.

k. Assists OSO components in the use of standard methods for project management.

Delete:

3. The Division of Operational Resource Management (SBL3) in its entirety.

Add:

3. The Division of Operational Resource Management (SBL3):

a. Directs OSO's participation in the Information Technology Systems (ITS) procurement process.

b. Performs technical and cost reviews of all OSO/ITS procurements.

c. Provides support for ITS Technical Evaluation Committees.

d. Support contract administration for all OSO ITS contracts.

e. Provides technical support to Project Officers in the development, modification and administration of ITS contracts.

f. Directs the renewal process for existing lease and maintenance contracts for ITS and telecommunications equipment and services.

g. Manages the fiscal administration of all implemented ITS contracts, collecting, analyzing and reporting performance data to support required fiscal and other contractual proceedings.

h. Manages a centralized inventory of all SSA ITS and telecommunications equipment and manages the ITS excess equipment process.

i. Provides for the centralized certification and authorization for the lease and maintenance of SSA's ITS and telecommunications equipment.

j. Provides necessary staff support to the users within OSO for the development of procurement documents and documentation.

k. Develops and maintains the OSO macroprocurement plan which relates to planned major acquisitions of ITS equipment, software, system design and system support services. Coordinates

the procurement plans and related budget items with appropriate Systems management and staffs.

l. Provides technical support to OSO and other SSA components during major procurement activities.

Section SU.10 *The Office of System Integration—(Organization):*

G. The Office of Programmatic Systems (SUF).

Delete:

7 The Division of SSI Systems (SUF7).

Add:

4. The Division of SSI Systems (SUF7).

Delete:

H. The Office of System Engineering (SUH) in its entirety.

Section SU.20 *The Office of System Integration—(Functions):*

G. The Office of Programmatic Systems (SUF).

Delete:

7 The Division of SSI Systems (SUF7) in its entirety.

Add:

4. The Division of SSI Systems (SUF7).

a. Provides the systems analysis, design, programming and testing necessary to develop and maintain current, new and redesigned systems in response to approved user system requirements for SSI claims and postentitlement transaction processing as well as a variety of supporting applications. These systems: edit incoming new records and transactions; maintain and revise the SSI master file to reflect changes; compute both Federal SSI benefit and State supplementary payments and produce payment information for the Treasury Department; account for disbursement of Federal and State funds; prepare recipient notices of claims decisions and changes in status and payment; identify and control overpayment activity; select and control cases requiring redetermination; exchange data with Government record systems to verify recipient income; generate data for State use in determining supplementation amounts and Medicaid eligibility; provide record query and response capability; control folder location and movement; produce statistical, management and actuarial data as needed and control exception processing and diary control mechanisms.

b. Translates user requirements, as approved by the Office of System Requirements (OSR), into detailed design, development and testing activities and activities and system documentation for current, new or redesigned systems.

c. Conducts liaison with other SSA components and Federal and State agencies to determine the feasibility,

and to plan the development, of SSI claims, transaction and support systems.

d. Provides OSR, the Associate Commissioner for System Integration and other SSA offices, as appropriate, with a technical assessment of the effect of legislative, administrative and systems modernization proposals on existing SSI claims, transaction and support system applications.

Delete:

H. The Office of Systems Engineering (SUH) in its entirety.

Dated: April 2, 1987

Jaime L. Manzano,

Deputy Commissioner for Systems.

[FR Doc. 87-8256 Filed 4-13-87; 8:45 am]

BILLING CODE 4190-11-M

### Privacy Act of 1974; Notification of New Routine Uses and Minor Revision

**AGENCY:** Social Security Administration (SSA), Department of Health and Human Services (HHA).

**ACTION:** New Routine Uses and Minor Revision.

**SUMMARY:** In accordance with the Privacy Act (5 U.S.C. 552a(e)(11)), we are issuing public notice of our intent to:

(1) Establish a new routine use of information maintained in the system of records entitled "Kentucky Birth Records System, HHS/SSA/DO(KY), 09-60-0220." This proposed routine use would permit SSA to disclose information to the General Services Administration (GSA) and the National Archives and Records Administration (NARA) for the purposes of conducting record management studies.

(2) Revise a routine use already applicable to the majority of SSA's systems of records which currently provides for disclosure to the Department of Justice (DOJ) to defend SSA components and employees in litigation matters affecting the systems to include additional disclosures involving litigation.

We are proposing to make a minor technical revision to the Federal Register applicable to the Kentucky Birth Records System to make it accurate and complete. We invite public comments on these proposals.

**DATE:** These proposals will become effective as proposed without further notice on May 14, 1987 unless we receive comments on or before that date which would result in a contrary determination.

**ADDRESS:** Interested individuals may comment on this proposal by writing to Mr. Bernard A. Oehlers, Acting SSA

Privacy Officer, Social Security Administration, Room L1140 West Low Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235. All comments received will be available for public inspection at that address.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Willie J. Polk, Social Insurance Specialist, Social Security Administration, Office of Regulations, Privacy Branch, Room L1140 West Low Rise Building, 6401 Security Boulevard, Baltimore Maryland 21235, telephone (Area Code 301) 594-5599.

**SUPPLEMENTARY INFORMATION:**

**I. Discussion of the Proposed Routine Uses**

*A. Disclosure to GSA and NARA for the Purpose of Conducting Records Management Studies*

We are proposing to revise the routine use section of the Kentucky Birth Records System by adding a new routine use which permits disclosure to GSA and NARA for the purpose of conducting records management studies. The Administrator, GSA and the Archivist, NARA, are charged by 44 U.S.C. 2904, as amended by the National Archives and Records Administration Act of 1984, with promulgating standards, procedures and guidelines with respect to records management and the conduct of records management studies.

Section 2906 of this law, also amended by the NARA Act of 1984, provides that GSA and NARA shall have access to Federal agencies' records and that agencies shall cooperate with GSA and NARA. To facilitate GSA and NARA records management studies which may involve the Kentucky Birth Records System, we are adding the routine use to comply with the Privacy Act. The routine use is as follows:

*Nontax return information which is not restricted from disclosure by Federal law may be disclosed to the General Services Administration and the National Archives and Records Administration for the purpose of conducting records management studies with respect to their duties and responsibilities under 44 U.S.C. 2904 and 2906, as amended by the National Archives and Records Administration Act of 1984.*

We publish this routine use in the Federal Register for other SSA systems of records on March 10, 1986 (see 51 FR 8243, March 10, 1986). The notice of the Kentucky Birth Records System below contains the above new routine use.

*B. Disclosure to DOJ, a Court or Other Tribunal, or Another Party Before Such Tribunal.*

The majority of SSA's notices of systems of records currently contain a routine use which permits disclosure of DOJ for the purpose of defending SSA components and employees (or other Federal agencies where litigation is likely to affect SSA components) in litigation matters involving the systems of records. We are expanding this routine use to permit disclosure, in addition to DOJ, to a court or other tribunal or another party before such tribunal and to permit disclosure to these parties when SSA or another party brings suit or in cases in which SSA has an interest in the litigation. The revised routine use is as follows:

*Disclosure may be to DOJ, to a court or other tribunal, or another party before such tribunal, when:*

- (a) SSA, or any component thereof; or*
- (b) Any SSA employee in his/her official capacity; or*
- (c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or*
- (d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components,*

*is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the tribunal, or the other party before such tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were disclosed.*

*Wage and other information which are subject to the disclosure provisions of the Internal Revenue Code (IRC) (28 U.S.C. 6103) will not be disclosed under this routine use unless disclosure is expressly permitted by the IRC.*

We will disclose information under this routine use only as necessary to defend SSA components or employees in litigation matters involving the systems of records which will contain the routine use or when SSA has an interest in litigation which might affect SSA operations.

Because of the number of systems of records to which the routine use will apply and the costs of republishing the individual notices of each one, we are republishing only the identification number and the name of each system and the volume, page number and date of the Federal Register issue in which a notice of the systems last was published

in the Federal Register. The systems of records are as follows:

- 09-60-0001—Commissioner's Correspondence File, HHS/SSA/OC (51 FR 8243, March 10, 1986);
- 09-60-0002—Automated Document Control and Retrieval System, HHS/SSA/OGA (51 FR 8243, March 10, 1986);
- 09-60-0003—Attorney Fee File, HHS/SSA/OHA (51 FR 8243, March 10, 1986);
- 09-60-0004—Working File of the Appeals Council, HHS/SSA/OHA (51 FR 8243, March 10, 1986);
- 09-60-0005—Hearing Office File, HHS/SSA/OHA (51 FR 8243, March 10, 1986);
- 09-60-0006—Storage of Hearings Records: Tape Cassettes and Audiograph Discs, HHS/SSA/OHA (51 FR 8243, March 10, 1986);
- 09-60-0008—Administrative Law Judge's File, HHS/SSA/OHA (51 FR 8243, March 10, 1986);
- 09-60-0009—Hearings and Appeals Case Control System, HHS/SSA/OHA (51 FR 8243, March 10, 1986);
- 09-60-0012—Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical Advisors and Medical Consultants, HHS/SSA/OHA (51 FR 8243, March 10, 1986);
- 09-60-0013—Records of Usage of Medical Advisors, Medical Consultants and Vocational Experts, HHS/SSA/OHA (51 FR 8243, March 10, 1986);
- 09-60-0014—Curriculum Vitae and Professional Qualifications of Medical Advisors, Medical Consultants and Resume of Vocational Experts, HHS/SSA/OHA (51 FR 8243, March 10, 1986);
- 09-60-0017—Personnel Research and Merit Promotion Test Records, HHS/SSA/OHA (51 FR 8243, March 10, 1986);
- 09-60-0031—Employee Production and Accuracy Records, HHS/SSA/OMBP (51 FR 8243, March 10, 1986);
- 09-60-0032—Employee Indebtedness System, HHS/SSA/OMBP (51 FR 8243, March 10, 1986);
- 09-60-0033—Report on Paid Consultants, HHS/SSA/OMBP (51 FR 8243, March 10, 1986);
- 09-60-0037—General Criminal Investigations Files, HHS/SSA/OMBP (51 FR 8243, March 10, 1986);
- 09-60-0038—Employee Building Pass Files, HHS/SSA/OMBP (51 FR 8243, March 10, 1986);
- 09-60-0040—Quality Review System, HHS/SSA/OA (51 FR 8243, March 10, 1986);
- 09-60-0042—Quality Review Case Files, HHS/SSA/OA (51 FR 8243, March 10, 1986);
- 09-60-0044—Disability Determination Service Processing File, HHS/SSA/OD (51 FR 8243, March 10, 1986);
- 09-60-0045—Black Lung Payment System, HHS/SSA/OSR (51 FR 8243, March 10, 1986);
- 09-60-0046—Consultative Physicians File, HHS/SSA/OD (51 FR 8243, March 10, 1986);
- 09-60-0050—Completed Determination Record—Continuing Disability Determinations, HHS/SSA/OP (51 FR 8243, March 10, 1986);

09-60-0057—Quality Evaluation Data Records, HHS/SSA/OA (51 FR 8243, March 10, 1986);

09-60-0058—Master Files of Social Security Number Holders, HHS/SSA/OSR (51 FR 8243, March 10, 1986);

09-60-0059—Earnings Recording and Self-Employment Income System, HHS/SSA/OSR (51 FR 8243, March 10, 1986);

09-60-0063—Resource Accounting and Project Management System, HHS/SSA/OSPI (51 FR 8243, March 10, 1986);

09-60-0066—Claims Development Record, HHS/SSA/RO (51 FR 8243, March 10, 1986);

09-60-0075—Congressional Bills Tracking System, HHS/SSA/OLRP (51 FR 8243, March 10, 1986);

09-60-0077—Congressional Inquiry File, HHS/SSA/RO (51 FR 8243, March 10, 1986);

09-60-0078—Public Inquiry Correspondence File, HHS/SSA/RO (51 FR 8243, March 10, 1986);

09-60-0089—Claims Folders System, HHS/SSA/OP (51 FR 8243, March 10, 1986);

09-60-0090—Master Beneficiary Record, HHS/SSA/OSR (51 FR 8243, March 10, 1986);

09-60-0094—Recovery Accounting for Overpayments, HHS/SSA/OSR (51 FR 8243, March 10, 1986);

09-60-0095—Health Insurance Overpayment Ledger Cards, HHS/SSA/OSR (51 FR 8243, March 10, 1986);

09-60-0103—Supplemental Security Income Record, HHS/SSA/OSR (51 FR 8243, March 10, 1986);

09-60-0110—Supplemental Security Income File of Refunds, HHS/SSA/OSR (51 FR 8243, March 10, 1986);

09-60-0111—Debit Voucher File (Supplemental Security Income), HHS/SSA/OSR (51 FR 8243, March 10, 1986);

09-60-0118—Non-Contributory Military Service Reimbursement System, HHS/SSA/OACT (51 FR 8243, March 10, 1986);

09-60-0119—Special Age 72 Benefit Trust Fund Transfer Project, HHS/SSA/OACT (51 FR 8243, March 10, 1986);

09-60-0184—Hearing Office Master Calendar, HHS/SSA/OHA (51 FR 8243, March 10, 1986);

09-60-0186—SSA Litigation Tracking System, HHS/SSA/LS (51 FR 8243, March 10, 1986);

09-60-0210—Record of Individuals Authorized Entry to Secured ADP Areas, HHS/SSA/OS (51 FR 8243, March 10, 1986);

09-60-0212—Supplemental Security Income Quality Initial Claims Review Process System, HHS/SSA/OA (51 FR 8243, March 10, 1986);

09-60-0213—Quality Review of Hearing/Appellate Process, HHS/SSA/OHA (51 FR 8243, March 10, 1986);

09-60-0214—Personal Identification Number File, HHS/SSA/OA (48 FR 37526, August 18, 1983);

09-60-0219—Representative Disqualification/Suspension Information System, HHS/SSA/ORSI (51 FR 8243, March 10, 1986).

## II. Compatibility of the Proposed Routine Use

The Privacy Act (5 U.S.C. 552a(a)(7) and 552a(b)(3)) and our disclosure

regulation (20 CFR Part 401) both permit us to disclose information under a routine use if the information will be used for a purpose which is compatible with the purpose for which we collected the information. Section 401.310 of the regulation permits us to disclose information under a routine use for administering our programs or for use in similar income-maintenance or health-maintenance programs of other agencies. Section 401.205 of the regulation requires us to disclose information when a law specifically requires it.

With regard to GSA and NARA, disclosure would assist SSA in its records management. Further 44 U.S.C. 2906, as amended by the NARA Act of 1984, requires us to disclose information to GSA and NARA for records management purposes.

Disclosure would be made to DOJ, a court or other tribunal, or another party before such tribunal, as necessary, in litigation matters involving SSA operations. We consider disclosure in this instance as an extension of program administration. Thus, both routine uses are appropriate and meet the criteria in the Privacy Act and the regulation.

## III. Effect of the Proposed Routine Uses on Individual Rights

Information will be disclosed to GSA and NARA for the purpose of their reviewing SSA's records management practices as mandated by Federal law and the only for this purpose. Information will be disclosed to DOJ, a court or other tribunal, or another party before such tribunal in litigation, as necessary, to defend SSA components or employees or if the litigation would affect SSA operations. The disclosures will be made in complete compliance with the Privacy Act. Thus, we do not anticipate that they would have an unwarranted affect on the rights of individuals.

## IV Minor Revision

We initially published a notice of the Kentucky Birth Records System in the *Federal Register* on June 3, 1986 (51 FR 19899). In that publication, we inadvertently did not publish the "Authority for Maintenance of the System" section of the notice. That section of the notice should have identified section 205 of the Social Security Act as the authority for the system. We have revised the notice to reflect this information.

Dated: April 6, 1987

Dorcas R. Hardy,  
*Commissioner of Social Security.*

09-60-0220

### SYSTEM NAME:

Kentucky Birth Records System, HHS/SSA/DO(Ky).

### SECURITY CLASSIFICATION:

None.

### SYSTEM LOCATION:

Social Security district and branch offices located in the State of Kentucky. Individuals should consult Kentucky telephone directories for address and telephone information.

### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the general public whose birth records have been registered in the State of Kentucky.

### CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of an index of Kentucky birth records. Included on the index are the individual's name, mother's maiden name, date and place of birth, certificate number and volume number of the index.

### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

*Section 205 of the Social Security Act.*

### PURPOSE:

Information in the system will be used by Social Security Administration (SSA) offices in the State of Kentucky to provide evidentiary proof of age and other facts about individuals applying for various Social Security benefits, Supplemental Security Income payments and Social Security numbers.

### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made as routine uses as indicated below:

1. To a Congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice (DOJ), to a court or other tribunal, or to another party before such tribunal, when:

(a) The Department of Health and Human Services (HHS)/SSA, or any component thereof; or

(b) Any HHS/SSA employee in his/her official capacity; or

(c) Any HHS/SSA employee in his/her individual capacity where DOJ (or HHS/SSA where it is authorized to do so) has agreed to represent the employee; or



(d) The United States or any agency thereof where HHS/SSA determines that the litigation is likely to affect the operations of HHS/SSA or any of its components.

Is a party to litigation or has an interest in such litigation, and HHS/SSA determines that the use of such records by DOJ, the tribunal, or the other party before such tribunal is relevant and necessary to the litigation, provided, however, that in each case, HHS/SSA determines that such disclosure is compatible with the purpose for which the records were collected.

3. *Nontax return information which is not restricted from disclosure by Federal law may be disclosed to the General Services Administration and the National Archives and Records Administration for the purpose of conducting records management studies with respect to their duties and responsibilities under 44 U.S.C. 2904 and 2906, as amended by the National Archives and Records Administration Act of 1984.*

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records will be stored on microfilm.

**RETRIEVABILITY:**

Records will be retrieved by the individuals's name and other identifying information (e.g., mother's name and date of birth).

**SAFEGUARDS:**

Access to records in the system will be restricted to personnel who need them in the performance of their official duties. Also, the information will be maintained in the secured facilities and kept from access by unauthorized individuals (e.g., stored in locked filing cabinets) when not in use.

**RETENTION AND DISPOSAL:**

Records in the system will be updated biennially. Out-of-date microfilm records will be disposed of by the application of heat.

**SYSTEM MANAGER(S) AND ADDRESS:**

Managers of Social Security district/branch offices in the State of Kentucky. Individuals seeking office addresses and telephone numbers should consult Kentucky telephone directories.

**NOTIFICATION PROCEDURE:**

An individual wishing to find out if this system of records contains information about him/her may do so by contacting any Social Security office and furnishing his/her name, date and

place of birth and mother's maiden name. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

**RECORD ACCESS PROCEDURE:**

Same as notification procedures above. Also, individuals requesting access to their records should reasonably describe the records they are seeking. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

**CONTESTING RECORD PROCEDURES:**

Same as notification procedures above. Also, individuals contesting the contents of records in the system should reasonably describe the records, specify the information they are contesting and state the corrective action sought with supporting justification showing how the records are untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

**RECORD SOURCE CATEGORIES:**

Records in the system will be obtained from the Kentucky Office of Vital Statistics.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 87-8255 Filed 4-13-87; 8:45 am]

BILLING CODE 4190-11-M

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. N-87-1692]

**Agency Information Collection Activities Under OMB Review**

**AGENCY:** Office of Administration, HUD.

**ACTION:** Notices.

**SUMMARY:** The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

**ACTION:** Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: John F. Morrall, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451, 7th Street SW.,

Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission; (8) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

**Notice of Submission of Proposed Information Collection to OMB**

**Proposal:** Request for Exceptions to Income Limits for Public and Indian Housing Programs, 24 CFR 913.105(B)  
**Office:** Public and Indian Housing  
**Description of the need for the**

**information and its proposed use:** PHAs and IHAs may request approval from HUD for admission of families with incomes greater than fifty percent of the area median to units which were available for occupancy under contracts executed under the U.S. Housing Act of 1937 on or after October 1, 1981. HUD will maintain the five percent statutory cap and approve requests which comply with the regulation. Without a procedure to grant exceptions, it would be impossible to comply with the five percent statutory cap

**Form Number:** None

**Respondent:** State or Local

**Governments and Non-Profit Institutions**

**Frequency of Response:** On Occasion  
**Estimated Burden Hours:** 280

**Status: Extension**

Contact: Edward C. Whipple, HUB, (202) 426-0744; John F. Morrall, OMB, (202) 395-6880

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act 42 U.S.C. 3535(d).

Proposal: Survey of New Mobile Home Placements

Office: Policy Development and Research

Description of the need for the information and its proposed use: The data, collected from dealers, is used to monitor trends in this type of low cost housing. The principal user, HUD, uses the statistics produced to formulate policy, draft legislation, and evaluate programs

Form Number: CMH-9A and CMH-9B  
Respondent: Businesses or Other For-Profit and Small Business or Organizations

Frequency of Response: Monthly

Estimated Burden Hours: 4,000

Status: Extension

Contact: Connie Casey, HUD, (202) 755-5080; Dave Fondelier, Census, (301) 763-5731; John F. Morrall, OMB, (202) 395-6880

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act 42 U.S.C. 3535(d).

Dated: April 6, 1987

John T. Murphy,

Director, Information Policy and Management Division.

[FR Doc. 87-8269 Filed 4-13-87; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. I-87-144]

### **Intent To Issue a Finding of No Significant Impact on the West Dallas Plan, West Dallas Project, Dallas, TX**

The Department of Housing and Urban Development (HUD) gives notice concerning proposed actions for the West Dallas Public Housing Project, Dallas, Texas, that it intends to issue a Finding of No Significant Impact (FONSI). The Dallas Housing Authority (DHA) of the City of Dallas has submitted a "West Dallas Plan" to the Fort Worth Regional Office for approval. The plan was prepared by the DHA as the result of a consent decree that it entered into in Walker, et al v. HUD, et al, Civil Action CA-3-85-121OR (N.D. Tex.). The consent decree requires the following DHA actions in connection with the West Dallas Project:

A. Modernization of 800-900 units;

B. With respect to the remaining dwelling units:

1. Demolition of 1,000 units that are currently vacant;
2. Relocation of the current occupants either outside the West Dallas project or to units modernized pursuant to the West Dallas Plan;
3. Demolition of additional units as units are vacated by occupant families and as replacement housing opportunities become available; and
4. Preparation of the land for redevelopment for uses other than assisted low income housing.

Due to the scope of the DHA actions, it was the original intent of the Fort Worth Regional Office to prepare an EIS prior to the approval of the West Dallas Plan. Notice of Intent to Prepare an EIS was published in the Federal Register on December 15, 1986. The Notice of Intent to Prepare an EIS that was previously published is hereby cancelled.

### **Description**

Three public housing projects were constructed in 1953 and 1954 on a site consisting of 514 acres of land in the sector of the City of Dallas known as West Dallas. The three projects were: George Loving Place, Project Tex 9-11A, 1,500 units; Edgar Ward Place, Project Tex 9-11B, 1,500 units; Elmer Scott Place, Project Tex 9-11C, 500 units

The three projects for management and maintenance purposes have operated as individual low rent public housing projects. Collectively the three projects were known as the West Dallas Project. The projects consisted of 503 one and two story buildings. More recently the DHA has referred to the projects as "Lake West." The housing site is bounded on the south by Singleton Boulevard, Hampton Road on the east, Canada Drive on the north and Westmoreland Road on the west.

### **Purpose of FONSI Notice**

Pursuant to HUD's environmental regulations, 24 CFR Part 50, an Environmental Assessment (EA) was prepared by the staff of the Environmental Office of the Fort Worth Regional Office. It is the finding of the EA that there would be no significant impact upon the human environment. The environmental concerns that were identified can be mitigated. It is for this reason that it is no longer the Department's intent to prepare an EIS. Instead of an EIS, it is the intent of the Fort Worth Regional Office to issue a FONSI and notice is hereby given. Pursuant to 40 CFR 1501.4(e)(2) of the

Council on Environmental Quality regulations, there will be a thirty (30) day comment period before HUD makes its final decision on the FONSI.

Interested individuals, governmental agencies and private organizations are invited to comment on the FONSI within 30 days following the date of publication of this notice.

### **Additional Information and Comments**

The EA and its supporting documentation which serves as the basis for the FONSI is available for review at the HUD Fort Worth Regional Office during regular business hours. Written comments on the FONSI should be submitted to Sam Moseley, Regional Administrator, Fort Worth Regional Office, 1600 Throckmorton Street, P.O. Box 2905, Fort Worth, Texas, 76113.

Contacts concerning the review of the EA should be made with I. J. Ramsbottom, Regional Environmental Officer, at the same address or by telephone at 817/885-5482 or FTS 728-5482. (These are not toll-free commercial numbers.)

Dated: April 8, 1987

Dorothy Williams,

Deputy Director, Office of Environment and Energy.

[FR Doc. 87-8270 Filed 4-13-87; 8:45 am]

BILLING CODE 4210-29-M

### **Office of the Secretary**

[Docket No. D-87-835]

### **Organization, Functions, and Authority Delegations; Regional Offices, Richmond**

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Designation of Order of Succession.

**SUMMARY:** The Office Manager is designating officials who may serve as Acting Office Manager during the absence, disability, or vacancy in the position of the Office Manager.

**EFFECTIVE DATE:** This designation is effective: March 1, 1987

**FOR FURTHER INFORMATION CONTACT:** Peter M. Campanella, Regional Counsel, Office of Counsel, Philadelphia Regional Office, Department of Housing and Urban Development, Liberty Square Building, 105 South 7th Street, Philadelphia, PA 19106, phone 215-597-2655. (This is not a toll free number).

### **Designation**

Each of the officials appointed to the following positions is designated to

serve as Acting Office Manager during the absence, disability, or vacancy in the position of the Office Manager, with all the powers, functions, and duties redelegated or assigned to the Office Manager; Provided, that no official is authorized to serve as Acting Office Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

- a. Deputy Manager.
- b. Director, Community Planning and Development Division.
- c. Director, Housing Development Division.
- d. Director, Housing Management Division.
- e. Director, Administration Division.
- f. Director, Fair Housing & Equal Opportunity Division.
- g. Chief Counsel.

This designation supersedes the designation effective November 7, 1985.

**Authority:** Delegation of Authority by the Secretary effective April 23, 1985 50 FR 18742 May 2, 1985.

**Dated:** March 5, 1987.

G. William Thomas, Jr.,  
Manager, Richmond Field Office.  
[FR Doc. 87-8271 Filed 4-13-87; 8:45 am]  
BILLING CODE 4210-32-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ID-020-07-4322-14]

### Burley District Grazing Advisory Board Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of meeting and agenda for Burley District Grazing Advisory Board.

**SUMMARY:** Notice is hereby given that the Burley District Grazing Advisory Board will meet on May 19, 1987.

The meeting will convene at 9:30 a.m. on May 19, 1987 in the conference room of the Bureau of Land Management Office at 200 South Oakley Highway, Burley, Idaho.

Agenda items for the meeting will include: (1) User-project maintenance policy; (2) Management of the Samaria Allotment; (3) Discuss the use of 8100 funds for pre-project work; (4) Offering approved non-use (except for conservation reasons) for activation; (5) Take action on weed control fund request from last meeting; (6) Items of information: (a) Progress report on FY-87 Range Improvement Projects; (b) Review FY-86 allotment monitoring

AIE's; (c) South Stone Allotment use in relation to Samaria and Curlew Allotment; (d) Discuss Indian Springs Allotment division of use; (e) Discuss requirement to use 8100 funds on areas with resource activity plans; (f) Discuss retirement of permits that have been in non-use for 10 years or more; (g) Review proposed revision of grazing regulations; (h) Discuss base property and lending institution foreclosures.

The public is invited to attend the meeting. Interested persons may make an oral statement to the Board beginning at 10:00 a.m., or they may file written statements for the Board's consideration. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager. Anyone wishing to make an oral statement or file a written statement must contact the District Manager by May 18, 1987 for inclusion in the meeting schedule.

Detailed minutes of the Board meeting will be maintained in the District Office and will be available for public inspection during regular business hours, (7:45 a.m. to 4:30 p.m., Monday thru Friday) within 30 days following the meeting.

**DATE:** May 19, 1987

**ADDRESS:** Bureau of Land Management, Burley District Office, Route 3, Box 1, Burley, Idaho, 83318.

**FOR FURTHER INFORMATION CONTACT:** John Davis, Burley District Manager, (208) 678-5514.

**Dated:** April 13, 1987.

John S. Davis,  
District Manager.  
[FR Doc. 87-8292 Filed 4-13-87; 8:45 am]  
BILLING CODE 4310-GG-M

[(CA-940-07-4212-13); CA-16962]

### California; Exchange of Public and Private Lands in Mendocino, Sonoma, Trinity, and Lake Counties

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of issuance of land conveyance document.

**SUMMARY:** The purpose of this exchange was to acquire the non-Federal lands along Cache Creek, a highly significant habitat for bald eagles and tule elk, both sensitive and endangered species. The public interest was well served through completion of this exchange.

**FOR FURTHER INFORMATION CONTACT:** Viola Andrade, California State Office, (916) 978-4815.

The United States issued an exchange conveyance document to the Valley

Health Care Corporation on December 27, 1985, under the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716), for the following described lands:

#### Humboldt Meridian, California

- T. 5 S., R. 2 E.,  
Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 28, Lots 2, 3, 4, and 5;  
Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 4 N., R. 3 E.,  
Sec. 7, Lot 2;  
T. 3 S., R. 6 E.,  
Sec. 33, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

#### Mount Diablo Meridian, California

- T. 10 N., R. 10 W.,  
Sec. 32, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 16 N., R. 12 W.,  
Sec. 10, Lots 1 and 2;  
Sec. 11, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 17 N., R. 12 W.,  
Sec. 14, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 9 N., R. 13 W.,  
Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 13 N., R. 13 W.,  
Sec. 2, Lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 13, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 14 N., R. 13 W.,  
Sec. 18, N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 16 N., R. 13 W.,  
Sec. 4, Lot 2.  
T. 13 N., R. 14 W.,  
Sec. 28, E $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 14 N., R. 14 W.,  
Sec. 3, Lot 3 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$ .  
T. 15 N., R. 14 W.,  
Sec. 34, S $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 17 N., R. 14 W.,  
Sec. 10, Lots 7 and 8;  
Sec. 11, Lot 7.  
T. 19 N., R. 14 W.,  
Sec. 23, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 21 N., R. 14 W.,  
Sec. 4, Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 5, Lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 6, Lots 2, 3, 4, 5, 6, and 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 22 N., R. 14 W.,  
Sec. 5, Lot 7 and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 6, Lots 4, 13, and 14, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 17, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 27, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 28, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 33, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 34, N $\frac{1}{2}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 23 N., R. 14 W.,  
Sec. 30, Lot 3 and N $\frac{1}{2}$  Lot 5.  
T. 13 N., R. 15 W.,  
Sec. 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 21 N., R. 15 W.,  
Sec. 1, E $\frac{1}{2}$  Lot 2 in NE $\frac{1}{4}$ .  
T. 22 N., R. 15 W.,  
Sec. 24, Lots 3 and 4.  
T. 23 N., R. 15 W.,  
Sec. 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 10, Lots 1 and 2;  
Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$ .

T. 24 N., R. 15 W.,  
 Sec. 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 10, W $\frac{1}{2}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 30, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 13 N., R. 16 W.,  
 Sec. 9, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 14 N., R. 16 W.,  
 Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 24, N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 31, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 21 N., R. 16 W.,  
 Sec. 11, Lot 3.  
 T. 23 N., R. 16 W.,  
 Sec. 4, Lot 12 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 9, E $\frac{1}{2}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 T. 23 N., R. 17 W.,  
 Sec. 12, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 24 N., R. 18 W.,  
 Sec. 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 24 N., R. 19 W.,  
 Sec. 2, Lots 3 and 4.

Containing 4, 219.41 acres of public land in Mendocino, and Sonoma, Trinity counties.

In exchange for these lands, the United States acquired the following described lands from the Valley Health Care Corporation:

#### Mount Diablo Mendian, California

##### Tract One

T. 13 N., R. 6 W.,  
 Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

##### Tract Two

T. 13 N., 6 W.,  
 Sec. 15, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , excepting therefrom that portion described as follows:  
 Beginning at the southwest corner of the southeast quarter of the northeast quarter said Sec. 15, and running thence east 220 feet; thence north 990 feet; thence west 220 feet; thence south 990 feet to the point of beginning.

##### Tract Three

T. 13 N., R. 6 W.,  
 Sec. 14, NW $\frac{1}{4}$ ;  
 Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

##### Tract Four

T. 13 N., R. 6 W.,  
 Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 11, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
 E $\frac{1}{2}$ SE $\frac{1}{4}$ .

##### Tract Five

T. 13 N., 6 W.,  
 Sec. 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

##### Tract Six

T. 13 N., R. 6 W.,  
 Sec. 12, Lots 1, 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

##### Tract Seven

T. 13 N., R. 6 W.,  
 Sec. 13, E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

##### Tract Eight

T. 13 N., R. 6 W.,  
 Sec. 13, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

##### Tract Nine

T. 13 N., R. 6 W.,  
 Sec. 12, Lot 4;  
 Sec. 13, Lots 1, 2, 3 and 4.

##### Tract Ten

T. 13 N., R. 6 W.,

Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

##### Tract Eleven

T. 13 N., R. 6 W.,  
 Sec. 11, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

##### Tract Twelve

T. 13 N., R. 6 W.,  
 Sec. 13 NW $\frac{1}{4}$  NE $\frac{1}{4}$ .

##### Tract Thirteen

T. 13 N., R. 6 W.,  
 Sec. 14, E $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 15, NE $\frac{1}{4}$  SE $\frac{1}{4}$ .

##### Tract Fourteen

A right of way for road and utility purposes as conveyed by Lois J. Barrett, to Frank H. Topham by deed dated December 8, 1967, and recorded December 20, 1967 in Book 542 of Official Records of Lake County at Page 577.

##### Tract Fifteen

That certain easement for road purposes, 60 feet in width, s conveyed to Valley Health Care Corporation by deed recorded September 18, 1985, Document No. 014465, Lake County Records.

##### Tract Sixteen

An easement for road and incidental purposes approximately 30 feet in width over and across the NE $\frac{1}{4}$ , the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  and the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of section 16, the N $\frac{1}{2}$  of the SW $\frac{1}{4}$  and the W $\frac{1}{2}$  of the SE $\frac{1}{4}$  of section 15, all in township 13 north, range 6 west, M.D.B. & M;

The grantee herein agrees to survey the centerline of said easement and prepare documents necessary for the recordation thereof. The recordation of said easement shall be accepted by the grantor and grantee herein as the true location and extent of the easement herein granted.

Containing 1,517.52 acres of non-Federal lands in Lake County.

The values of the public lands and non-Federal lands in this exchange were approximately equal. The equalization payment required of the United States in the amount of \$361.50 was waived by the Valley Health Care Corporation.

Dated: April 6, 1987.

Sharon N. Janis,  
 Chief, Branch of Adjudication & Records.  
 [FR Doc. 87-8293 Filed 4-13-87; 8:45 am]  
 BILLING CODE 4310-40-M

#### Minerals Management Service

#### Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the Availability of Environmental Documents Prepared for OCS Mineral Proposals on the Gulf of Mexico OCS.

**SUMMARY:** The Minerals Management Service (MMS), in accordance with Federal Regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Environmental Assessments (EAs) and Findings of No Significant Impact (FONSI), prepared by the MMS for the following oil and gas activities proposed on the Gulf of Mexico OCS. This listing includes all proposals for which FONSI were prepared by the Gulf of Mexico in the 3-month period preceding this Notice.

Activity/operator	Location	Date
Amoco Production Co.; five exploratory wells; SEA No. N-2624.	High Island Area, East Addition, South Extension; Block A-399; Lease OCS-G 7373; 121 miles southeast of Galveston, TX.	Feb. 25, 1987.
Pennzoil Co.; platform removal operations; SEA No. ES/SR 87-001.	Vermilion Area, Block 228, Lease OCS-G 2078; 60 miles south of Vermilion Parish, LA.	Feb. 27, 1987.
Mobil Producing Texas and New Mexico Inc.; five exploratory wells; SEA No. S-1924.	High Island Area, East Addition, South Extension, Block A-374; Lease OCS-G 5108; 127 miles southwest of Freeport, TX.	Mar. 10, 1987.
Amoco Production Co.; four exploratory wells; SEA No. N-2636, 2638.	Destin Dome Area, Block 111; Lease OCS-G 8338; 63 miles southwest of Panama City, FL.	Mar. 25, 1987.
Exxon Co., U.S.A.; platform removal operations; SEA No. 87-002.	High Island Area, Block 178; Lease OCS-G 6164; 33 miles southeast of Galveston, TX.	Mar. 27, 1987.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSI prepared for activities on the Gulf of Mexico OCS are encouraged to contact the MMS office in the Gulf of Mexico OCS Region.

**FOR FURTHER INFORMATION CONTACT:** Public Information Unit, Information Services Section, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394. Telephone (504) 736-2519.

**SUPPLEMENTARY INFORMATION:** The MMS prepares EAs and FONSI for proposals which relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects.

Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA. This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Dated: April 6, 1987.

J. Rogers Percy,

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 87-8294 Filed 4-13-87; 8:45 am]

BILLING CODE 4310-MR-M

### Pacific OCS Region Information Transfer Meeting

**AGENCY:** Minerals Management Service, Pacific OCS Region, Interior.

**ACTION:** Pacific OCS Region Information Transfer Meeting Notice and Agenda for Meeting.

The Pacific OCS Region will conduct its third Information Transfer Meeting May 4-6, 1987 at the Holiday Inn, Financial District, 750 Kearny Street, San Francisco, California 94108.

The Agenda for the meeting covers the following topics:

- Open Plenary Session
- Fish and Fisheries Information Needs and the Mediation Process
- Fish and Fisheries Studies
- Socioeconomics/Air Quality
- Sea Otters and Sea Otter Panel Discussion
- Oceanography/Geology
- Marine Ecology
- Oil Spills Panel Discussion.

The Information Transfer Meeting is open to the public. For further information, contact Mr. Neville Chow, (213) 894-7108: Pacific OCS Region, 1340 West Sixth Street, Room 265, Los Angeles, CA. 90017

Dated: April 7, 1987.

William E. Grant,

*Director, Pacific OCS Region.*

[FR Doc. 87-8221 Filed 4-13-87; 8:45 am]

BILLING CODE 4310-MR-M

### Maximum Attainable Rate; Rescission of Notice to Lessees and Operators

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of rescission.

**SUMMARY:** This Notice rescinds the requirement for operators of leases to submit the report entitled "Projected Maximum Attainable Rate (MAR) of Oil and Gas Production for Significant OCS Fields," to the Minerals Management Service (MMS). This rescission reflects a recent statutory amendment to the Outer Continental Shelf Lands Act Amendments (OCSLAA) of 1978. This amendment removed the need to collect information concerning the MAR.

**DATE:** This Notice is effective April 14, 1987

**FOR FURTHER INFORMATION CONTACT:** Mary McDonald, Telephone (703) 648-7817 or (FTS) 959-7817

**SUPPLEMENTARY INFORMATION:** In 1978, Congress promulgated the OCSLAA which included a section concerning the need for more extensive and reliable information on the availability of oil and natural gas in the OCS. One of the amendments directed the Secretary of the Interior (Secretary) to conduct a continuing investigation on this matter and specified that the investigation should include a determination of the MAR of crude oil and natural gas from significant fields.

To enable the Secretary to fulfill his obligations under the OCSLAA, MMS published in Interim Notice to Lessees and Operators (NTL) in the Federal Register on May 23, 1979 (44 FR 29988), directing operators of leases within identified significant fields to file information on MAR determinations for each such lease. A subsequent NTL was published in the Federal Register on October 18, 1985 (50 FR 4233), to supercede the Interim NTL and provide improved and clearer guidelines for use by lessees and operators in submitting proposed MAR's and supporting data. This subsequent NTL also directed that this information be submitted on a new report form designated Form MMS-2013.

This requirement for the Secretary to make MAR determinations for significant fields has now been rescinded by legislation enacted in July 1986. This legislation, referred to as the OCS Paperwork and Reporting Act, amended the OCSLA and the OCSLAA. The July 1986 amendment to the OCSLAA leaves in place the requirement for continuing investigation of oil and gas resources but removes the requirement for determination of the MAR and thus removes the need for lessees to submit Form MMS-2013.

In conformance with these amendments, MMS given notice that it rescinds the NTL in 50 FR 42233 dated October 18, 1985, concerning the

requirement for operator of leases to report MAR determinations. Effective immediately, the submission of Form MMS-2013 is no longer required.

Dated: April 6, 1987.

John B. Rigg,

*Associate Director for Offshore Minerals Management.*

[FR Doc. 87-8295 Filed 4-13-87; 8:45 am]

BILLING CODE 4310-MR-M

### National Park Service

#### National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 4, 1987 Pursuant to § 60.13 of 36 CFR Part. 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 29, 1987

Patrick Andrus,

*Acting Chief of Registration, National Register.*

#### ALASKA

Fairbanks North star Borough

Ester, *Ester Camp Historic District*, Off A K 3

Kenai Peninsula Borough

Seward, *Seward Depot*, 501 Railway Ave.

Wrangell-Petersburg Division

Wrangell, *St. Philip's Episcopal Church*, 446 Church St.

#### COLORADO

Boulder County

Longmont, *Dickens Opera House*, 300 Main St.

#### DELAWARE

New Castle County

Wilmington vicinity, *Brecks Mill Area—*

*Henry Clay Village Historic District (Boundary Increase)*, Rising Sun La. and Kennett Pike

#### FLORIDA

Dade County

Miami, *South River Drive Historic District*, 428, 438 S.W. First St., 437 S.W. Second St., 104, 109, 118 S.W. South River Dr.

#### ILLINOIS

Greene County

Carrollton vicinity, *Rainey, Henry T., Farm*, RR 1, N side of IL 108



**Lake County**

Barrington Hills, *Grigsby Estate*, 125 Buckley Rd.

**Mason County**

Rockwell Mound

**Stark County**

Wyoming, *Chicago, Burlington & Quincy Railroad Depot*, Williams St.

**MARYLAND****Harford County**

Whiteford, *Slate Ridge School*, Old Pylesville Rd.

**NEW MEXICO****Torrance County**

Mountainair, Mountainair Municipal Auditorium, SW corner of Roosevelt Ave. and Beal St.

**OREGON****Clatsop County**

Astoria, *Fisher, Ferdinand, House*, 687 Twelfth St.

**Hood River County**

Mt. Hood, Mt. Hood School House, OR 35

**Mulnomah County**

Portland, *Ballou & Wright Company Building*, 327 N.W. Tenth Ave.

Portland, *Honeyman, David T. and Nan Wood, House*, 1728 S.W. Prospect Dr.

Portland, *Kistner, Dr. Frank B., House*, 5400 S.W. Hewett Blvd.

**PENNSYLVANIA****Bucks County**

Bristol, *Bristol Historic District*, Roughly bounded by Pond, Cedar, E. Lincoln Sts., the Delaware River, and E. Mill St.

Bristol, *Harriman Historic District*, Roughly bounded by Trenton Ave., Cleveland and McKinley Sts., Farragut Ave., and West Circle

Doylestown, *Fordhook Farm*, 105 New Britain Rd.

**Chester County**

Coatesville, *Coatesville Historic District*, Roughly bounded by Chestnut St., Sixth Ave., Oak St., Fifth Ave., Harmony St., and First Ave.

**Fayette County**

Brownsville vicinity, *Laughlin, Hugh, House*, TR 422

**Indiana County**

Indiana vicinity, *Diehl, George, Homestead*, E of US 422 on Diehl Rd.

**Lancaster County**

Blue Ball vicinity, *Bangor Episcopal Church*, NW corner of Main St. and Water St.

**Northampton County**

Hellertown vicinity, *Ehrhart's Mill Historic District*, Old Mill Rd.

**Philadelphia County**

Philadelphia, *Joyne Estate Building*, 2—16 Vine St.

**Westmoreland County**

Westmoreland City vicinity, *Brush Creek Salems Church*, Se of Westmoreland City on Brush Creek Rd.

**SOUTH CAROLINA****CHEROKEE COUNTY**

Coopersville Ironworks Site (38CK2) and Susan Furnace Site (38CK67) (Early Ironworks of Northwestern South Carolina TR)

Cowpens Furnace site (38CK73) (Early Ironworks of Northwestern South Carolina TR)

Ellen Furnace site (38CK68) (Early Ironworks of Northwestern South Carolina TR)

King's Creek Furnace Site (38CK71) (Early Ironworks of Northwestern South Carolina TR)

Nesbitt's Furnace Site (38CK72) (Early Ironworks of Northwestern South Carolina TR)

Nesbitt's Limestone Quarry (38CK69) (Early Ironworks of Northwestern South Carolina TR)

Thicketty Mountain Ore Pits (38CK74) (Early Ironworks of Northwestern South Carolina TR)

**Chester County**

Chester, *Chester Historic District (Boundary Increase-Decrease)*, Roughly bounded by Gaston, Gregg, Mobly, Saluda, Gadaden, Reedy and Pinckney Sts.

**Greenville County**

Woodside, *Woodside Cotton Mill Village Historic District*, Woodside Ave. and E. Main St.

**York County**

Jackson's Furnace Site (38KY217) (Early Ironworks of Northwestern South Carolina TR)

Nanny's Mountain Iron Mines (38YK216) (Early Ironworks of Northwestern South Carolina TR)

**TEXAS Lampasas County**

Lampasas, *Phillips and Trosper Buildings*, 408 (Trosper) and 410 (Phillips) E. Third St.

**UTAH****Box Elder County**

Park Valley vicinity, *Central Pacific Railroad Grade Historic District*, 87 mi. segment between Umbria jct. 9 mi. E of NV border, around N end of Great Salt Lake to Golden Spike NHS

**Wasatch County**

Heber City, *Murdock, Joseph S., House*, 115 E. Three-hundred N.

**WYOMING****Big Horn County**

Bear Creek Ranch Medicine Wheel (48BH48)

**Fremont County**

Split Rock Prehistoric Site (48FR1484) Lander, *Lander Downtown Historic District*, Main St. between Second and Fourth Sts.

[FR Doc. 87-8305 Filed 4-13-87; 8:45 am]

BILLING CODE 4310-70-M

**Realty Action; Sale of Land; Washington**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice is to advise the public that the Regional Director, Pacific Northwest Region, of the National Park Service (NPS) has determined that lands within the Lake Chelan NRA as described below to be suitable for disposal by sale under the Act of July 15, 1968, The Land and Water Conservation Fund (L&WCF) Act of 1965 as amended (Pub. L. 90-401) [82 Stat 354, 16 U.S.C. 460 1-22(a)].

Willamette Principal Meridian

T. 33 N., R. 17 E.

Sec. 28: Portions of the NE¼, being more particularly described as follows:

**Parcel A**

That part of the Northeast quarter of Section 26, Township 33 North, Range 17 East, Willamette Meridian, Chelan County, Washington described as follows:

Commencing at a stone monument found at the northeast corner of said Section 26;

Thence west along the north line of said Section a distance of 1,235.00 feet to an iron rebar one inch in diameter set at the true point of beginning of the parcel herein described, witness a stone monument found lying west 1,406.97 feet marking the north quarter corner of said Section 26;

Thence east along the north line of said Section a distance of 305.00 feet to an iron rebar one inch in diameter set;

Thence S. 07°13'53" E. a distance of 432.40 feet to an iron rebar one inch in diameter set on the south line of the north 429 feet of said northeast quarter.

Thence west along said south line and parallel with the north line of said Section a distance of 315.00 feet, witness an iron rebar one inch in diameter set S. 88°25'13" E. a distance of 9.80 feet;

Thence N. 05°32'33" W. a distance of 336.29 feet to an iron rebar one inch in diameter set;

Thence N. 07°13'53" W. a distance of 95.00 feet to the true point of beginning.

The above described Parcel A contains 3.04 acres of land, more or less.

**Parcel B**

That part of the Northeast quarter of Section 26, Township 33 North, Range 17 East, Willamette Meridian, Chelan County, Washington described as follows:

Beginning at an iron rebar one inch in diameter set at the true point of beginning of Parcel A above;

Thence S. 07°13'53" E. a distance of 95.00 feet to an iron rebar one inch in diameter set;

Thence N. 67°32'16" W. a distance of 109.82 feet to a P.K. nail set in the center of the Stehekin Valley Road, as now travelled;

Thence north a distance of 52.28 feet to the north line of Section 28;

Thence east along said north line a distance of 89.53 feet to the point of beginning.

The above described Parcel B contains 0.16 acre of land, more or less.

Disposal of these lands is consistent with [1] the amended 1970 Master Plan for the Lake Chelan National Recreation Area to establish a 5-acre Special Use District for public school purposes and [2] the Finding of No Significant Impact (FONSI) as a result of the Environmental Assessment for this proposed designation.

The specified parcels of Federally owned real property will be disposed of using the following procedures:

1. Subsequent to this notice in the *Federal Register*, this Notice of Realty Action will be published once a week for five (5) consecutive weeks in a newspaper of general circulation in the vicinity of the property;

2. The property to be disposed of will be sold by competition at a price determined by a professional real estate appraisal to be no less than the fair market value (FMV) of \$31,150.00;

3. The sale will be conducted as a competitive sale by sealed written bids to be opened and publicly declared at the sale;

4. The disposal will include the surface estate only, and the conveyance will be subject to valid existing rights and certain other rights to be reserved by the United States;

5. The NPS may reject any or all of the offer(s) or withdraw the property from disposal if the sale is not completed in compliance with the Act of July 15, 1968 or consistent with the applicable rules; terms and conditions for the conveyance;

6. If two (2) or more sealed written bids containing valid bids of the same amount are received, the declared successful bidder will be determined by a drawing between the highest qualified bidders immediately following opening of the sealed bids;

7. All rejected or unsuccessful bids and purchase payments will be returned within 30 days of the sale date.

Terms and conditions applicable to the disposal are:

1. The sale will include conveyance of the freehold interest of the surface estate without warranty;

2. The conveyance document will contain specific reservations to the United States for all mineral interests and for ditches and canals;

3. The conveyance document will be issued subject to the condition that the property will be used only for school and public education purposes and related activities and uses;

4. The conveyance document may also contain such other provisions, including the right of reversion by the United States, and restrictions necessary to protect the natural, historic, cultural, or other values present in the general vicinity and to assure the subsequent use of the property will be in a manner consistent with the purpose for which Congress authorized the establishment of the Lake Chelan National Recreation Area.

**Bid information:** Bidding will only be by sealed bids at no less than the appraised fair market value of \$31,150.00. Bids may be submitted by the principal or a duly qualified agent and may be delivered by mail, carrier or personally. All sealed bids must be received in the Pacific Northwest Regional Office, National Part Service, 83 South King Street, Suite 212, Seattle, Washington 98104, prior to 2:00 p.m., Monday, June 1987. All sealed written bids will be opened and publicly declared at the sale in the Regional Office, Suite 212, on Monday, June 15, 1987 at 2:00 p.m.

Bids must be accompanied by the payment of the written bid by certified check, post office money order, bank draft, or cashier's check made payable to the "United States of America" in the full amount of the bid. In addition, a separate nonrefundable payment of \$100 to cover the costs of publication and bid processing must also be included with the bid and bid payment. The bid and payments must be enclosed in a sealed envelope upon which the bidder shall indicate: (a) "Bid or interest in land of the National Park System," and (b) the "sale date" the bids are scheduled to be opened.

Bids must be submitted in writing, clearly identify the bidder, state the full amount of the bid, refer to the sale notice as published, and be signed by the bidder or the bidder's designated agent. No particular form is needed for bids. Bids conditioned in any way not provided for by the sale notice will not be considered. If a bidder is represented by a designated agent, the agent must submit the appropriate documentation with acknowledgement to evidence the authority and capacity for the agent to perform on behalf of the bidder. Bidders, their agents or representatives, and any other interested persons may attend the

sale and bid opening. No bid in an amount less than the fair market value, as determined by the Secretary of the Interior and herein defined, will be considered.

Additional information pertaining to this disposal including the amended Master Plan, Environmental Assessment, management decision document, real estate appraisal, and the detailed sale procedure are available at the North Cascades National Park Service Complex, 2105 Highway 20, Sedro Wooley, Washington 98284, [(206) 856-5700]. In addition to the above documents which are available only at the above address, the Government's appraisal for the sale property may be inspected at the following other NPS offices:

Pacific Northwest Regional Office, 83 South King Street, Suite 320, Seattle, Washington  
Stehekin District Office, North Cascades NPS Complex, Stehekin, Washington

Dated: April 7, 1987.

William J. Briggie,  
*Acting Regional Director.*

[FR Doc. 87-8304 Filed 4-14-87; 8:45 am]

BILLING CODE 4310-70-M

## INTERSTATE COMMERCE COMMISSION

[Decision-Notice—OP1-133]

### Motor Carriers; Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the *Federal Register*. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special

rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1182.2 (d).

*Amendments to the request for authority will not be accepted after the date of this publication.* However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

*We find*, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC-F-18280, filed March 13, 1987 GLI Holding Company (GLI Holding) (2400 InterFirst Plaza, 901 Main Street, Dallas, TX 75202) and GLI Bus Operations Holding Company (GLI Bus) (same as above)—Control—Bus Lease Contract Services, Inc. (BCS) (same as above), Eastern Greyhound Lines Co. (Eastern) (625 Eighth Avenue, New York, NY 10018), Central Greyhound Lines Co. (Central) (74 West Randolph, Chicago, IL 60601), Southern Greyhound Lines Co. (Southern) (81 International Boulevard,

Atlanta, GA 30303), Western Greyhound Lines Co. (Western) (60 Seventh Street, San Francisco, CA 94103), Greyhound Travel Services, Inc. (GTS) (4900 University Avenue, #290 E, West Des Moines, IA 50215), Vermont Transit Co., Inc. (VTC) (135 St. Paul Street, Burlington, VT 05401), and Texas, New Mexico & Oklahoma Coaches, Inc. (TNM&O) (1313 13th Street, Lubbock, TX 79401). Representatives: Fritz R. Kahn and Mark J. Andrews, 1660 L Street, NW., Suite 1000, Washington, DC 20036, (202) 775-1000. Noncarrier individuals Fred C. Currey, Craig R. Lentzsch, and P. Anthony Lannie (the Management Group), through noncarrier GLI Holding and the latter's wholly owned subsidiary, GLI Bus, seek approval and authorization for their acquisition of control of motor passenger carriers BCS (MC-193190), Eastern (MC-19057), Central (MC-194798), Southern (MC-194551), Western (MC-194642), GTS (MC-195605), VTC (MC-45626), and TNM&O (MC-61120).

The Management Group controls GLI Holding through majority stock ownership and GLI Holding, in turn, owns all of the stock of GLI Bus. The Management Group also controls noncarrier BusLease, Inc. (BusLease). BusLease controls motor passenger carrier BCS, which operates under authority in No. MC-193190. However, the stock of BCS has been placed in an independent voting trust consistent with the regulations at 49 CFR Part 1013, pending disposition of this application. Eastern, Central, Southern, Western, and GTS are operated as a single integrated system, and are now wholly owned subsidiaries of noncarrier GLI Operating Company (GLI Operating). GLI Operating, in turn, is a wholly owned subsidiary of noncarrier Greyhound Lines, Inc. (Lines). Lines is a wholly owned subsidiary of The Greyhound Corporation (Greyhound). Greyhound owns a controlling stock interest in motor passenger carriers TNM&O and VTC.

In No. MC-F-17951, published in the December 8, 1986, issues of the *ICC* and *Federal Register*, the Commission approved the continuance in control by Greyhound (through Greyhound's subsidiaries, Lines and GLI Operating) of GTS, upon the latter's institution of operations as a motor carrier of passengers, in charter and special operations, between points in the United States (except Hawaii).

The Management Group's control of Eastern, Central, Southern, Western, and GTS would be achieved through the purchase by GLI Bus of GLI Operating's stock and the merger into GLI Operating of GLI Bus' wholly owned noncarrier

subsidiary, GLI Merger Company. The Management Group's control of VTC and TNM&O would be accomplished should either they or their designee exercise a 1-year option to purchase Greyhound's controlling stock interest in these two carriers. Commission approval and authorization of the Management Group's control of VTC and TNM&O is conditioned on exercise of that option.

On consummation of the proposed transaction, Eastern, Central, Southern, Western, and GTS would be subsidiaries of GLI Operating and indirect subsidiaries of GLI Holding (through GLI Bus and GLI Operating). BCS would be an indirect subsidiary (through BusLease) of GLI Holding. Under 49 U.S.C. 11341, Commission approval and authorization is sought for the Management Group's exercise of control over the referenced carriers' respective interstate and intrastate operating rights

Decided: April 7, 1987

By the Commission, Motor Carrier Board, Members Hodge, Mets, and Barry.

Noreta R. McGee,  
Secretary.

[FR Doc. 87-8241 Filed 4-13-87 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

*Background:* The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

*List of recordkeeping/reporting requirements under review:* As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements 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 collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable. How often the recordkeeping/reporting requirement is needed. Who will be required to or asked to report or keep records. Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

*Comments and questions:* Copies of the recordkeeping/reporting requirements 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, NW., Room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 3208, Washington, DC 20503 (Telephone (202) 395-6800).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

#### Revision

Bureau of Labor Statistics  
Collective Bargaining Agreement  
Studies

1220-0001; BLS 2451, BLS 2452, BLS 2453  
On negotiation of new labor contracts—  
usually every 2-3 years

State or local governments, businesses  
or other for-profit, and non-profit  
institutions

3,260 responses, including 790 telephone  
calls; 443 hours; 3 forms

The Bureau of Labor Statistics is  
required to maintain a file of collective  
bargaining agreements to aid public and  
private parties in settling labor disputes.  
Wage and benefit and related  
information from the agreements, from  
telephone contacts with bargainers, and  
from press accounts are the basis of the  
major collective bargaining statistical  
series, a major economic indicator.

#### Extension

Bureau of Labor Statistics  
Current Population Survey (CPS)  
CPS-1, CPS-260, CPS-262  
Monthly

Individuals or households

Total annual responses: 684,000; total  
response hours: 79,180, 3 forms

The Current Population Survey is the  
primary source of estimates of  
employment, unemployment, and other  
characteristics of the civilian  
noninstitutional population and various  
subgroups of that population.  
Government policymakers and  
legislators use these results as important  
indicators of our Nation's economic  
situation and for planning and  
evaluating many Government programs.

Employment Standards Administration  
Optional Use Payroll Form Under the  
Davis-Bacon Act

1215-0149; WH-347

Weekly

Individuals or households; State or local  
governments;

Businesses or other for-profit; Federal  
agencies or employees;

Small businesses or organizations  
11,000,000 responses; 5,500,000 hours; 1  
form

Report is used by contractors to  
certify payrolls in accordance with  
requirements of Copeland and Davis-  
Bacon Acts, attesting that proper wage  
rates and fringe benefits were paid;  
reviewed by contracting agencies to  
verify that rates are legal and that  
employees are properly classified (29  
CFR 3.3, 5.5(a)(3)(ii)).

Mine Safety and Health Administration  
Main Fan Maintenance Records  
1219-0012

Weekly

Businesses and other for profit; small  
businesses or organizations  
480 respondents; 408 hours

Regulation requires that records be  
kept of the maintenance performed on  
the main fans at underground metal and  
nonmetal mines.

Mine Safety and Health Administration  
Mine Ventilation System Plan  
1219-0016

Annually

Businesses and other for profit; small  
businesses or organizations  
480 respondents; 11,520 hours

Requires operators of underground  
metal and nonmetal mines to prepare  
written ventilation system plans and  
annual updates thereof, and upon  
request submit the plans and updates to  
MSHA for review and comment.

Mine Safety and Health Administration  
Petitions for Modification of Mandatory  
Safety Standards  
1219-0065

On occasion

Businesses and other for profit; small  
businesses or organizations  
250 respondents; 10,000 hours

Provides guidance for mine operators  
or representatives of miners for filing  
petitions for modification of mandatory  
safety standards.

Mine Safety and Health Administration  
Permissible Equipment Testing  
1219-0066

On occasion

Businesses and other for profit; small  
businesses or organizations  
3,354 respondents; 201,598 hours

Contains procedures by which  
manufacturers of mining equipment and  
components, material, instruments, and  
explosives may apply for, and have their  
products approved as permissible for  
use in mines.

Mine Safety and Health Administration  
Qualification and Certification Program  
1219-0069; MSHA Forms 5000-4 and  
5000-7

Semi-annually

Businesses and other for profit; small  
businesses or organizations  
8,300 respondents; 1,366 hours

Provides provisions whereby persons  
may be temporarily qualified or certified  
to perform tests and examinations at  
coal mines which are related to miner  
safety and health and which require  
specialized expertise.

Employment Standards Administration  
Records to be Kept by Employers Under  
the Fair Labor Standards Act of 1933,  
as Amended  
1215-0017

Recordkeeping

Individuals or households; State or local  
governments; Farms; Businesses or  
other for profit; Federal agencies or  
employees; Non-profit institutions;  
small businesses or organizations  
4,183,000 responses; 776,752 hours

The information is needed by the  
Wage-Hour Division to determine  
employer compliance with the labor  
standards provisions of FLSA applicable  
to employees covered by the Act.

Employment Standards Administration  
Black Lung Program Provider Enrollment  
Form

1215-0137; CM-1168

On occasion

Businesses or other for-profit; small  
businesses or organizations  
1035 responses; 121 hours; 1 form

The CM-1168 requests profile  
information on providers to afford both  
timely reimbursement for medical  
services provided to Black Lung  
claimants and a list of active providers  
for miner referral.

Employment Standards Administration  
Application for Federal Certificate of  
Age

1215-0083; WH-14

**On occasion**

Individuals or households; State or local governments; Farms; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations

2,318 responses; 386 hours; 1 form

Section 3(1) of the Fair Labor Standards Act (FLSA) provides that an employer may protect against unwritten employment of oppressive child labor by obtaining a certificate of age certifying that a youth meets the FLSA minimum age requirements. Form WH-14 is an application for a Federal certificate age.

Signed at Washington, DC, this 9th day of April, 1987.

Paul E. Larson,

*Departmental Clearance Officer.*

[FR Doc. 87-8319 Filed 4-13-87; 8:45 am]

BILLING CODE 4510-27; 4510-43-M

**Mine Safety and Health Administration**

[Docket No. M-86-231-C]

**Carbon Black Mining Co., Petition for Modification of Application of Mandatory Safety Standard**

Carbon Black Mining Company, Inc., Box 148, Canada, Kentucky 41519 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 1 Mine (I.D. No. 15-15524) located in Pike County, Kentucky. 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 petitions concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. Petitioner states that the use of a cab or canopy on the mine's electric equipment would result in a diminution of safety to the miners affected because the cab or canopy would limit the equipment operator's visibility and could dislodge roof support.

3. For these reasons, petitioners requests a modification of 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 May 14, 1987. Copies of the petition are available for inspection at that address.

Dated: April 17, 1987

Patricia W. Silvey,

*Associate Assistant Secretary for Mine Safety and Health.*

[FR Doc. 87-8320 Filed 4-13-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-83-C]

**Consol Pennsylvania Coal Co., Petition for Modification of Application of Mandatory Safety Standard**

Consol Pennsylvania Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1704 (escapeways) to its Bailey Mine (I.D. No. 36-07230) located in Greene County, Pennsylvania. 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 at least two separate and distinct travelable passageways which are maintained to insure passage at all times of any person and which are to be designated as escapeways at least one of which is ventilated with intake air, shall be provided from each working section continuous to the surface escape drift opening, or continuous to the escape shaft or slope facilities to the surface, as appropriate, and shall be maintained in safe condition and properly marked.

2. As an alternate method, petitioner proposes to use two entries separate and distinct from the intake shaft bottom to the working face. One will be the track entry, alternate escapeway, and the other will be an isolated intake. In further support of this request, petitioner states that:

(a) The shafts used for escape facilities will be fully concrete lined and be maintained free of mine power cables, elevators, and/or hoists, thus minimizing sources of fire and/or smoke, but will be equipped with an emergency escape hoist;

(b) An alternate travelable route, not designated as an escapeway, will be maintained in a return entry to bypass the shaft and allow persons to enter a separate split of intake air. This route will be maintained passable. It will be stressed to all personnel that the route is not an escapeway and is to be used only if instructed or when both the track and intake escapeways are rendered impassable; and

(c) All personnel will be reinstructed as to the escapeway routes prior to implementing the plan.

3. Petitioner states that the proposed alternate method 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 May 14, 1987. Copies of the petition are available for inspection at that address.

Dated: April 3, 1987.

Patricia W. Silvey,

*Associate Assistant Secretary for Mine Safety and Health.*

[FR Doc. 87-8321 Filed 4-13-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-61-C]

**Demotto Peerless Coal Co., Inc., Petition for Modification of Application of Mandatory Safety Standard**

Demotto Peerless Coal Co., Inc., 808 Gorman Avenue, Elkins, West Virginia 26241 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its No. 25 Mine (I.D. No. 48-05577) located in Randolph 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 use of a locked padlock to secure battery plugs to machine-mounted battery receptacles on permissible, mobile battery-powered machines.

2. As an alternate method, petitioner proposes to use a spring-loaded metal locking device in lieu of padlocks. The spring-loaded device will be designed, installed and used to prevent the threaded rings that secure the battery plugs to the battery receptacles from unintentionally loosening and will be attached to prevent accidental loss. In addition, the fabricated metal brackets will be securely attached to the battery receptacles to prevent accidental loss of the brackets.

3. Petitioner states that the spring-loaded metal locking devices will be easier to maintain than padlocks because there are no keys to be lost and dirt cannot get into the workings as with a padlock.

4. Operators of permissible, mobile, battery-powered machines affected by this modification will be trained in the



proper use of the locking device, the hazards of breaking battery-plug connections under load, and the hazards of breaking battery-plug connections in areas of the mine where electric equipment is required to be permissible.

5. For these reasons, petitioner requests a modification of 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 827 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 14, 1987. Copies of the petition are available for inspection at that address.

Dated: April 6, 1987.

Patricia W. Silvey,  
*Associate Assistant Secretary for Mine Safety and Health.*

[FR Doc. 87-8322 Filed 4-13-87; 8:45 am]

BILLING CODE 4510-43-M

#### [Docket No. M-87-71-C]

#### **Dominion Coal Corp. Petition for Modification of Application of Mandatory Safety Standard**

Dominion Coal Corporation, P.O. Box 70, Vansant, Virginia 24656 has filed a petition to modify the application of 30 CFR 75.1701 (abandoned areas, adjacent mines; drilling of boreholes) to its Young's Branch No. 15 Mine (I.D. No. 44-03404), its Dominion No. 1 Mine (I.D. No. 44-05254), its Dominion No. 2 Mine (I.D. No. 33-02239), its Dominion No. 3 Mine (I.D. No. 44-06146), its Oakwood Red Ash No. 3 Mine (I.D. No. 44-02122), its Winston Mine No. 9 (I.D. No. 44-03312), and its Winston Mine No. 10 (I.D. No. 44-03440), all located in Buchanan County, 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 whenever any working place approaches within 50 feet of abandoned areas in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within 200 feet of any other abandoned areas of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within 200 feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least 20 feet in advance of the working face of such working place and

shall be continually maintained to a distance of at least 10 feet in advance of the advancing working face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing working face will not accidentally hole through into abandoned areas or adjacent mines. Boreholes shall also be drilled not more than 8 feet apart in the rib of such working place to a distance of at least 20 feet and at an angle of 45 degrees.

2. Petitioner requests a modification of the standard to allow for a 20 foot cut to be taken in the face. In further support of this request, petitioner states that:

(a) The provision requiring 20-foot test holes to be drilled at a 45 degree angle at 8-foot intervals in the rib, restricts the depth of a cut that can be extracted with a continuous miner;

(b) A continuous mining machine is designed to take a 20-foot cut without the controls of the mining machine passing the last row of roof supports;

(c) Petitioner proposes to drill five holes in the face of the entry, spaced at 5-foot intervals; one hole in each corner of the entry 20 feet deep and 3 holes in the face of the entry 30 feet deep. The holes drilled in the corner of the entry will be at 30 degree angles to the rib. The hole drilled 5 feet from the left rib would be on a 105 degree angle to the face. The hole in the middle of the entry will be a 90 degree angle to the face and the hole drilled 5 feet from the right rib will be a 75 degree angle to the face with a margin of error of  $\pm 5$  degrees. This pattern will provide a 10-foot barrier in all direction to the cut to be taken. This pattern will also prevent the cut being taken from intersecting with any entry driven in an unexplored old works 10 feet or greater in width; and

(d) It is more practical to drill a 30 degree angle as opposed to drilling a 45 degree angle due to the size of the drill and the length of the drill steel, as well as the restricted area available to maneuver the drilling machine.

3. Petitioner states that the proposed alternate method 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 827 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 14, 1987. Copies of the petition are available for inspection at that address.

Dated: April 3, 1987.

Patricia W. Silvey,  
*Associate Assistant Secretary for Mine Safety and Health.*

[FR Doc. 87-8323 Filed 4-13-87; 8:45 am]

BILLING CODE 4510-43-M

#### [Docket No. M-87-78-C]

#### **Krystal Coal Co.; Petition for Modification of Application of Mandatory Safety Standard**

Krystal Coal Company, Route 2 Box 420, Corbin, Kentucky 40701 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its No. 1 Mine (I.D. No. 15-13615) located in Knox County, Kentucky. 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 a methane monitor be installed on any electric face cutting equipment, continuous miner, longwall face equipment and loading machine and shall be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitors in lieu of continuous methane monitors on three wheel tractors. In future support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize his/her battery tractor immediately. Production will cease and will not resume until the methane level is lower than one percent;

(d) A spare continuous miner will be available to assure that all coal hauling tractors will be equipped with a continuous miner;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miner 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 May 14, 1987. Copies of the petition are available for inspection at that address.

Dated: April 6, 1987.

Patricia W. Silvey,

*Associate Assistant Secretary for Mine Safety and Health.*

[FR Doc. 87-8324 Filed 4-14-87 8:45 am]

BILLING CODE 4510-43-M

#### [Docket No. M-87-77-C]

#### Krystal Coal Co. No. 2; Petition for Modification of Application of Mandatory Safety Standard

Krystal Coal Company No. 2, Route 2 Box 420, Corbin, Kentucky 40701 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Krystal Coal No. 2 Mine (I.D. No. 15-14295) located in Whitley County, Kentucky. 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 requirements that a methane monitor be installed on any electric face cutting equipment, continuous miner, longwall face equipment and loading machine and shall be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the

time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioners proposes to use hand held continuous oxygen and methane monitors in lieu of continuous methane monitors on three wheel tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize his/her battery tractor immediately. Production will cease and will not resume until the methane level lower than one percent;

(d) A spare continuous miner will be available to assure that all coal hauling tractors will be equipped with a continuous miner;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method 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 May 14, 1987. Copies of the petition are available for inspection at that address.

Dated: April 6, 1987

Patricia W. Silvey,

*Associate Assistant Secretary for Mine Safety and Health.*

[FR Doc. 87-8325 Filed 4-13-87; 8:45 am]

BILLING CODE 4510-43-M

#### [Docket No. M-87-82-C]

#### M & F Coal Co., Petition for Modification of Application of Mandatory Safety Standard

M & F Coal Company, Rt. 5, Box 234, Williamsburg, Kentucky 40769 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Mine No. 2 (I.D. No. 15-15574) located in Whitley County, Kentucky. 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 a methane monitor be installed on any electric face cutting equipment, continuous miner, longwall face equipment and loading machine and shall be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitors in lieu of continuous methane monitors on three wheel tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize his/her battery tractor immediately. Production will cease and will not resume until the methane level is lower than one percent;

(d) A spare continuous miner will be available to assure that all coal hauling tractors will be equipped with a continuous miner;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified

person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method 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 May 14, 1987. Copies of the petition are available for inspection at that address.

Dated: April 6, 1987.

Patricia W. Silvey,

*Associate Assistant Secretary for Mine Safety and Health.*

[FR Doc. 87-8326 Filed 4-13-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-75-C1]

#### Red Rose Coal Co., Inc., Petition for Modification of Application of Mandatory Safety Standard

Red Rose Coal Company, Inc., Rt. 5 Box 248, Williamsburg, Kentucky 40769 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its No. 3 Mine (I.D. No. 46-04237) located in Wyoming 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 a methane monitor be installed on any electric face cutting equipment, continuous miner, longwall face equipment and loading machine and shall be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner purposes to use hand held continuous oxygen and methane monitors in lieu of continuous methane monitors on three

wheel tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize his/her battery tractor immediately. Production will cease and will not resume until the methane level is lower than one percent;

(d) A spare continuous miner will be available to assure that all coal hauling tractors will be equipped with a continuous miner;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method 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 May 14, 1987. Copies of the petition are available for inspection at that address.

Dated: April 6, 1987

Patricia W. Silvey,

*Associate Assistant Secretary for Mine Safety and Health.*

[FR Doc. 87-8327 Filed 4-13-87; 8:45 am]

BILLING CODE 4510-43-M

#### NATIONAL SCIENCE FOUNDATION

##### Advisory Panel for the Biophysics Program; Meeting

In accordance with the Federal Advisory Committee, as amended, Pub.

L. 92-463; The National Science Foundation announces the following meeting:

Name: Advisory Panel for the Biophysics Program.

Date and Time: Thursday and Friday, April 23 and 24, 1987 from 8:00 AM to 6:00 PM.

Place: The St. James Hotel, 950 24th Street, NW., Washington, DC 20037

Type of Meeting: Closed.

Contact: Dr. Arthur Kowalsky, Director, Biophysics Program (202) 357-7777 or 7778.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Rebecca Winkler,

*Committee Management Officer.*

April 2, 1987

[FR Doc. 87-8263 Filed 4-13-87; 8:45 am]

BILLING CODE 7555-01-M

##### Advisory Panel for Economics; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Economics.

Date/Time: April 23-24-25, 1987, 8:30 a.m. to 5:00 p.m.

Place: The Inn at Foggy Bottom, Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Daniel H. Newlon; Dr. Lynn A. Pollnow, Program Directors for Economics or James R. Slaugh, Assistant Program Director for Economics (202) 357-9675, Room 336, National Science Foundation, Washington, DC 20550.

Summary Minutes: May be obtained from the Contact Person at the above address.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in the Economics Program.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being

reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

**M. Rebecca Winkler,**

*Committee Management Officer.*

April 2, 1987.

[FR Doc. 87-8264 Filed 4-13-87; 8:45 am]

BILLING CODE 7555-01-M

### **Advisory Panel for Population Biology and Physiological Ecology; Meeting**

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Population Biology and Physiological Ecology.

Date and Time: April 23 and 24, 1987—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1242, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. John L. Brooks, Acting Program Director, Population Biology and Physiological Ecology (202) 357-8728, Room 215, National Science Foundation, Washington, DC 20550.

Summary Minutes: May be obtained from the Contact Person at the above address.

Purpose of Meeting: To provide advice and recommendations concerning support for research in population biology and physiological ecology.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

**M. Rebecca Winkler,**

*Committee Management Officer.*

April 2, 1987

[FR Doc. 87-8265 Filed 4-13-87; 8:45 am]

BILLING CODE 7555-01-M

### **Advisory Panel for Psychobiology; Meeting**

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Psychobiology.

Date and Time: April 22, 23, and 24, 1987—8:30 a.m. to 5:00 p.m. each day.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC. Meeting is to be held in the conference room 543.

Type of Meeting: Part open—Open Wednesday 4/22/87—9:00 a.m. to 11:00 a.m.

Closed 4/23/87 8:30 a.m. to 5:00 p.m. Closed 4/24/87 8:30 a.m. to 5:00 p.m.

Contact person: Dr. Fred Stollnitz, Program Director for Psychobiology, Room 320, National Science Foundation, Washington, DC 20550, Telephone (202) 357-7949.

Summary Minutes: May be obtained from the Contact Person at the above stated address.

Purpose of Meeting: To provide advice and recommendations concerning support for research in the Psychobiology Program.

Agenda: Open—General discussion of research trends and opportunities in psychobiology. Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of the Government in the Sunshine Act.

**M. Rebecca Winkler,**

*Committee Management Officer.*

April 2, 1987

[FR Doc. 87-8266 Filed 4-13-87; 8:45 am]

BILLING CODE 7555-01-M

### **Advisory Panel Systematic Anthropological Collections; Meeting**

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Systematic Anthropological Collection.

Date and Time: April 23 and 24, 1987—9:00 a.m.—5:00 p.m.

Place: National Science Foundation, 1800 G Street NW., Room 523, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Nancy J. Parezo, Associate Program Director, Anthropology Program, Room 320, National Science Foundation, Washington, DC 20550; (202) 357-7804.

Purpose of Meeting: To provide advice and recommendations concerning support for systematic anthropological collections.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information, concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of the Government in the Sunshine Act.

**M. Rebecca Winkler,**

*Committee Management Officer.*

April 2, 1987.

[FR Doc. 87-8267 Filed 4-13-87; 8:45 am]

BILLING CODE 7555-01-M

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-245]

### **Northeast Nuclear Energy Co., Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix R to 10 CFR Part 50 to Northeast Nuclear Energy Company, et al. (the licensee), for the Millstone Nuclear Power Station, Unit No. 1, located in New London County, Connecticut.

#### **Environmental Assessment**

*Identification of Proposed Action:* The exemption would grant relief in five cases where the fire protection features are not in conformance with the technical requirements of Appendix R to 10 CFR Part 50. Four of the cases relate to section III.G. of Appendix R to 10 CFR Part 50 that specifies options for separating/protecting redundant trains of safe shutdown related components and cables. The fifth case pertains to section III.J. of Appendix R which requires 8 hour battery-powered emergency lighting units in certain areas for safe shutdown and in access routes to these areas.

The exemption is responsive to the licensee's applications for exemption, dated November 21, 1985, August 22, 1986, January 7 and 14, 1987. Note that in the licensee's November 21, 1985 letter, six additional requests were made from the requirements of Appendix R. However, these exemption requests pertain to non-fire rated features of certain fire area boundaries. As such, they are encompassed by the guidance issued in Generic Letter 86-10. No exemption is, therefore, necessary for these conditions.

*Environmental Impacts of the Proposed Action:* The proposed exemption will provide a degree of fire protection such that there is no increase in the risk of fires at this facility. Consequently, the probability of fires has not been increased and the post-fire radiological releases will not be greater than previously determined nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential nonradiological impacts, the proposed exemptions involve features located entirely within the restricted areas as

defined in 10 CFR Part 20. They do not affect nonradiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemptions.

**Alternative Use of Resources:** This action involves no use of resources not previously considered in the Final Environmental Statements for the Millstone Nuclear Power Station, Unit No. 1.

**Agencies and Persons Consulted:** The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

#### Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemptions.

Based upon the foregoing environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for the exemption previously listed, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Dated at Bethesda, Maryland, this 6th day of April 1987.

For The Nuclear Regulatory Commission  
Cecil O. Thomas,

*Director, Integrated Safety Assessment,  
Project Directorate, Division of PWR  
Licensing-B.*

[FR Doc. 87-8219 Filed 4-13-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-267]

#### Public Service Company of Colorado; (Fort St. Vrain Nuclear Generating Station): Confirmatory Order Modifying License

Public Service Company of Colorado (PAC or the licensee) is the holder of Facility Operating License No. DPR-34 which authorizes the operation of the Fort St. Vrain Nuclear Generating Station (the facility) at a steady-state power level not in excess of 842 megawatts thermal. The facility is a high temperature gas-cooled reactor (HTGR) located at licensee's site in Weld County, Colorado.

#### II.

By Commission Memorandum and Order dated November 28, 1985, Fort St. Vrain was granted an extension of the November 30, 1985 deadline for compliance with the rule for equipment qualification, 10 CFR 50.49. This extension was until May 31, 1986, with the provision that reactor power would be limited to 35 percent of full power. The plant has been shutdown since May 31, 1986, for modifications needed to comply with the equipment qualification rule. The plant has now met the requirements of the equipment qualification rule.

By letters dated August 11 and October 17, 1986 (P-86513 and P-86587), PSC reported to the staff that previous analyses of safe shutdown cooling for Fort St. Vrain were invalid. By a letter dated September 25, 1986, the staff requested PSC to provide their "best estimate" schedule for resolution of this problem and to propose suitable power level limits for the facility, should that be required for safe operation. At a meeting held with the licensee in Arlington, Texas on January 14, 1987, the staff and licensee agreed that the initial operation of the plant would be based on the liner cooling system with a power level limit of 35 percent of full power. Additionally, the licensee agreed to a "hold" at 10 percent of full power to allow the Region IV staff to evaluate the facility's operational performance.

#### III.

PSC requested NRC approval to restart the facility by letter dated January 30, 1987 (P-87038). In this submittal PSC committed to the 35 percent power limit until the NRC approves operation at higher power levels. Additionally, PSC committed not to exceed the 10 percent power level until NRC Region IV reviews and approves the facility's operational performance during ascension to the power level. The staff has reviewed the proposed power ascension plan and limits, and concludes that the licensee's commitments are acceptable.

In view of the foregoing, I have determined that modification of the Fort St. Vrain operating license is required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

#### IV

Accordingly, pursuant to sections 103, 161b, and 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR Part 50, It Is Hereby

Ordered, Effective Immediately, That, Facility Operating License No. DPR-34 Is Modified To Provide That:

The licensee shall not exceed 10 percent of full power until it receives written approval from the Regional Administrator of Region IV and shall not operate the facility over 35 percent of full power until it receives written approval from the Office of Nuclear Reactor Regulation.

#### V.

The licensee or any other person with an adversely affected interest may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing should be addressed to the Assistant General Counsel for Enforcement, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A copy should also be sent to the Regional Administrator, Region IV U.S. Nuclear Regulatory Commission, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011. A Request for Hearing Shall Not Stay the Immediate Effectiveness of This Order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether or not this Order should be sustained.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 6th day of April 1987.

For the Nuclear Regulatory Commission  
Frank J. Miraglia,

*Director, Division of PWR Licensing-B, Office  
of Nuclear Reactor Regulation.*

[FR Doc. 87-8220 Filed 4-13-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

#### Baltimore Gas and Electric Co; Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the February 18, 1987 request of the Baltimore Gas and Electric Company (the licensee) for withdrawal of Change No. 6 of the licensee's July 31, 1986 request for amendments to Facility Operating Licenses Nos. PDR-53 and DPR-69 for operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, located in Calvert County, Maryland.



This change proposed to modify the Units 1 and 2 Technical Specification Limiting Condition for Operation 3.1.1.4 by raising the upper limit for moderator temperature coefficient above 70% Rated Thermal Power (RTP) from the current limit of less positive than  $+0.2 \text{ E-4 } \Delta k/k/^{\circ}\text{F}$  to a proposed limit of less positive than  $+ (1.16-.66\text{P}) \text{ E-4 } \Delta k/k/^{\circ}\text{F}$  where P is the Fraction of Rated Power.

The proposed increase in MTC to less than  $+0.050 \text{ E-4 } \Delta k/k/^{\circ}\text{F}$  at 100% RTP would have necessitated the raising of the reactor coolant system pressure limit above 110% of design pressure for the safety analysis of the feed line break event concurrent with a loss of A.C. power.

The Commission issued a Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Prior Hearing" which was published in the Federal Register (51 FR 40866) on November 10, 1986. No requests for hearing were filed in connection with this Notice.

By letter dated February 18, 1987 the licensee withdrew its application for the proposed amendments.

For further details with respect to this action, see (1) The application for amendments dated July 31, 1986; (2) the licensee's supplemental submittals of August 20, October 22, October 27 and November 4, 1986 and February 3, 1987; (3) the Commission's request for additional information dated February 19, 1987; (4) the licensee's letter dated February 18, 1987 withdrawing the applications for amendments; and (5) the Commission's letter granting the withdrawal dated April 7 1987. All of the above documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Calvert County Library, Prince Frederick, Maryland.

Dated at Bethesda, Maryland, this 7th day of April 1987.

For the Nuclear Regulatory Commission.

Ashok C. Thadani,

Director, PWR Project Directorate #8,  
Division of PWR Licensing-B.

[FR Doc. 87-8313 Filed 4-13-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

# **Iowa Electric Light and Power Company, et al., Duane Arnold Energy Center; Exemption**

## **I**

Iowa Electric Light and Power Company (IELP/the licensee) is the

holder of Facility Operating License No. DPR-49 which authorizes operation of the Duane Arnold Energy Center (DAEC/the facility). This license provides, among other things, that the facility is subject to all rules, regulations and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a boiling water reactor located at the licensee's site in Linn County, Iowa.

## **II**

By letters dated October 29 and December 7 1984, as supplemented April 22 and July 12, 1985, IELP requested two exemptions from the requirements of Appendix J, 10 CFR Part 50. The first would exempt containment spray isolation valves from Appendix J, 10 CFR Part 50, section III.C.1 Type C testing and the second would exempt the flanges connecting the torus to the torus drain line piping from Appendix J, 10 CFR Part 50, section III.B Type B test requirements. The staff has determined that the second exemption is not needed because the flanges are outside Appendix J requirements.

Pursuant to Final Rule 10 CFR 50.12 (50 FR 50764), published on December 12, 1985, the special circumstance for granting the one remaining exemption has been identified as follows:

The containment spray subsystem consists of two 10" diameter lines to the spray headers in the drywell and two 4" diameter lines to the spray headers on top of the torus. Each line has two isolation valves outside containment that are normally closed. The inboard valves are required by Appendix J to be Type C tested. However, since the packing and body-to-bonnet seals are the only potential sources of leakage, the testing may be limited to these areas. To do this test according to Type C Appendix J requirements would require installation of an additional inboard valve inside containment and a test connection. Due to limited space in the drywell, such a modification would be difficult. The licensee, therefore, has proposed the following two-part alternative testing program:

(1) Perform soap bubble testing on the valve body-to-bonnet seals during Type A Integrated Leak Rate testing and initiate corrective action if leakage is detected and

(2) Pressurize between the inboard and outboard valves at the same frequency required for Type C tests to indicate the general condition of the valves.

The staff has determined that the alternate proposal will test the valves to an equivalent level as that required by the strict interpretation of Appendix J. Therefore, the strict application of the requirements is not necessary to achieve the underlying purpose of the regulation. Thus, the special circumstance presented in 10 CFR 50.12(a)(2)(ii) is applicable.

Accordingly, based on the above analysis, the staff concludes that, because the licensee's proposed alternate test method for the containment spray isolation valves Type C testing is equivalent to that required by Appendix J, the exemption from the requirements of section III.C.1 of Appendix J to 10 CFR Part 50 is justified and should be granted.

## **III**

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, this exemption is authorized by law, will not endanger life or property or the common defense and security and is otherwise in the public interest; furthermore, in accordance with 10 CFR 50.12(a)(2)(ii), a special circumstance, as discussed above, is present. The Commission hereby grants an exemption, as described above, from section III.C.1 of Appendix J to the extent that the alternate Type C test method proposed by the licensee for the containment spray isolation valves is acceptable.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (52 FR 10833).

A copy of the Commission's concurrently issued Safety Evaluation related to this action is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, Iowa 52401.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 8th day of April 1987.

For the Nuclear Regulatory Commission.

R. Wayne Houston,

Acting Director, Division of BWR Licensing,  
Office of Nuclear Reactor Regulation.

[FR Doc. 87-8314 Filed 4-13-87; 8:45 am]

BILLING CODE 7590-01-M

**POSTAL SERVICE****Implementation of Change in the Domestic Mail Classification Schedule Provision Regarding Guarantees Available with Collect-on-Delivery Service****AGENCY:** Postal Service.**ACTION:** Notice of implementation of a change in the Domestic Mail Classification Schedule provision regarding guarantees available to users of Collect-on-Delivery service.**SUMMARY:** This gives notice that effective at 12:01 a.m., June 7, 1987 the Postal Service will amend section 6.021 of the Domestic Mail Classification Schedule to clarify the scope of the guarantees currently offered COD mailers. No change in the nature of these guarantees will result from this amendment.**EFFECTIVE DATE:** June 7, 1987**FOR FURTHER INFORMATION CONTACT:** Joseph F. Wackerman, (202) 268-2996.

**SUPPLEMENTARY INFORMATION:** On February 12, 1986, the United States Postal Service filed with the Postal Rate Commission a Request for an advisory opinion on a proposed change in the procedures by which addressees pay Collect-On-Delivery (COD) charges. The Postal Service had proposed the change to curb the fraudulent exploitation of postal customers by a small number of individuals who takes advantage of the requirement that COD charges must be paid in cash (or, in some cases, by check made payable to the Postal Service) which is then converted into a Postal Service money order to be sent to the mailer. These individuals send supposed "prizes" or products to addressees through the COD system. After the addressee pays the COD charges, the package is found to be empty or to contain something worth much less than the amount of the charges. Under the Postal Service's proposal addressees will be able to pay for COD packages with a check made payable to the mailer, giving the addressee the opportunity to stop payment if defrauded.

Notice of the Postal Service's Request and its proposal was published by the Postal Rate Commission in the Federal Register on February 26, 1986 (51 FR 6842). The Commission considered the Postal Service's proposal in Docket No. N86-1 and, on February 6, 1987 transmitted an advisory opinion to the Postal Service. The Commission advised in favor of the proposal, finding that it is likely to be an effective remedy to the problem of fraudulent use of COD

service, that the proposed change conforms to the policies of Title 39, U.S. Code, and that the interests of both mailers and recipients had been properly balanced by the Postal Service in arriving at its proposal.

On July 9, 1986, the Postal Rate Commission issued Order No. 700 instituting a mail classification case paralleling Docket No. N86-1. (51 FR 25622). This proceeding arose out of the Commission's concern that the current language of Domestic Mail Classification Schedule (DMCS) section 6.021 might be construed as requiring the Postal Service to guarantee any check written by an address in payment of COD charges, rather than merely guaranteeing transmittal of the check. That section originally read:

6.021 C.O.D. service provides the mailer with insurance against loss, rifling and damage to the article as well as failure to receive the amount collected from the addressee.

After receiving comments from the parties, the Commission initiated this separate classification proceeding, Docket No. MC86-3, to consider the need for changed DMCS language should the Postal Service's proposed change be implemented. On February 6, 1987 the Commission issued a Recommended Decision containing its recommended addition to DMCS section 6.021. The recommended language provides:

This provision insures only the receipt of the instrument issued to the mailer after payment of C.O.D. charges, and is not to be construed to make the Postal Service liable upon any such instrument other than a Postal Service money order.

On April 6, 1987 the Governors of the Postal Service, pursuant to 39 U.S.C. 3625(b), approved the Commission's Recommended Decision and ordered it into effect. By a separate resolution adopted the same day, the Board of Governors of the Postal Service, pursuant to 39 U.S.C. 3625(f), set the effective date of the change at 12:01 a.m. June 7 1987. Board of Governors Resolution No. 87-2. Accordingly, the change in section 6.021 of the Domestic Mail Classification Schedule set forth above shall take effect at 12:01 a.m. on June 7 1987.

Fred Eggleston,  
Assistant General Counsel Legislative Division.

[FR Doc. 87-8296 Filed 4-14-87; 8:45 am]  
BILLING CODE 7710-12-M

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-24308; File No. SR-OCC-87-3]

**Self-Regulatory Organizations; Options Clearing Corp., Notice of Filing and Immediate Effectiveness of Proposed Rule Change**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78(b)(1), notice is hereby given that on March 13, 1987 the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described below. The proposal clarifies OCC's policy on treatment of clearing members' submissions of adjustments to positions. The Commission is publishing notice to solicit comment on the rule change.

The proposal amends OCC's Interpretations and Policies ("I&Ps") under Article VI of OCC's Bylaws pertaining to clearance of exchange transactions. The proposal states that, for certain purposes, adjustments to positions submitted by clearing members will be treated the same as regular Exchange transactions. Adjustments include position adjustments, transfers of accounts between clearing members and account transfers. The proposal makes explicit that adjustments will receive the same treatment as Exchange transactions for purposes of opening and closing positions in the clearing system.<sup>1</sup> The clearing system will operate to keep overall positions in balance for both exchange transactions and adjustments, i.e., to ensure that there always will be a short for every long in the system in spite of open/close coding errors.

OCC's Bylaws are broad enough to contemplate similar treatment for transaction and adjustment instructions. OCC has treated them equally, however, and the proposal clarifies OCC's procedures in the I&Ps under the Article VI of the Bylaws.

This rule change has become effective, pursuant to section 19(b)(3) of the Act and Rule 19b-4. The Commission may summarily abrogate the rule change at any time within 60 days of its filing if it appears to the Commission that abrogation is necessary or appropriate in the public interest, for the protection of investors

<sup>1</sup> The proposal states that adjustments will be treated the same as Exchange transactions for these purposes and for other purposes of Article VI of the Bylaws except where the content otherwise requires.

or otherwise in furtherance of the purposes of the Act.

You may submit written comments within 21 days after notice is published in the *Federal Register*. Please file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the filing, 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, DC. Copies of the filing also will be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR-OCC-87-3 and should be submitted by May 6, 1987.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Date: April 7, 1987.

Joanathan G. Katz,

Secretary.

[FR Doc. 87-8310 Filed 4-13-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-15661; 812-6293]

**Morgan Stanley Group Inc. and Morgan Stanley Capital I Inc., Issuance of Mortgage-Backed Securities and Sale of Equity Interests**

April 3, 1987

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of Application to Amend an Existing Order under the Investment Company Act of 1940 (the "1940 Act")

*Applicants:* Morgan Stanley Group Inc. ("Morgan Stanley") and Morgan Stanley Capital I Inc. ("Subsidiary").

*Relevant 1940 Act Section:* Exemption requested under section 6(c) from all provisions of the 1940 Act.

*Summary of Application:* Applicants seek to amend an existing order (Investment Company Release No. 15548, January 20, 1987) ("Existing Order") to permit the Subsidiary and certain trusts that it has formed or may form ("Trusts") to issue variable and floating rate collateralized mortgage obligations and to permit the Subsidiary to sell beneficial ownership interests in such Trusts.

*Filing Date:* The application was filed on January 31, 1986, and amendments thereto on October 21 and December 19, 1986. The Existing Order granting the application was issued on January 20, 1987. Thereafter, another amendment to the application was filed on March 2, 1987.

*Hearing or Notification of Hearing:* If no hearing is ordered the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on April 24, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve either Applicant with the request, personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

**ADDRESSES:** Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Morgan Stanley Group Inc., 1251 Avenue of the Americas, New York, New York 10020. Morgan Stanley Capital I Inc., 1225 North Loop West, Suite 1050, Houston, Texas 77008.

**FOR FURTHER INFORMATION CONTACT:** Sherry Hutchins, Staff Attorney at (202) 272-2799 or Brion Thompson, Special Counsel at (202) 272-3016, Division of Investment Management, Office of Investment Company Regulation.

**SUPPLEMENTARY INFORMATION:** Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 254-4300).

*Applicant's Representations:*

1. The Subsidiary is a wholly-owned, limited purpose, financing subsidiary of Morgan Stanley. The Subsidiary, a Delaware corporation formed on January 28, 1985, was organized to facilitate the financing of mortgage loans through the issuance of one or more series of bonds collateralized primarily by Agency Certificates (as defined below) and it will not engage in any business or investment activities unrelated to such purpose.

2. The Existing Order permits the Subsidiary to issue and sell, and form separate trusts ("Trusts") to issue and sell, one or more series ("Series") of collateralized mortgage obligations ("Bonds") and invest in certain Agency

Certificates<sup>1</sup> which will be used to collateralize such Bonds, subject to certain terms and conditions. Applicants propose to amend the Existing Order so that each Series of Bonds may contain one or more classes of variable or floating interest rate Bonds, each of which will have fixed maximum rate or rates of interest ("interest rate cap" or "interest rate caps") that will be payable on the Bonds.

3. Each Series of Bonds will be issued by the Subsidiary under an Indenture ("Indenture") between the Subsidiary and an independent trustee ("Indenture Trustee"). Each Trust has been or will be formed pursuant to a separate deposit trust agreement ("Agreement") between the Subsidiary, acting as depositor, and a bank or trust company or other fiduciary acting as owner-trustee ("Owner Trustee"). Each Trust will issue one or more Series of Bonds under the terms of Indenture between the Owner Trustee and an Indenture Trustee, as supplemented by one or more series supplements. The Indenture will be qualified under the Trust Indenture Act of 1939 unless an appropriate exemption is available.

4. In the case of each Series of Bonds: (a) Each Trust will hold no substantial assets other than the Agency Certificates and cash; (b) the Bonds will be secured by Agency Certificates or cash having a collateral value determined under the Indenture, at the time of issuance and following each payment date, equal to or greater than the outstanding principal balance of the Bonds; (c) distributions of principal and interest received on the Agency Certificates securing the Bonds and any applicable reserve funds, plus reinvestment income thereon, will be sufficient to pay all interest on the Bonds and to retire each class of Bonds by its stated maturity; and (d) the Agency Certificates will be assigned by the Owner Trustee to the Indenture Trustee and will be subject to the lien of the related Indenture.

5. Each Series of Bonds will be structured to ensure that the cash flow

<sup>1</sup> By definition, the "Agency Certificates" collateralizing the Bonds will consist of: (1) "Fully-modified" pass-through mortgage-backed certificates guaranteed by the Government National Mortgage Association ("GNMA Certificates"), (2) mortgage participation certificates issued by the Federal Home Loan Mortgage Corporation ("FHLMC Certificates") and (3) guaranteed mortgage pass-through securities issued by the Federal National Mortgage Association ("FNMA Certificates"). In addition to the Agency Certificates directly securing the Bonds, a Series may have additional collateral which may include certain collection accounts and reserve funds as specified in the related Indenture.

scheduled to be received by the Trustee from the Agency Certificates pledged to secure the Bonds will be sufficient to make all payments of principal and interest on the Bonds. Any Series of Bonds containing one or more classes of variable or floating interest rate Bonds will be structured with reference to the interest rate cap or caps for that particular Series to ensure adequate cash flow, even if the interest rate on any class or variable or floating interest rate Bonds in such Series climbed to the interest rate cap in the first variable or floating interest rate period and remained at the applicable interest rate cap throughout the life of the Bonds.

6. In addition, the Existing Order, subject to certain terms and conditions, permits the Subsidiary to sell the beneficial interests in each Trust to a limited number, in no event more than one hundred, of sophisticated institutional investors in transactions exempt from the registration requirements of the Securities Act of 1933 ("1933 Act") under section 4(2) thereof. Such institutional investors may include one or more banks, savings and loan associations, insurance companies, and pension plans or other investors that would have prior experience in making investments in mortgage related securities or real estate ("Eligible Institutions"). Each Eligible Institution will be required to represent that it is purchasing such beneficial interests for investment purposes. In addition, the Agreement relating to each Trust will further prohibit the transfer of any certificates for such beneficial interests if there would be more than one hundred Eligible Institutions holding of such certificates at any time.

7. Neither the holders of the beneficial interests of any of the Trusts, the Owner Trustee nor the Indenture Trustee will be able to impair the security afforded by the Agency Certificates to the holders of the Bonds. That is, without the consent of each Bondholder to be affected, neither the holders of the beneficial interest of any of the Trusts, the Owner Trustee nor the Indenture Trustee will be able to: (1) Change the stated maturity on any Bonds; (2) reduce the principal amount or the rate of interest on any Bonds; (3) change the priority of payment on any class of any Series of Bonds; (4) impair or adversely affect the Agency Certificates securing a Series of Bonds; (5) permit the creation of a lien ranking prior to or on a parity with the lien of the related Indenture with respect to the Agency Certificates; or (6) otherwise deprive the Bondholders of the security afforded by the lien of the related Indenture.

8. The sale of the beneficial interests in each Trust will not alter the payment of cash flows under the Indenture, including the amounts to be deposited in the collection account or any reserve fund created pursuant to the Indenture to support payments of principal and interest on the Bonds.

9. No holder of a controlling interest in a Trust (as the term "control" is defined in Rule 405 under the 1933 Act), will be affiliated with either the custodian or any nationally recognized statistical rating agency rating the Bonds. At the time of its purchase of an equity certificate, none of the owners of the beneficial interests in the Trust will be affiliated with the Indenture Trustee.

10. The interests of the Bondholders will not be compromised or impaired by the ability of the Subsidiary to sell beneficial interests in each Trust, and there will not be a conflict of interest between the Bondholders and the holders of the beneficial interests for several reasons: (a) The collateral which initially will be deposited into a Trust and will be pledged to secure the Bonds issued by such Trust will not be speculative in nature because it will consist solely of GNMA certificates, FNMA Certificates or FHLMC Certificates, which Agency Certificates are guaranteed as to timely payment of interest and timely or ultimate payment of principal by each respective agency; (b) the Bonds will only be issued provided an independent nationally recognized statistical rating agency has rated such Bonds in one of the two highest rating categories; which by definition means that the capacity of the issuing Trust to repay principal and interest on the Bonds is very Strong; (c) the Indenture under which the Bonds will be issued subjects the collateral pledged to secure the Bonds, all income distributions thereon and all proceeds from a conversion, voluntary or involuntary, of any such collateral to a first priority perfected security interest in the name of the Indenture Trustee on behalf of the Bondholders;<sup>2</sup> and (d) the

<sup>2</sup> The Indenture further specifically provides that no amounts may be released from the lien of the Indenture to be remitted to the issuing Trust (and any owner of beneficial interests thereof) until: (i) The Trustee has made the scheduled payment of principal and interest on the Bonds, (ii) the Trustee has received all fees currently owed to it, (iii) the firm of independent accountants has received all fees owed to it for services rendered under the Indenture (iv) to the extent required by any supplemental indentures executed in connection with the issuance of the Bonds, deposits have been made to certain reserve funds which will ultimately be used to make payments of principal and interest on the Bonds and (v) any other persons have been paid the amounts due them as operating expenses of the Issuer. Once amounts have been released from the lien of the Indenture, the Owner Trustee under

owners of the beneficial interests will be entitled to receive current distributions representing the residual payments on the collateral from each Trust in accordance with the terms of the applicable Agreement, which distributions are analogous to dividends payable to a shareholder of a corporate issuer of collateralized mortgage obligations. Furthermore, unless the Trust elects to be treated as a "real estate mortgage investment conduit" ("REMIC") under the Internal Revenue Code of 1986, the beneficial interest owners will be liable for the expenses, taxes and other liabilities of the Trust (other than the principal and interests on the Bonds) to the extent not previously paid from the Trust estate. The choice of the form of issuer for the Bonds and the identity of the owners of the beneficial interests in such issuer, however, will not alter in any way the payments made to the holders of such Bonds, which are payments governed by an Indenture which will meet the requirements of the Trust Indenture Act of 1939.

11. Applicants do not anticipate that the Trust will incur any additional expenses if the Trust elects to be treated as a REMIC. Should the Trust make such election, the expenses of the Trust will be paid from the Trust estate as set forth in the Agreement.

12. The aggregate interests of the owners of the beneficial interests in the collateral and the expected returns earned by such owners will be far less than the aggregate payments made to Bondholders. Applicants do not intend to deposit in any Trust Agency Certificates with a collateral value which exceeds 110% of the aggregate principal amount of the related Bonds.

13. Except to the extent permitted by the limited right to substitute collateral, it will not be possible for the owners of the beneficial interests to alter the collateral initially deposited into a Trust, and in no event will such right to substitute collateral result in a diminution in the value or quality of such collateral. Although it is possible that any collateral substituted for collateral initially deposited into a Trust may have a different prepayment experience than the original collateral, the interests of the Bondholders will not be impaired because: (a) The prepayment experience of any collateral will be determined by market conditions beyond the control of the owners of the beneficial interests, which market conditions are likely to affect all

the Agreement is entitled to reasonable compensation out of such amounts.

mortgage certificates of similar payment terms and maturities in a similar fashion; (b) the interests of the holders of the beneficial interests are not likely to be greatly different from those of the Bondholders with respect to collateral prepayment experience; and (c) to the extent that it may be possible for the owners of the beneficial interests to cause the substitution of collateral that has a different prepayment experience than the original collateral, this situation is no different for Bondholders than the traditional collateralized mortgage obligation structure where bonds are issued by an entity that is a wholly-owned subsidiary. Further, due to the fact that there usually will be more than one owner of the Trust, it is not more likely that the owners will be able to agree on any desired substitution of collateral than if there were a single owner who could unilaterally decide on the timing and execution of the substitution.

14. The requested exemption is necessary and appropriate in the public interest because: (a) The Trusts and Subsidiary should not be deemed to be entities to which the provisions of the 1940 Act were intended to be applied; (b) the Trusts and Subsidiary may be unable to proceed with their proposed activities if the uncertainties concerning the applicability of the 1940 Act are not removed; (c) the Trusts' and Subsidiary's activities are intended to serve a recognized and critical public need; (d) granting of the requested order will be consistent with the protection of investors because they will be protected during the offering and sale of the Bonds by the registration or exemption provisions of the 1933 Act and thereafter by the Indenture Trustee representing their interests under the Indenture; and (e) the beneficial interests in the Trusts will be held entirely by the Subsidiary or offered only to a limited number of sophisticated institutional investors through private placements.

**Applicants' Conditions:** Applicants agree that if an order is granted it will be expressly conditioned on the following:

1. Each Series of Bonds will be registered under the 1933 Act, unless offered in a transaction exempt from registration pursuant to section 4(2) of the 1933 Act.

2. The Bonds will be "mortgage-related securities" within the meaning of section 3(a)(41) of the Securities Exchange Act of 1934. In addition, the Mortgage Collateral underlying the Bonds will be limited to GNMA Certificates, FNMA Certificates, or FHLMC Certificates.

3. If new Agency Certificates are substituted, the substitute certificates will: (i) Be of equal or better quality than the collateral replaced; (ii) have similar payment terms and cash flow as the collateral replaced; (iii) be insured or guaranteed to the same extent as the collateral replaced; and (iv) meet the conditions set forth in paragraphs (2), (4) and (6). In addition, new collateral may not be substituted for more than 40% of the aggregate face amount of the Agency Certificates initially pledged as Mortgage Collateral. In not event may any new Mortgage Collateral be substituted for any substitute Mortgage Collateral.

4. All Agency Certificates, funds, accounts or other collateral securing a Series of Bonds ("Collateral") will be held by an Indenture Trustee, or on behalf of an Indenture Trustee by an independent custodian. The custodian may not be an affiliate (as the term "affiliate" is defined in Rule 405 under the 1933 Act, 17 CFR 230.405) of the Applicants. The Indenture Trustee will be provided with a first priority perfected security or lien interest in and to all Collateral.

5. Each Series of Bonds will be rated in one of the two highest bond rating categories by at least one nationally recognized statistical rating organization that is not affiliated with the Applicants. The Bonds will not be considered "redeemable securities" within the meaning of section 2(a)(32) of the 1940 Act.

6. No less often than annually, an independent public accountant will audit the books and records of the Issuers and, in addition, will report on whether the anticipated payments of principal and interest on the Mortgage Collateral continue to be adequate to pay the principal and interest on the Bonds in accordance with their terms. Upon completion, copies of the auditor's reports will be provided to the Indenture Trustee.

7. In addition, the above representations regarding the equity interests (and more fully described in the application) and variable or floating rate Bonds will be express conditions to the requested order.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-8311 Filed 4-13-87; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF STATE

[Public Notice CM-8/1064]

### Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on May 6, 1987 at the U.S. Naval Observatory, Room 300, Building 52, 34th and Massachusetts Avenue, NW., Washington, DC. The meeting will begin at 9:00 a.m.

Study Group 7 deals with time-signal services by means of radiocommunications. The purpose of the meeting is to review preparations for the international meeting of Study Group 7 in the Spring of 1988.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, DC 20520 (telephone [202] 647-2592).

Dated: April 1, 1987.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 87-8297 Filed 4-13-87; 8:45 am]

BILLING CODE 4710-07-M

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[BS-Ap-No. 2588]

### Southern Railway System; Public Hearing

The Southern Railway System has petitioned the Federal Railroad Administration (FRA) seeking approval of the proposed discontinuance of the traffic control and automatic block signal systems between Edgewood, Georgia and Lee, Georgia. This proceeding is identified as FRA Block Signal Application No. 2588.

After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on May 28, 1987 in Room B-15-A of the Federal Building and Court House at 475 Mulberry Street in Macon, Georgia.

The hearing will be an informal one, and will be conducted in accordance



with Rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons who wish to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC, on April 7 1987.  
J. W. Walsh,  
Associate Administrator for Safety.  
[FR Doc. 87-8317 Filed 4-13-87; 8:45 am]  
BILLING CODE 4910-06-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. IP86-07; Notice 2]

#### Wayne Corp; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Wayne Corporation, of Richmond, Indiana, to be exempt from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.205, Motor Vehicle Safety Standard No. 205, *Glazing Materials*. The basis of the grant is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on June 25, 1986, and an opportunity afforded for comment (51 FR 23179).

Standard No. 205 requires prime glazing manufacturers to certify each piece of glazing to which the standard applies by the following markings:

- The symbol "DOT" and the manufacturer's code mark which is assigned by the National Highway Traffic Safety Administration,
- The words "American National Standard" or the characters "AS" followed by a number which designates the item of glazing in accordance with Standard No. 205 and ANSI Z-26, and,
- The manufacturer's glazing model number.

Size and legibility requirements are also specified in Standard No. 205 and ANSI Z-26. Location of the certification marking is not specified, and the manufacturer may provide additional information on the glazing, if desired.

The petitioner stated that between April 1, 1985, and March 14, 1986, approximately 2,324 Lifeguard model buses were equipped with driver side windows which were not marked in accordance with Standard No. 205.

The petitioner also stated that between July 1, 1985, and March 1, 1986, the driver side windows of approximately 223 Lifeguard model buses were not marked in accordance with section 6 of Standard No. 205. The driver side windows were marked in accordance with ANSI Z97-1 (*Safety Performance Specifications and Methods of Tests for Safety Glazing Material Used in Buildings*). Markings in accordance with an architectural glazing code are not consistent with markings for automotive glazing, as specified by Standard No. 205.

A summary of the glazing affected in presented in the following table:

No. of life-guard model buses involved	Location	Marking actually used by Wayne Corporation	Federal standard required marking
2,324	Driver side windows.	Fas temp..... Solid tempered AS-3 M3 DOT 296	AS-2 M3 DOT 296
223	Driver side windows.	Guardian Charlton, MI. ANSI Z971 1984 SGCC 933/18 V..... 16CRF 120 11..... CGSB 12-GP-1, BS 6202 1981A.	AS-2 M3 DOT 22

The Wayne Corporation reported that both the Fas Temp Glass and the Guardian Glass meet all other requirements of Standard No. 205 and ANSI Z26.1, Item 2.

Thus, although the windows were improperly marked, petitioner claims that the glazing in all other respects complies with the requirements AS-2 glazing which is permitted for these locations.

No comments were received on the petition.

The stated purposes of Standard No. 205 are to reduce injuries resulting from impact on glazing surfaces, to ensure a necessary degree of transparency for driver visibility, and to minimize the possibility of occupancy being thrown vehicle windows in collisions. The noncompliance reported by the

petitioner have no effect upon the ability of the glazing to meet the purposes of the standard. Though improper labelling can have an impact upon State vehicle inspections, the petitioner has received no complaints of vehicle rejection.

Accordingly, the petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: April 7 1987.

Barry Felrice,  
Associate Administrator for Rulemaking.  
[FR Doc. 87-8230 Filed 4-13-87; 8:45 am]  
BILLING CODE 4910-59-M

### Urban Mass Transportation Administration

#### UMTA Section 3 and 9 Grant Obligations

AGENCY: Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice.

**SUMMARY:** Public Law 99-500 signed into law by President Reagan on October 18, 1986, contained a provision requiring the Urban Mass Transportation Administration to publish an announcement in the *Federal Register* each time a grant is obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended. The statute requires that the announcement include the grant number, the grant amount, and the transit property receiving each grant. This notice provides the information as required by statute.

**FOR FURTHER INFORMATION CONTACT:** Edward R. Fleischman, Chief, Resource Management Division, (202) 366-2053, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** The section 3 program was established by the Urban Mass Transportation Act of 1964 to provide capital assistance to eligible recipients in urban areas. Funding for this program is distributed on a discretionary basis. The Section 9 formula program was established by the Surface Transportation Assistance Act of 1982. Funds appropriated to this program are allocated on a formula basis to provide capital and operating assistance in urbanized areas. Pursuant to Pub. L. 99-500, UMTA reports the following grant information:

## SECTION 3 GRANTS

Transit property	Grant number	Grant amount (dollars)	Date obligated
Port Authority of Allegheny County (Pittsburgh, PA) .....	PA-03-0095-14 .....	3,550,702	3-4-87

## SECTION 9 GRANTS

Transit property	Grant number	Grant amount (dollars)	Date obligated
Greater Hartford Transit District (Hartford, CT) .....	CT-90-X087 .....	1,249,000	3-20-87
Greater Hartford Transit District (Hartford, CT) .....	CT-90-X058-02 .....	302,000	3-20-87
Greater Hartford Transit District (Hartford, CT) .....	CT-90-X079-01 .....	56,000	3-20-87
Merrimack Valley Regional Transit Authority (Lawrence/ Haverhill, MA) .....	MA-90-X064 .....	943,581	3-20-87
Connecticut Department of Transportation (Hartford, CT) .....	CT-90-X088 .....	1,516,172	3-20-87
Brockton Area Transit Authority (Brockton, MA) .....	MA-90-X067 .....	1,463,485	3-20-87
Massachusetts Bay Transportation Authority (Boston, MA) .....	MA-90-X060-02 .....	12,260,020	3-20-87
Greater Attleboro-Taunton Regional Transit Authority (At- tleboro, MA) .....	MA-90-X066 .....	1,009,000	3-20-87
Merrimack Valley Regional Transit Authority (Lawrence/ Haverhill, MA) .....	MA-90-X049-03 .....	5,631	3-20-87
Lewiston-Auburn Transit Committee (Lewiston-Auburn, ME) .....	ME-90-X029 .....	139,241	3-20-87
Milford Transit District (Milford, CT) .....	CT-90-X091 .....	61,047	3-20-87
Greater Bridgeport Transit District (Bridgeport, CT) .....	CT-90-X090 .....	410,000	3-20-87
City of Stamford (Stamford, CT) .....	CT-90-X092 .....	111,123	3-20-87
Connecticut Department of Transportation (Conn State- wide, CT) .....	CT-90-X085 .....	9,295,737	3-20-87
Norwalk Transit District (Norwalk, CT) .....	CT-90-X076-01 .....	7,300	3-20-87
Greater New Haven Transit District (New Have, CT) .....	CT-90-X086 .....	879,000	3-20-87
New Jersey Transit Corporation (Newark, NJ) .....	NJ-90-X021-01 .....	63,921,600	3-20-87
Onondaga County Department of Economic Development (Syracuse, NY) .....	NY-90-X103 .....	217,126	3-20-87
Rochester-Genesee Regional Transportation Authority (Rochester, NY) .....	NY-90-X108 .....	6,164,980	3-20-87
Niagara Frontier Transportation Authority (Buffalo, NY) .....	NY-90-X104 .....	9,282,569	3-20-87
City of Long Beach (Long Beach, NY) .....	NY-90-X106 .....	99,885	3-20-87
Greater Glens Falls Transit System (Glens Falls, NY) .....	NY-90-X101-01 .....	451,200	3-20-87
Utica Transit Authority (Utica, New York) .....	NY-90-X105 .....	720,636	3-20-87
Washington Metropolitan Area Transit Authority (Washing- ton, DC) .....	DC-90-X008 .....	17,819,744	3-20-87
State Railroad Administration, Maryland Dept. of Transpor- tation (Baltimore, MD) .....	MD-90-X026 .....	3,551,430	3-20-87
Charlotte Transit System (Charlotte, NC) .....	NC-90-X057-01 .....	288,000	3-20-87
Winston-Salem Transit Authority (Winston-Salem, NC) .....	NC-90-X059 .....	2,066,528	3-20-87
Delaware River Port Authority (Camden, NJ) .....	NJ-90-X022 .....	3,006,821	3-20-87
Westmoreland County Transit Authority (Greensburg, PA) .....	PA-90-X116 .....	733,445	3-20-87
Cambria County Transit Authority (Johnstown, PA) .....	PA-90-X117 .....	538,309	3-20-87
Bristol Tennessee Transit (Bristol, TN) .....	TN-90-X048 .....	97,060	3-20-87
Tidewater Transportation District Commission (Norfolk, VA) .....	VA-90-X033-02 .....	440,000	3-20-87
Greater Roanoke Transit Company (Roanoke, VA) .....	VA-90-X019-01 .....	1,236,800	3-20-87
Kanawha Valley Regional Transportation Authority (Charleston, WV) .....	WV-90-X020 .....	1,075,000	3-20-87
Birmingham-Jefferson County Transit Authority (Birming- ham, AL) .....	AL-90-X021 .....	5,633,440	3-20-87
Birmingham-Jefferson County Transit Authority (Birming- ham, AL) .....	AL-90-X009-01 .....	300,520	3-20-87
City of Montgomery (Montgomery, AL) .....	AL-90-X020 .....	1,798,709	3-20-87
Broward County Board of County Commissioners (Ft. Lau- derdale, FL) .....	FL-90-X084 .....	8,151,570	3-20-87
Metropolitan Dade County (Miami, FL) .....	FL-90-X085 .....	20,469,217	3-20-87
Sarasota County Transit Authority (Sarasota, FL) .....	FL-90-X086 .....	733,650	3-20-87
Pinellas Suncoast Transit Authority (Clearwater, FL) .....	FL-90-X080 .....	28,108	3-20-87
Hillsborough Area Regional Transit Authority (Tampa, FL) .....	FL-90-X083 .....	4,770,471	3-20-87
Palm Beach County Transit Authority (W. Palm Beach, FL) .....	FL-90-X087 .....	2,510,196	3-20-87
Metropolitan Atlanta Rapid Transit Authority (Atlanta, GA) .....	GA-90-X035 .....	19,523,100	3-20-87
Mississippi County Transit Authority (Gulfport, MS) .....	MS-90-X014 .....	1,790,240	3-20-87
Gulf Regional Planning Commission (Gulfport, MS) .....	MS-90-X013 .....	80,000	3-20-87
Bloomington Public Transportation Corporation (Blooming- ton, IN) .....	IN-90-X087 .....	493,481	3-20-87

## SECTION 9 GRANTS—Continued

Transit property	Grant number	Grant amount (dollars)	Date obligated
South Bend Public Transportation Corporation (South Bend, IN).	IN-90-X090.....	1,367,229	3-20-87
Metropolitan Evansville Transit System (Evansville, IN).....	IN-90-X084.....	1,025,434	3-20-87
Muncie Public Transportation Corporation (Muncie, IN).....	IN-90-X065-01.....	224,124	3-20-87
Indianapolis Public Transportation Corporation (Indianapolis, IN).	IN-90-X089.....	5,318,207	3-20-87
The Window (Goshen, IN).....	IN-90-X088.....	153,520	3-20-87
City of Anderson (Anderson, IN).....	IN-90-X082.....	532,100	3-20-87
Ann Arbor Transportation Authority (Ann Arbor, MI).....	MI-90-X069.....	2,108,632	3-20-87
Mass Transportation Authority (Flint, MI).....	MI-90-X076.....	2,202,400	3-20-87
Battle Creek Transit (Battle Creek, MI).....	MI-90-X078.....	386,389	3-20-87
Jackson Transportation Authority (Jackson, MI).....	MI-90-X077.....	636,390	3-20-87
Niles Dial-A-Ride (Niles, MI).....	MI-90-X080.....	201,340	3-20-87
Metropolitan Transit Commission (Minneapolis, MN).....	MN-90-X026.....	20,174,097	3-20-87
Duluth Transit Authority (Duluth, MN).....	MN-90-X022.....	762,000	3-20-87
Metropolitan Transit Commission (Minneapolis, MN).....	MN-90-X020-01.....	9,113,724	3-20-87
St. Cloud Metropolitan Transit Commission (St. Cloud, MN).	MN-90-X023.....	446,396	3-20-87
Toledo Area Regional Transit Authority (Toledo, OH).....	OH-90-X074.....	3,339,866	3-20-87
Canton Regional Transit Authority (Canton, OH).....	OH-90-X076.....	1,350,302	3-20-87
Greater Cleveland Regional Transit Authority (Cleveland, OH).	OH-90-X073.....	4,538,301	3-20-87
Greater Cleveland Regional Transportation Authority (Cleveland, OH).	OH-90-X073-01.....	1,230,019	4-1-87
Greater Cleveland Regional Transit Authority (Cleveland, OH).	OH-90-X077.....	10,868,764	3-20-87
Greater Cleveland Regional Transit Authority (Cleveland, OH).	OH-90-X078.....	8,491,589	3-20-87
City of Chippewa Falls (Chippewa Falls, WI).....	WI-90-X069.....	51,775	3-20-87
Green Bay Transit (Green Bay, WI).....	WI-90-X070.....	988,892	3-20-87
Valley Transit (Appleton, WI).....	WI-90-X067.....	1,319,882	3-20-87
City of Superior (Superior, WI).....	WI-90-X068.....	133,182	3-20-87
Jefferson Parish (Jefferson Parish, LA).....	LA-90-X064.....	1,727,260	3-20-87
Capitol Transportation Corporation (Baton Rouge, LA).....	LA-90-X057.....	1,853,588	3-20-87
Capital Region Planning Commission (Baton Rouge, LA).....	LA-90-X063.....	40,000	3-20-87
City of Las Cruces (Las Cruces, NM).....	NM-90-X014.....	300,000	3-20-87
Central Oklahoma Transportation & Parking Authority (Oklahoma City, OK).	OK-90-X017.....	640,000	3-20-87
City of San Angelo (San Angelo, TX).....	TX-90-X085.....	219,196	3-20-87
City of Sherman (Sherman, TX).....	TX-90-X086.....	3,461	3-20-87
Texoma Regional Planning Commission (Sherman, TX).....	TX-90-X090.....	33,066	3-20-87
City of Sherman (Sherman, TX).....	TX-90-X088.....	56,270	3-20-87
Regional Transportation Authority (Corpus Christi, TX).....	TX-90-X082.....	758,838	3-20-87
City of Denison (Denison, TX).....	TX-90-X083.....	10,515	3-20-87
City of Howe (Howe, TX).....	TX-90-X089.....	12,140	3-20-87
VIA Metropolitan Transit (San Antonio, TX).....	TX-90-X062-01.....	7,601,676	3-20-87
University of Iowa (Iowa City, IA).....	IA-90-X068.....	12,000	3-20-87
Metropolitan Transit Authority of Black Hawk County (Waterloo, IA).	IA-90-X069.....	156,640	3-20-87
Des Moines Metropolitan Transit Authority (Des Moines, IA).	IA-90-X054-01.....	1,285,185	3-20-87
City of Dubuque-Keyline (Dubuque, IA).....	IA-90-X052-01.....	287,642	3-20-87
Iowa City Transit (Iowa City, IA).....	IA-90-X065.....	179,178	3-20-87
Coralville Transit (Coralville, IA).....	IA-90-X066.....	43,133	3-20-87
University of Iowa (Iowa City, IA).....	IA-90-X067.....	60,528	3-20-87
Rock Island County Metropolitan Mass Transit District (Quad Cities, IL).	IL-90-X093.....	714,134	3-20-87
Wichita Metropolitan Transit Authority (Wichita, KS).....	KS-90-X021.....	1,538,690	3-20-87
Columbia Area Transit System (Columbia, MO).....	MO-90-X037.....	273,919	3-20-87
Bi-State Development Agency (St. Louis, MO).....	MO-90-X038.....	11,271,011	3-20-87
Columbia Area Transit System (Columbia, MO).....	MO-90-X031-01.....	32,407	3-20-87
Transit Authority of the City of Omaha (Omaha, NE).....	NE-90-X013.....	3,850,521	3-20-87
Lincoln Transportation System (Lincoln, NE).....	NE-90-X014.....	971,722	3-20-87
Regional Transportation District (Denver, CO).....	CO-90-X020.....	470,088	3-20-87
Regional Transportation District (Denver, CO).....	CO-90-X026.....	7,161,766	3-20-87
Regional Transportation District (Denver, CO).....	CO-90-X028.....	4,848,240	3-20-87
City of Greeley (Greeley, CO).....	CO-90-X032.....	248,032	3-20-87
City of Fort Collins (Fort Collins, CO).....	CO-90-X031.....	412,747	3-20-87
City of Colorado Springs (Colorado Springs, CO).....	CO-90-X030.....	2,073,966	3-20-87
Mesa County (Grand Junction, CO).....	CO-90-X029.....	238,592	3-20-87

## SECTION 9 GRANTS—Continued

Transit property	Grant number	Grant amount (dollars)	Date obligated
City of Pueblo (Pueblo, CO) .....	CO-90-X027 .....	408,070	3-20-87
Regional Transportation District (Denver, CO) .....	CO-90-X018-01 .....	1,435,023	3-20-87
City of Pueblo (Pueblo, CO) .....	CO-90-X023-01 .....	43,643	3-20-87
City of Moorhead (Moorhead, MN) .....	MN-90-X025 .....	485,787	3-20-87
City of East Grand Forks (East Grand Forks, MN) .....	MN-90-X024 .....	51,750	3-20-87
City of Fargo (Fargo, ND) .....	ND-90-X012 .....	489,145	3-20-87
Utah Transit Authority (Salt Lake City, UT) .....	UT-90-X005-02 .....	504,000	3-20-87
Utah Transit Authority (Salt Lake City, UT) .....	UT-90-X008 .....	6,256,240	3-20-87
Golden Empire Transit District (Bakersfield, CA) .....	CA-90-X218 .....	1,119,620	3-20-87
City of Fresno (Fresno, CA) .....	CA-90-X217 .....	2,873,198	3-20-87
City of Phoenix Public Transit Department (Phoenix, AZ) .....	AZ-90-X015 .....	400,000	3-20-87
City of Phoenix Public Transit Department (Phoenix, AZ) .....	AZ-90-X016 .....	8,696,842	3-20-87
City of Tucson (Tucson, AZ) .....	AZ-90-X011 .....	1,927,823	3-20-87
City of Redondo Beach (Redondo Beach, CA) .....	CA-90-X227 .....	560,000	3-20-87
San Francisco Public Utilities Commission (San Francisco, CA) .....	CA-90-X223 .....	36,662,300	3-20-87
Riverside Transit Agency (Riverside, CA) .....	CA-90-X221 .....	1,252,800	3-20-87
Bay Area Rapid Transit District (San Francisco, CA) .....	CA-90-X038-04 .....	11,904,000	3-20-87
Southern California Rapid Transit District (Los Angeles, CA) .....	CA-90-X222 .....	88,819,313	3-20-87
Metropolitan Transit Development Board (San Diego, CA) .....	CA-90-X214 .....	6,288,750	3-20-87
Stockton Metropolitan Area Transit District (Stockton, CA) .....	CA-90-X228 .....	2,902,680	3-20-87
Monterey-Salinas Transit (Monterey, CA) .....	CA-90-X219 .....	2,173,036	3-20-87
Metropolitan Transit Development Board (San Diego, CA) .....	CA-90-X110-01 .....	11,334,000	3-20-87
City of San Juan Capistrano (San Juan Capistrano, CA) .....	CA-90-X209 .....	1,800,000	3-20-87
Vallejo Transit (Vallejo, CA) .....	CA-90-X236 .....	693,242	3-20-87
Orange County Transit District (Garden Grove, CA) .....	CA-90-X224 .....	19,349,200	3-20-87
City of Napa (Napa, CA) .....	CA-90-X237 .....	810,150	3-20-87
Riverside Transit Agency (Riverside, CA) .....	CA-90-X220 .....	367,443	3-20-87
Santa Rosa Transit (Santa Rosa, CA) .....	CA-90-X238 .....	350,000	3-20-87
Central Contra Costa Transit Authority (Concord, CA) .....	CA-90-X230 .....	2,895,085	3-20-87
Golden Gate Bridge, Highway, and Transportation District (San Francisco, CA) .....	CA-90-X239 .....	10,938,349	3-20-87
Bay Area Rapid Transit District (San Francisco, CA) .....	CA-90-X232 .....	468,848	3-20-87
California Department of Transportation (San Francisco, CA) .....	CA-90-X233 .....	651,048	3-20-87
Santa Clara County Transit District (San Jose, CA) .....	CA-90-X234 .....	6,828,287	3-20-87
San Mateo County Transit District (San Francisco, CA) .....	CA-90-X235 .....	3,235,607	3-20-87
Bay Area Rapid Transit District (Antioch, CA) .....	CA-90-X225 .....	2,475,792	3-20-87
City of Corona (Corona, CA) .....	CA-90-X229 .....	113,000	3-20-87
City of Simi Valley (Simi Valley, CA) .....	CA-90-X151 .....	696,740	3-20-87
City of Fairfield (Fairfield, CA) .....	CA-90-X241 .....	828,860	3-20-87
City of Simi Valley (Simi Valley, CA) .....	CA-90-X240 .....	817,750	3-20-87
City of Boise (Boise, ID) .....	ID-90-X013 .....	23,600	3-20-87
Rogue Valley Transportation District (Medford, OR) .....	OR-90-X022 .....	380,741	3-20-87
Snohomish County Transportation Authority (Everett, WA) .....	WA-90-X069 .....	75,000	3-20-87
Pierce County (Tacoma, WA) .....	WA-90-X025-03 .....	194,400	3-20-87
Ben Franklin Transit (Richland, WA) .....	WA-90-X066-01 .....	1,610,200	3-20-87
Clark County Public Transportation Benefit Area (Vancouver, WA) .....	WA-90-X068 .....	967,887	3-20-87

Issued by: April 9, 1987

Ralph L. Stanley,

Administrator.

[FR Doc. 87-8252 Filed 4-13-87; 8:45 am]

BILLING CODE 4910-57-M

# Sunshine Act Meetings

Federal Register

Vol. 52, No. 71

Tuesday, April 14, 1987

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).

## AFRICAN DEVELOPMENT FOUNDATION

**TIME:** 2:00 p.m.

**PLACE:** 1625 Massachusetts Avenue, NW., Suite 600, Washington, DC 20036.

**DATE:** 08 May 1987

**STATUS:** Open.

### MATTERS TO BE CONSIDERED:

1. Chairman's Report—Dr. William F. Pickard
2. Program Committee Report—Dr. Patsy B. Blackshear
3. President's Report—Mr. Leonard H. Robinson, Jr.
4. Other Business

### CONTACT PERSON FOR MORE

**INFORMATION:** Ms. Janis McCollim (673-3916).

Leonard H. Robinson, Jr.,  
President.

[FR 87-8341 Filed 4-10-87; 11:55 am]

**BILLING CODE** 6116-01-M

## FEDERAL RESERVE SYSTEM

**TIME AND DATE:** 11:00 a.m., Monday, April 20, 1987

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

**STATUS:** Closed.

### MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank employee salary structure adjustments.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System and 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. You may call (202) 452-3207 beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: April 10, 1987

William W. Wiles,  
Secretary of the Board

[FR Doc. 87-8442 Filed 4-10-87; 3:30 pm]

**BILLING CODE** 6210-01-M

## INTERNATIONAL TRADE COMMISSION

[USITC SE-87-15]

**TIME AND DATE:** Tuesday, April 21, 1987 at 10:00 a.m.

**PLACE:** Room 117 701 E Street, NW., Washington, D.C. 20436.

**STATUS:** Open to the public.

### MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints:  
Method of making plastic film with profiles and opening means for bags; and bags with colorline trademark (Docket Number 1385).
5. Inv. 731-TA-335 (F) (Tubeless steel disc wheels from Brazil)—briefing and vote.
6. Any items left over from previous agenda.

### CONTACT PERSON FOR MORE

**INFORMATION:** Kenneth R. Mason, Secretary (202) 523-0161.

Kenneth R. Mason,  
Secretary

April 9, 1987

[FR Doc. 87-8428 Filed 4-10-87; 3:02 pm]

**BILLING CODE** 7020-02-M

## NUCLEAR REGULATORY COMMISSION

**DATE:** Weeks of April 13, 20, 27 and May 4, 1987

**PLACE:** Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

**STATUS:** Open and Closed.

### MATTERS TO BE CONSIDERED:

Week of April 13

Wednesday, April 15

10:00 a.m.

Briefing by Office of the Special Projects (Public Meeting)

2:00 p.m.

Briefing by DOE on the TMI-2 Core Examination Program (Public Meeting)

Thursday, April 16

11:00 a.m.

Periodic Meeting with the Advisory Panel for the Decontamination of TMI-2 (Public Meeting)

2:30 p.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2, 5, 6, & 7)

4:00 p.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Revision to NRC Policy Statement, "Guidelines for NRC Review of Agreement State Radiation Control Programs"

## Week of April 20—Tentative

Thursday, April 23

4:00 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

## Week of April 27—Tentative

Thursday, April 30

2:00 p.m.

Briefing on Advanced Boiling Water Reactor Review (Public Meeting)

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

## Week of May 4—Tentative

Wednesday, May 6

2:00 p.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Thursday, May 7

2:00 p.m.

Briefing on State of the Nuclear Industry (Public Meeting)

4:00 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

**ADDITIONAL INFORMATION:** Discussion of Pending Investigations scheduled for April 8, *cancelled*.

**TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING):** (202) 634-1498.

**CONTACT PERSON FOR MORE INFORMATION:** Robert McOsler (202) 634-1410.

Robert B. McOsler,  
Office of the Secretary.  
April 9, 1987

[FR Doc. 87-8426 Filed 4-10-87; 2:30 pm]

**BILLING CODE** 7590-01-M

## POSTAL SERVICE BOARD OF GOVERNORS Vote To Close Meeting

At its meeting on April 6, 1987 the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for May 4, 1987 in Washington, DC. The meeting will concern consideration of possible future mail rate increases.

The meeting is expected to be attended by the following persons: Governors Griesemer, McConnell, McKean, Nevin, Peters, Ryan and Setrakian; Postmaster General Tisch; Deputy Postmaster General Coughlin; Secretary to the Board Harris; and General Counsel Cox.



The Board determined that pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, discussion of this matter is exempt from the open meeting requirement of the Government in the Sunshine Act, (5 U.S.C. 552b(b)), because it is likely to disclose information in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39, United States Code. The Board also determined that pursuant to section

552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding or the litigation of a particular case involving a determination on the record after opportunity for a hearing. The Board further determined that the public interest does not require that the Board's discussion of this matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and

section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(3) and (10) of title 5 and section 410(c)(4) of title 39, United States Code, and section 7.3 (c) and (j) of title 39, Code of Federal Regulations.

David F. Harns,

*Secretary.*

[FR Doc. 87-8425 Filed 4-10-87 2:29 pm]

BILLING CODE 7710-12-M

# Corrections

Federal Register

Vol. 52, No. 71

Tuesday, April 14, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## COMMISSION ON EDUCATION OF THE DEAF

### Educational Programs; Inquiry

#### Correction

In notice document 87-7255 beginning on page 10722 in the issue of Thursday, April 2, 1987 make the following corrections:

1. On page 10722, in the first column, under **DATE**, in the second line, "response, should" should read "responses should"

2. On the same page, in the second column, in the first complete paragraph, in the first line, "questions are meant" should read "questions are not meant"

BILLING CODE 1505-01-D

## FEDERAL HOME LOAN BANK BOARD

### Prices for Federal Home Loan Bank Services

#### Correction

In notice document 87-6727 beginning on page 10137 in the issue of Monday, March 30, 1987 make the following corrections:

1. On page 10156, at the bottom of the page, footnotes 1 and 2 should be removed and footnote 3 should be designated footnote 1.

2. On page 10157 in the second table, the heading for the left column should read "Other Fees at the Four Regional

Processing Centers" "Regional Processing Centers:" should be removed from the first line under that heading.

3. On page 10160, following the "[Deposit Processing Fees]" table, three tables were omitted. They should read as follows:

Coin and currency services fees	
Preparation and Handling Fees:	
Delivery (\$5.00 minimum):	
Coin (per roll) .....	\$ .10
Currency (per strap) .....	.50
Deposit (\$5.00 minimum):	
Coin (per bag) .....	.75
Currency (per strap) .....	.65
Emergency Orders (additional per hour) .....	75.00
Security Charge (per \$1000 delivered or deposited) .....	.18
Delivery Charges (A one-way transfer charge plus \$.50 per bag of coin and/or currency picked up or delivered):	
Dallas, El Paso, Houston or San Antonio Delivery .....	15.00
All other Dallas and Houston Processing Center Deliveries (\$15.00 minimum) (per mile between Federal Reserve City and delivery point) ...	.12
Little Rock Center Deliveries .....	( <sup>1</sup> )
New Orleans City Delivery (one-way) .....	15.00
All other New Orleans Center Deliveries (per round trip from New Orleans based on Louisiana tariffs) .....	40.00-
	75.00
Registered Mail .....	( <sup>2</sup> )
Delay of Armored Carrier (per fifteen (15) minute interval or fraction thereof) .....	18.00

<sup>1</sup>Call FHLBank for price quote.<sup>2</sup>Actual postage cost.

Automated clearing house (ACH) processing fees	
Set-Up Fees:	
ACH Standard Format .....	\$50.00
Non-Standard Format .....	500.00
Origination Fees:	
ACH Standard Format (per tape) .....	15.00
Non-Standard Format (per tape) .....	30.00
Transaction Fees (\$50.00 minimum per month):	
Receiving Debits/Credits (per item) .....	.10
Originating Debits/Credits (per item) .....	.10
Manual Return Item Advice (per item) .....	4.00
Format Changes (per change) .....	500.00

## Additional correspondent services

Reserve Pass-Through Services.....	(1)
Settlement Services:	
NOW Processing Customers.....	(1)
All Others (per month) .....	\$50.00

\*No charge.

4. On the same page, in the second table for District 10, make the following corrections:

a. The heading to the table should read "[Deposit Processing]"

b. In the fourth column, "Topeka" was misspelled.

c. Under the "Processing fees" column, remove "Deposit Processing:"

For a Federal Home Loan Bank Board correction to this document, see the Notices Section of this issue.

BILLING CODE 1505-01-D

# DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

### 21 CFR Part 357

[Docket No. 82N-0168]

## Benign Prostatic Hypertrophy Drug Products For Over-the-Counter Human Use; Proposed Rulemaking

### Correction

In proposed rule document 87-3570 beginning on page 5406 in the issue of

Friday, February 20, 1987 make the following corrections:

1. On page 5406, in the third column, in the first paragraph, in the 12th line, "nonmonograph" should read "monograph" In the 14th line, "monograph" should read "nonmonograph"

2. On page 5407 in the second column, in the second complete paragraph, in the third line from the bottom, "to" should read "of".

BILLING CODE 1505-01-D

**Proposed  
Rulemaking  
Records**

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**Tuesday  
April 14, 1987**

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**Part II**

**Department of Labor**

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**Occupational Safety and Health  
Administration**

**29 CFR Part 1910**

**Revision of Telecommunications Training  
Records; Proposed Rulemaking**

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****29 CFR Part 1910****[Docket No. S-020B]****Revision of Telecommunications Training Records****AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Proposed rulemaking.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) proposes to revise the recordkeeping requirement contained in the training portion of the Telecommunications Standard (29 CFR 1910.268(c)), in order to minimize the paperwork burdens imposed on employers and to clarify what information is required. This proposed rule would eliminate the requirement that the employer prepare a written description of the training program. It would also revise the requirement that the employer maintain a record of employees trained, substituting a requirement that the employer prepare a certification record to demonstrate compliance with the training requirements. This certification record would be prepared at the time the training is completed and would include the identity of the employee trained, the signature of the employer or the person who conducted the training, and the date the training was completed. OSHA believes that this action will minimize the paperwork burden on employers, as intended by the Paperwork Reduction Act of 1980, without reducing the protection of employee safety and health.

**DATE:** Written comments, objections and requests for a hearing must be postmarked by June 15, 1987

**ADDRESS:** All written submissions, in quadruplicate, should be sent to the Docket Office, Docket S-020B, Room N3670, U.S. Department of Labor Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Mr. James F. Foster, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3637 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523-8148.

**SUPPLEMENTARY INFORMATION:****I. Background**

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) was enacted to minimize the Federal paperwork burden

and maximize the efficiency and usefulness of Federal information gathering activities. That Act set goals for the phased reduction of Federal information gathering burdens. The Paperwork Reduction Act also required the Office of Management and Budget (OMB) to promulgate regulations which guide the Federal agencies in their compliance efforts. OMB has published implementing regulations at CFR Part 1320 and has issued supplemental directives.

In addition, section 8(d) of the Occupational Safety and Health Act (the OSH Act) states that "Any information obtained by the Secretary under this Act shall be obtained with a minimum burden upon employers..."

In an effort to meet these statutory goals, OSHA conducted a comprehensive review of the OSHA standards to identify all recordkeeping requirements. OSHA then analyzed each of the 38 requirements identified to determine which recordkeeping burdens could be reduced.

Each requirement was reviewed to determine:

—What kind of information was required;

—How this information would be used;

—Whether this information was collected by other authorities (e.g., pursuant to state and local law or regulation);

—Whether this record would provide information that a compliance officer would not otherwise ascertain at the time of inspection; and,

—Which requirements contributed directly to employee safety and health.

On the basis of this careful review and analysis, OSHA identified 22 provisions in the standards found in 29 CFR Parts 1910, 1915, and 1926 that, it believed, did not directly contribute to worker safety and health and, therefore, unnecessarily burdened employers with requirements that they prepare and maintain records of tests, inspections, and maintenance checks.

In particular, OSHA determined that the recordkeeping requirements in question were adopted because the Agency wanted the employer to provide evidence that the required tests and inspections had been performed. Having made that determination, OSHA compared the purposes for the recordkeeping requirements with their language and found that they required more information than OSHA needed. Therefore, OSHA determined that the proposed revisions were appropriate.

OSHA also identified a duplicative recordkeeping provision and another which dealt with concerns outside

OSHA's jurisdiction as appropriate for deletion.

On January 3, 1986, OSHA published a Notice of Proposed Rulemaking (NPRM) in the Federal Register (51 FR 312) to revise the 22 provisions in question and to revoke the other two provisions. The three construction industry recordkeeping requirements which were proposed for revision were removed from consideration for revision in the March 14, 1986 Notice of Public Hearing (51 FR 8844), because OSHA determined that it had not formally consulted with the Advisory Committee on Construction Safety and Health (ACCSH) regarding them. These three provisions have subsequently been formally reviewed by ACCSH and have been proposed for revision in a separate rulemaking. A public hearing was held on April 15, 1986. The nineteen remaining provisions were revised by publication of a Final Rule in the September 29, 1986, Federal Register (51 FR 34552).

OSHA indicated in the Final Rule that it would continue its efforts to identify provisions where the recordkeeping burdens could be reduced without reducing worker protection (51 FR 34553). Consistent with this statement, OSHA has determined that the recordkeeping provisions of the telecommunications industry training standard (§ 1910.268(c)) require more information than is needed to demonstrate compliance with the training requirement. Based on this determination, OSHA proposes to revise paragraph (c) of the existing standard so that employers would no longer be required to maintain a written description of a training program, including a list of the subject courses and the types of personnel required to receive such instruction, or a record of the employees who have been trained.

OSHA believes that employers should not be required to develop a written description of the training program since the standard itself specifically describes the subjects in which the Agency requires that employees be trained. OSHA's intention in listing training subjects was to establish a minimum level of training which would protect employees. Employers may, of course, train their employees in additional subjects. In addition, OSHA has determined that employers should not be required to list the types of personnel to be trained because the stated purpose of existing paragraph (c) is to "insure that employees do not engage in the activities to which this section applies until such employees have received proper training." Therefore, the key



concern is whether a given employee will be performing work covered by § 1910.268, not whether that employee has a particular job title.

Finally, OSHA is proposing to revise the requirement that employers maintain a record of the employees who have received such training. The existing standard is not clear as to what constitutes a "record." The proposed standard would clarify what information would be required so that the employer could certify that the employee has received the required training. OSHA proposes to revise the recordkeeping requirement to require that the employer prepare a certification record which includes the identity of the person trained, the signature of the employer or of the person who conducted the training, and the date the training was completed. The certification record would be prepared when the training has been completed and would be maintained on file for review by the OSHA Compliance Officer at the time of an inspection.

If the employer keeps track of training with automated data processing, and several employees are trained on the same date, compliance could be achieved by having the person who conducted the training, or the employer, sign and date a printout which identifies the persons trained. The computer printout would, of course, have to be maintained and made available for review at the time of an OSHA inspection.

Employers can comply with this certification requirement in the manner which least disrupts their operations. They may find that they need only to sign an entry in the employee's personnel file which indicates the date the training was received. Some employers may find that they do not need to change their recordkeeping methods at all to comply with these proposed requirements. The employer may choose any method desired to demonstrate compliance with the training requirement as long as it provides the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed.

OSHA proposes to retain the original language of existing paragraph (c), except where changes are necessary to indicate clearly the revision of the recordkeeping requirement.

This certification record, which attests to compliance with regulatory requirements for training, qualifies as a certification which, under the terms of 5 CFR 1320.7(k)(1), is excluded from the definition of "information" for the purposes of the Paperwork Reduction

Act. Therefore, OSHA has determined that the certification requirement, as proposed, is consistent with the purposes and provisions of the Paperwork Reduction Act.

It is estimated that, through this rulemaking action, OSH will reduce its paperwork burden by about 21,000 hours annually, and that employers in the telecommunications industry would save approximately \$164,000 annually. In addition, employers would benefit because they would better understand what information must be provided.

OSHA has determined that the proposed revision will not reduce the protection of employee safety and health, since the requirement in § 1910.268(c) to train employees will not be changed. OSHA believes that a certification record would provide evidence of compliance with the pertinent training requirements equivalent to that provided by the specific records currently required.

## II. Summary and Explanation

The existing standard ( § 1910.268(c)) requires the employer to train employees in the precautions and safe practices required by the standard before they allow employees to engage in activities to which the standard applies. Existing paragraph (c) also lists three subjects in which employees shall be trained, if appropriate. In addition, the employer is required to develop a written description of the training program which includes a list of the subject courses and the types of personnel required to receive such instruction. This written program, together with a record of employees who have received such training, currently must be prepared and maintained on file.

The proposed standard would retain the requirement that employers in the telecommunications industry train their employees, while revising and clarifying what information would be required to verify compliance with the training requirement. Instead of preparing and maintaining a written description of the program and a record of the employees who have received the training, employers would be required only to prepare a certification record to indicate that employees had been trained as required by the standard. This certification record would contain the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed.

## III. Preliminary Regulatory Impact Assessment and Regulatory Flexibility Assessment

OSHA has made a preliminary determination that this rule is not a "major rule" under Executive Order 12291 because it is not likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, no regulatory impact analysis is required.

Based on a preliminary review of the relevant information, OSHA concludes that a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 603, 605), will not be necessary. OSHA estimates that the telecommunications industry expends approximately \$204,000 annually to comply with the recordkeeping requirement proposed for revision in this rule. OSHA also estimates that compliance costs with the proposed rule will be approximately \$40,000 annually. Therefore, the compliance cost differential would be a \$164,000 annual saving. As this total economic impact will generally be distributed over numerous telecommunications employers, OSHA certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities.

## IV Public Participation

Interested persons are invited to submit written data, views, and arguments with respect to this proposal. These comments must be postmarked by June 15, 1987 and submitted in quadruplicate to the Docket Office, Dockets S-020B, Room N3670, U.S. Department of Labor, Washington, DC 20210.

The data, views and arguments that are submitted will be available for public inspection and copying at the Docket Office. All timely submissions received will be made a part of the record of this proceeding.

In addition, under section 6(b)(3) of the Act, interested persons may file objections to the proposal and request an informal hearing with respect thereto. The objections and hearing requests should be submitted to the address given above and should be filed in

accordance with the following conditions:

1. The objections must include the name and address of the objector;
2. The objections must be postmarked on or before June 15, 1987
3. The objections must state the grounds for objection to this provision;
4. Each objection must be separately stated and numbered; and
5. The objections must be accompanied by a detailed summary of the evidence proposed to be adduced at the requested hearing.

OSHA recognizes that there may be interested persons with knowledge of safety or experience in the training involved who would wish to endorse or support the proposed revision in the standard. OSHA welcomes such supportive comments, including any pertinent accident data or cost information which may be available, in order that the record of this rulemaking will present a balanced picture of the public response.

#### V OMB Approval Under the Paperwork Reduction Act

The proposed revision would require that employers prepare a certification. Under the terms of 5 CFR 1320.7(k)(1), certifications are not subject to the Paperwork Reduction Act or its implementing regulations. Hence, OMB approval under the Paperwork Reduction Act is not required.

#### VI. State Plan States

The 25 States and territories with their own OSHA-approved occupational safety and health plans must revise their existing standards within six months of the publication date of the final standard or show OSHA why there is no need for action, e.g., because an existing State standard covering this area is already "at least as effective" as the revised Federal standard. These States and territories are: Alaska, Arizona,

California, Connecticut,<sup>1</sup> Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, New York,<sup>1</sup> North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Virgin Islands, Washington, and Wyoming.

#### List of Subjects in 29 CFR Part 1910

Telecommunications, Occupational safety and health, Safety, Training.

#### Authority

This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210.

Accordingly, pursuant to sections 6(b), 8(c), 8(d) and 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 657), Secretary of Labor's Order No. 9-83 (48 FR 35736), and 29 CFR Part 1911, OSHA proposes to revise 29 CFR Part 1910 as set forth below.

Signed at Washington, DC, this 7th day of April, 1987

John A. Pendergrass,  
Assistant Secretary of Labor.

#### PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

1. The authority citation for Subpart R of Part 1910 continues to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (38 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

Sections 1910.261, 1910.262, 1910.265, 1910.266, 1910.267 1910.268, 1910.274, and 1910.275 also issued under 20 CFR Part 1911.

2. In § 1910.268, paragraph (c) would be revised to read as follows:

<sup>1</sup> Plan covers only State and local government employees.

#### § 1910.268 Telecommunications.

(c) *Training.* Employers shall provide training in the various precautions and safe practices described in this section and shall insure that employees do not engage in the activities to which this section applies until such employees have received proper training in the various precautions and safe practices required by this section. However, where the employer can demonstrate that an employee is already trained in the precautions and safe practices required by this section prior to his employment, training need not be provided to that employee in accordance with this section. Where training is required, it shall consist of on-the-job training or classroom-type training or a combination of both. The employer shall certify that employees have been trained by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification record shall be prepared at the completion of training and shall be maintained on file for the duration of the employee's employment. The certification record shall be made available upon request to the Assistant Secretary for Occupational Safety and Health. Such training shall, where appropriate, include the following subjects:

(1) Recognition and avoidance of dangers relating to encounters with harmful substances and animal, insect, or plant life;

(2) Procedures to be followed in emergency situations; and,

(3) First aid training, including instruction in artificial respiration.

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[FR Doc. 87-8025 Filed 4-13-87; 8:45 am]

BILLING CODE 4510-26-M

**Test and Inspection Records**

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**Tuesday  
April 14, 1987**

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**Part III**

**Department of Labor**

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**Occupational Safety and Health  
Administration**

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**29 CFR Part 1926**

**Revision of Construction Industry Test  
and Inspection Records; Proposed  
Rulemaking**

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****29 CFR Part 1926****[Docket No. S-020A]****Revision of Construction Industry Test and Inspection Records****AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Proposed rulemaking.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) proposes to revise three construction industry recordkeeping requirements in order to minimize the paperwork burdens imposed on employers and to clarify what information is required. The proposed rule would eliminate certain requirements under which an employer must prepare and maintain written records and require, instead, that the employer prepare a certification record. This certification record would be prepared at the time the required work (inspection or test) is done and would include the date the inspection or test was made; the signature of the person who performed the work; and the identity of the equipment or machinery that was inspected or tested. OSHA believes that this action will minimize the paperwork burden on employers as intended by the Paperwork Reduction Act of 1980, without reducing the protection of employee safety and health.

**DATE:** Written comments, objections and requests for a hearing must be postmarked by June 15, 1987

**ADDRESS:** All written submissions, in quadruplicate, should be sent to the Docket Office, Docket S-020A, Room N3670, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Washington DC, 20210.

**FOR FURTHER INFORMATION CONTACT:** Mr. James F. Foster, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3637, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-8148.

**SUPPLEMENTARY INFORMATION:**  
I. Background

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) was enacted to minimize the Federal paperwork burden and maximize the efficiency and usefulness of Federal information gathering activities. That Act set goals for the phased reduction of Federal information gathering burdens. The Paperwork Reduction Act also required the Office of Management and Budget (OMB) to promulgate regulations which

would guide the Federal agencies in their compliance efforts. OMB has published implementing regulations at 5 CFR Part 1320 and has issued supplemental directives.

In addition, section 8(d) of the Occupational Safety and Health (the OSH Act) states that "Any information obtained by the Secretary under this Act shall be obtained with a minimum burden upon employers."

In an effort to meet these statutory goals, OSHA conducted a comprehensive review of the OSHA standards to identify all recordkeeping requirements. OSHA then analyzed each of the 38 requirements identified to determine which recordkeeping burdens could be reduced.

Each requirement was reviewed to determine:

- What kind of information was required;
- How this information would be used;
- Whether this information was collected by other authorities (e.g., pursuant to state and local law or regulation);
- Whether this record would provide information that a compliance officer would not otherwise ascertain at the time of inspection; and
- Which requirements contributed directly to employee safety and health.

On the basis of this careful review and analysis, OSHA identified 22 provisions in the standards found in 29 CFR Parts 1910, 1915, and 1926 that, it believed, did not directly contribute to worker safety and health and, therefore, unnecessarily burdened employers with requirements that they prepare and maintain records of tests, inspections, and maintenance checks.

In particular, OSHA determined that the recordkeeping requirements in question were adopted because the Agency wanted the employer to provide evidence that the required tests and inspections had been performed. Having made that determination, OSHA compared the purposes for the recordkeeping requirements with their language and found that they required more information than OSHA needed. Therefore, OSHA determined that the proposed revisions were appropriate.

OSHA also identified a duplicative recordkeeping provision and another which dealt with concerns outside OSHA's jurisdiction as appropriate for deletion.

On January 3, 1986, OSHA published a Notice of Proposed Rulemaking (NPRM) in the *Federal Register* (51 FR 312) to revise the 22 provisions in question and to revoke the other two provisions. The

NPRM included three recordkeeping requirements currently found in the Construction Safety and Health Standards, 29 CFR Part 1926. The three recordkeeping requirements in question are found in § 1926.550(b)(2)—Cranes and derricks; § 1926.552(c)(15)—Material hoists, personnel hoists and elevators; and § 1926.903(e)—Underground transportation of explosives.

OSHA determined during the NPRM comment period that it had not formally consulted with the Advisory Committee on Construction Safety and Health (ACCSH) as required by 29 CFR 1912.3, regarding those three proposed revisions. The Agency, therefore, withdrew the three construction recordkeeping requirements from consideration for revision when it issued a Notice of Informal Public Hearing on March 14, 1986 (51 FR 8844). The remaining 19 provisions were revised by the publication of a Final Rule in the September 29, 1986, *Federal Register* (51 FR 34552).

On April 29, 1986, OSHA formally consulted with the ACCSH to obtain the Committee's recommendations on revising the three recordkeeping requirements which, as has been discussed above, were removed from consideration for revision in the March 14, 1986, hearing notice. The Committee was also asked to provide their recommendations on two recordkeeping provisions in § 1926.550(a)(6), concerning cranes and derricks, and § 1926.850(a), concerning preparatory operations for demolition.

The ACCSH approved four of the proposed revisions, but voted to retain § 1926.550(a)(6) as written because a majority believed that the information obtained from the annual inspection was needed for safe operation of cranes and derricks. The Advisory Committee recommended that OSHA change the four approved revisions to require that the signature, rather than the name, of the person preparing the certification be provided. Requiring the certifier's signature would make these proposed revisions consistent with the revisions recently finalized in the General Industry and Shipyard standards (51 FR 34552). In addition, ACCSH suggested that OSHA revise § 1926.552(c)(15) to require that employers certify that "all functions and safety devices" have been inspected and tested, in order to clarify the existing requirement. OSHA sees merit in these recommendations and has revised the proposed standard accordingly. The Agency has not adopted the Advisory Committee's suggestion regarding § 1926.550(b)(2), that employers be

required to certify compliance with all of the pertinent provisions of ANSI B30.5-1968 because such a requirement would be beyond the scope of this rulemaking. The transcript of the Advisory Committee meeting is Exhibit 2 in Docket S-020A.

OSHA has subsequently determined that the recordkeeping provision of § 1926.850(a), which requires written evidence of a demolition survey, is already satisfied by a certification, so OSHA does not propose to revise that provision. Therefore, this proposed rulemaking includes only the three recordkeeping provisions of the construction industry standards which were proposed for revision in the *Federal Register* on January 3, 1986 (51 FR 312) and which were withdrawn from consideration pending formal consultation with the Advisory Committee.

As stated above, OSHA adopted the recordkeeping requirements in question to provide assurance that employers have performed the required tests and inspections. OSHA has determined, based on its 15 years of experience enforcing those requirements, that requiring an employer to maintain detailed test or inspection records does not add to compliance with the test and inspection requirements. Therefore, OSHA proposes to revise the pertinent requirements so that employers would be required to prepare a certification record, at the time the required work is done, which contains only three pieces of information—the date of the test or inspection; the signature of the person who performed the test or inspection; and the identity of the equipment or machinery tested or inspected. Employers would be required to maintain the contemporaneous certification record and make it available for review at the time of an OSHA inspection.

The contemporaneous certification record could be kept in any way which identifies each piece of equipment inspected or tested and which contains the signature of the person who performed the work and the date the work was performed. For example, a list of the pieces of equipment which were inspected would have to be signed and dated only once if the same person performed all of the inspections or tests on the same date. With such a list, the person performing the inspections or tests would not have to sign and date a separate record identifying each piece of equipment.

If employers keep track of their inspections or tests with automated data processing, and if, as above, the same person performed all of the inspections

or tests on the same date, then compliance could be achieved by having that person sign and date a printout of equipment identifiers. The signed and dated computer printout would, of course, have to be maintained and made available for review at the time of an OSHA inspection.

Employers can comply with this certification requirement in the manner which least disrupts their operations. They may find that they need to place a tag on the equipment in question or they may find that the addition of an entry to a checklist or log they already maintain will suffice. Some employers may even find that they do not need to change their recordkeeping methods to comply with these proposed requirements. The certification record would be prepared and signed by the person who actually performs the test or inspection and would be completed at the time of the test or inspection.

OSHA proposes to retain the original language of the paragraphs proposed for revision except where changes are necessary to clearly indicate the proposed revision of the recordkeeping requirements.

OSHA notes that these certification records qualify as certifications which, under the terms of 5 CFR 1320.7(k)(1), are excluded from the definition of "information" for the purpose of the Paperwork Reduction Act. Therefore, OSHA has determined that the certification requirement, as proposed, is consistent with the purposes and provisions of the Paperwork Reduction Act.

OSHA estimates that the proposed revisions would reduce its imposed paperwork burden by approximately 670,000 hours and that employers would save approximately \$1.8 million annually. In addition, employers would gain clear guidance as to what information must be included in their record of compliance.

OSHA has determined that the proposed revisions will not reduce the protection of employee safety and health since the testing and inspection requirements will remain in effect. OSHA believes that a certification record will provide evidence of compliance with the pertinent testing or inspection requirements which is equivalent to that provided by the detailed records currently required.

This certification record applies only to the provisions of the OSHA regulations specified in this proposal. OSHA continues to review its recordkeeping requirements in an effort to ensure that they provide the necessary protection for employees

while imposing minimum burden on employers.

Interested parties have expressed concern to OSHA regarding the retention period for the certification records required under the proposed revisions. The recordkeeping requirements which are being considered for revision in this rulemaking do not state required retention periods. OSHA, in practice, currently requires that employers produce the most recent inspection or test record to verify their compliance with the test and inspection requirements. The Agency is specifically proposing in the NPRM that employers retain the most recent certification record as evidence of compliance with the pertinent work requirements, in order to clearly state OSHA's requirements for retention of certification records.

## II. Summary and Explanation

**1926.550(b)(2)—Crawler, locomotive and truck cranes.** The existing rule requires compliance with the provisions of ANSI B30.5-1968, *Safety Code for Crawler, Locomotive and Truck Cranes*. Section 5-2.1.5 of ANSI B30.5-1968 requires that written, dated, and signed inspection reports and records be prepared monthly on critical items such as brakes, crane hooks and ropes. The latest ANSI standard, B30.5-1982, *Mobile and Locomotive Cranes*, in Section 5-2.1.5 contains slightly different wording with regard to the recordkeeping requirements. It requires a dated record for periodic inspections of critical items. Neither edition of ANSI B30.5 states what information should be included in the record or report. Both editions are in Exhibit 3 of Docket S-020A.

The proposed rule retains the requirements for inspections while clarifying what information would be recorded. The certification record would contain the date the inspection was performed, the signature of the person who performed the inspection and the identity of the crane inspected.

**1926.552(c)(15)—Material hoists, personnel hoists and elevators.** The existing standard requires the employer to inspect and test all hoist functions and safety devices at least every three months following assembly and erection. A similar inspection and test is required following major alterations of an existing installation. The standard further requires that records shall be maintained. However, the existing standard does not state what information should be kept on the record.

The proposed standard eliminates unnecessary recordkeeping burdens, and clarifies what information is to be included in the certification record. The certification record would contain the date the work was performed, the signature of the person who inspected and tested and the identity of the hoist that was inspected and tested.

OSHA has determined that the proposed revision would not reduce the protection of employee safety and health because the existing testing and inspection requirements are retained. Therefore, any defect in hoist functions or safety devices would be detected and corrected.

**1926.903(e)—Underground transportation of explosives.** The existing standard requires that employers conduct a weekly check of the electrical system of trucks used to transport explosives underground to detect failures which may constitute electrical hazards. The standard further provides that a written record of the inspection must be kept, but does not state what information this written record must contain.

The proposed standard would require that the employer prepare a certification record which contains the date the inspection was performed, the signature of the person who checked the electrical system and the identity of the truck inspected. The proposed standard would clarify what information would be required. The proposal would retain the requirement that employers check the pertinent electrical system weekly, so there would be no reduction of worker protection.

### III. Preliminary Regulatory Impact Assessment and Regulatory Flexibility Assessment

OSHA has made a preliminary determination that this rule is not a "major rule" under Executive Order 12291 because it is not likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, no regulatory impact analysis is required.

Based on a preliminary review of the relevant information, OSHA concludes that a regulatory flexibility analysis

under the Regulatory Flexibility Act (5 U.S.C. 603, 605), will not be necessary. OSHA estimates that the construction industry expends approximately \$2.2 million annually in complying with the recordkeeping provisions which are proposed for revision in this rule. OSHA also estimates that compliance costs with the proposed rule will be approximately \$430,000 annually. Therefore, the compliance cost differential would be a \$1.8 million annual saving. As this total economic impact will generally be distributed over numerous construction firms, OSHA certifies that the proposed revisions would not have a significant economic impact on a substantial number of small entities.

### IV. Public Participation

Interested parties are invited to submit written data, views, and arguments with respect to this proposal. These comments must be postmarked by June 15, 1987 and submitted in quadruplicate to the Docket Office, Docket S-020A, Room N3670, U.S. Department of Labor, Washington, DC 20210. Written submissions must clearly identify the specific provisions of the proposal which are addressed and the position taken with respect to each issue.

The data, views and arguments that are submitted will be available for public inspection and copying at the above address. All timely submissions received will be made a part of the record of this proceeding.

In addition, under section 6(b)(3) of the Act, and section 107 of the Contract Work Hours and Safety Standards Act, interested persons may file objections to the proposal and request an informal hearing with respect thereto. The objections and hearing requests should be submitted to the address given above and should be filed in accordance with the following conditions:

1. The objections must include the name and address of the objector;
2. The objections must be postmarked on or before June 15, 1987
3. The objections must specify with particularity the provisions of the proposed rule to which objection is taken and must state the grounds therefor;
4. Each objection must be separately stated and numbered; and
5. The objections must be accompanied by a detailed summary of the evidence proposed to be adduced at the requested hearing.

OSHA recognizes that there may be interested persons who, through their

knowledge of safety or their experience in the operations involved, would wish to endorse or support certain provisions in the standard. OSHA welcomes such supportive comments, including any pertinent data or cost information which may be available, in order that the record of this rulemaking will present a balanced picture of the public response on the issues involved.

### V. OMB Approval Under the Paperwork Reduction Act

The proposed revisions would require that employers prepare certifications. Under the terms of 5 CFR 1320.7(k)(1), certifications are not subject to the Paperwork Reduction Act or its implementing regulations. Hence, OMB approval under the Paperwork Reduction Act is not required.

### VI. State Plan States

The 25 States and territories with their own OSHA-approved occupational safety and health plans must revise their existing standards within six months of the publication date of the final standard or show OSHA why there is no need for action, e.g., because an existing State standard covering this area is already "at least as effective" as the revised Federal standard. These States and territories are: Alaska, Arizona, California, Connecticut\* Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, New York\* North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Virgin Islands, Washington, and Wyoming.

### List of Subjects in 29 CFR Part 1926

Certification, Occupational safety and health, Recordkeeping, Safety.

### Authority

This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Accordingly, pursuant to sections 6(b), 8(c), 8(d) and 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 657), section 107 of the Construction Safety Act (40 U.S.C. 333), Secretary of Labor's Order No. 9-83 (48 FR 35736) and 29 CFR Part 1911, OSHA proposes to revise 29 CFR Part 1926 as set forth below.

\*Plan covers only State and local government employees.



Signed at Washington, DC, this 7th day of April, 1987

John A. Pendergrass,  
Assistant Secretary of Labor.

## **PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION**

### **Subpart N—[Amended]**

1. The authority citation for Subpart N of Part 1926 continues to read as follows:

**Authority:** Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

2. In § 19026.550, paragraph (b)(2) would be revised to read as follows:

#### **§ 1926.550 Cranes and derricks.**

(b)

(2) All crawler, truck, or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ANSI B30.5-1968, Safety Code for Crawler, Locomotive and Truck Cranes. However, the written, dated, and signed inspection reports and records of the monthly inspection of critical items prescribed in Section 5-2.1.5 of the ANSI

B30.5-1968 standard are not required. Instead, the employer shall prepare a certification record which includes the date the crane items were inspected; the signature of the person who inspected the crane items; and a serial number, or other identifier, of the crane inspected. The most recent certification record shall be maintained on file until a new one is prepared.

3. In § 1926.552, paragraph (c)(15) would be revised to read as follows:

#### **§ 1926.552 Material hoists, personnel hoists and elevators.**

(c) \*

(15) Following assembly and erection of hoists, and before being put in service, an inspection and test of all functions and safety devices shall be made under the supervision of a competent person. A similar inspection and test is required following major alteration of an existing installation. All hoists shall be inspected and tested at not more than 3-month intervals. The employer shall prepare a certification record which includes the date the inspection and test of all functions and safety devices was performed; the signature of the person who performed the inspection and test; and a serial number, or other identifier, of the hoist that was inspected and tested. The most

recent certification record shall be maintained on file..

### **Subpart U—[Amended]**

4. The authority citation for Subpart U of Part 1926 continues to read as follows:

**Authority:** Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 9-83 (48 FR 35736), as applicable.

5. In § 1926.903, paragraph (e) would be revised to read as follows:

#### **§ 1926.903 Underground transportation of explosives.**

(e) Trucks used for the transportation of explosives underground shall have the electrical system checked weekly to detect any failures which may constitute an electrical hazard. A certification record which includes the date of the inspection; the signature of the person who performed the inspection; and a serial number, or other identifier, of the truck inspected shall be prepared and the most recent certification record shall be maintained on file.

[FR Doc. 87-8024 Filed 4-13-87; 8:45 am]  
BILLING CODE 4510-26-M



# **Executive Order**

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**Tuesday  
April 14, 1987**

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## **Part IV**

### **The President**

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**Proclamation 5629—Pan American Day  
and Pan American Week, 1987**

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# Presidential Documents

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Title 3—

Proclamation 5629 of April 9, 1987

The President

Pan American Day and Pan American Week, 1987

By the President of the United States of America

## A Proclamation

The nations of the Americas enjoy a rich cultural and historical diversity, yet are bound together by a common dedication to the principles of democracy; to respect the rights of the individual; and to the opportunity to enjoy creative, productive, and prosperous lives. Pan American Day each year has served to remind us of these mutual goals.

The Organization of American States is the forum in which our governments labor to make these ideals and aspirations a reality in our daily lives. For decades, the Inter-American System has been utilized across a broad range of common concerns: to maintain the peace throughout this Hemisphere; to encourage both political and economic freedom for every citizen; to promote development and provide opportunity for both men and women, of all races and all creeds; and to defend the human rights of all against repression and threats to their dignity.

The Organization has a truly remarkable record as a defender, and a beacon, for all peoples whose rights have been trampled upon and denied, especially for the peoples of this Hemisphere. It has now taken up the challenge against yet another menace—drug abuse and trafficking—that threatens the future of our children, the well-being of our peoples, and even the stability of our governments. The newly created Drug Abuse Control Commission offers a common meeting place where all of us can join forces to defeat this latest enemy to freedom and democracy.

On September 2 of this year, the nations of the Americas will celebrate the fortieth anniversary of the signing of the Inter-American Treaty of Reciprocal Assistance, in which they pledged to preserve their security. This Rio Treaty, born of the totalitarian threat to the region before and during World War II, has been strengthened ever since by resolute defense, against repeated attacks, of our common determination that this Hemisphere shall be a land of liberty.

This is a time when the vision of democracy and freedom in all our countries, to which we are committed in the Charter of our Organization, shines forth as never before. So Pan American Day of 1987 is an especially welcome occasion for the people of the United States of America to extend a warm and fraternal hand to our neighbors in the Americas. We renew our commitment to the spirit of hemispheric solidarity, to the purposes of the Inter-American System, and to the Organization of American States as the embodiment of our high aspirations for this Hemisphere.

NOW THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Tuesday, April 14, 1987 as Pan American Day, and the week of April 12 through April 18, 1987 as Pan American Week. I urge the Governors of the fifty States, and the Governor of the Commonwealth of Puerto Rico, and officials of other areas under the flag of the United States of America to honor these observances with appropriate activities and ceremonies.

IN WITNESS WHEREOF I have hereunto set my hand this ninth day of April, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.

*Ronald Reagan*

[FR Doc. 87-8523

Filed 4-13-87; 11:17 am]

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