Briefings on How To Use the Federal Register
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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT


WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
3. The important elements of typical Federal Register documents.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC
(two briefings)

WHEN: October 19 at 9:00 am and 1:30 pm

WHERE: Office of the Federal Register, 7th Floor Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)

RESERVATIONS: 202-523-4538

FEDERAL REGISTER Published daily, Monday through Friday, not published on Saturdays, Sundays, or on official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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The seal of the National Archives and Records Administration authenticates this issue of the Federal Register as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the Federal Register shall be judicially noticed.

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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
Federal Grain Inspection Service
7 CFR Part 800

Official Testing Service for Vomitoxin

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Interim rule with request for comment.

SUMMARY: The Federal Grain Inspection Service (FGIS) is announcing the immediate availability of official vomitoxin testing services for grain under the authority of the United States Grain Standards Act. Due to the widespread occurrence of scab this year and the market's demand for rapid, onsite testing capabilities, FGIS has decided it is in the best interest of the grain industry to offer vomitoxin testing as an official service at field locations using quick test kits under the authority of the United States Grain Standards Act. This action will permit FGIS, delegated states, and designated agencies to provide the grain industry with official service. In addition to announcing the service, FGIS is establishing a fee to recover the cost of this service.

EFFECTIVE DATE: September 23, 1993. Comments must be received on or before October 25, 1993.

ADDRESSES: Written comments must be submitted to George Wollam, FGIS, USDA, AG Box 3610, Washington, DC 20250–3610; telefax users may respond to IRSTAFF/FGIS/USDA; telex users may respond to 760351, ANSI: FGIS UC; and telecopy users may respond to the automatic telecopier machine at (202) 720-0029.

All comments received will be made available for public inspection in room 0624 USDA South Building, 1400 Independence Avenue SW., Washington, DC, during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: George Wollam, FGIS, USDA, AG Box 3610, Washington, DC 20250–3610; (202) 720-0029.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This interim rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512–1. This action has been classified as nonmajor because it does not meet the criteria for a major regulation established in the Order.

Executive Order 12778

This interim rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. The United States Grain Standards Act provides in section 87g that no state or subdivision may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the Act. Otherwise, this interim rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Regulatory Flexibility Act Certification

David R. Galliart, Acting Administrator, FGIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities.

Most users of the official inspection and weighing services and those persons that perform those services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Information Collection Requirements

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the information collection requirements contained in part 800 have been previously approved by OMB under control number 0580–0013.

Background

The Federal Grain Inspection Service (FGIS) is announcing the immediate availability of official vomitoxin testing services for grain as official criteria under the authority of the United States Grain Standards Act. This service is available upon request.

Wheat scab, also known as head blight, pink mold, white heads, and tombstone scab, is a disease caused by certain fungal species in the genus Fusarium. This disease occurs in wheat and other grains; the severity of the infection depends on weather conditions. This year's weather was favorable for scab infection in wheat, resulting in its more prevalent occurrence.

Wheat infected with scab has a tendency to have lighter weight kernels, some of which are removed during normal harvesting and some during cleaning operations. The Fusarium may cause the occurrence of the mycotoxin deoxynivalenol (more commonly known as vomitoxin or DON). Vomitoxin may cause vomiting in nonruminant animals. In 1982, the Food and Drug Administration (FDA) developed the following advisory levels for vomitoxin in wheat and wheat products to assist States and others in use and disposition:

FDA Advisory Level and Utilization

1 ppm—Finished wheat products for human consumption.

2 ppm—Wheat intended for milling.

4 ppm—Animal feed ingredients (Not to exceed 10% of swine and pet diets and 50% of ruminant and poultry diets).

However, it has been difficult to estimate the potential human health hazard posed by this mycotoxin because only limited toxicological data was available. FDA is currently reviewing all available toxicology data and may issue revised guidance in the near future.

To assist the grain industry in the marketing of wheat, FGIS has offered vomitoxin testing at its Commodity Testing Laboratory in Beltsville, Maryland, using thin-layer chromatography (TLC) under the authority of the Agricultural Marketing Act of 1946. The TLC analysis is very time consuming, thus limiting the number of analyses available in a single day. Providing the service under the authority of the Agricultural Marketing Act of 1946 also limits the availability of service since it is provided only by FGIS and state cooperators.

Due to the widespread occurrence of scab this year and the market's demand for rapid, onsite testing capabilities,
FGIS has decided it is in the best interest of the grain industry to offer vomitoxin testing as an official service at field locations using quick test kits under the authority of the United States Grain Standards Act. This action will permit FGIS, delegated states, and designated agencies to provide the grain industry with official service.

FGIS has evaluated the cost of providing this service and is establishing different fees for qualitative and quantitative analysis. FGIS fees for vomitoxin testing will also vary depending on whether the service is initiated as an original FGIS inspection or as an appeal inspection of an original service provided by an official agency. FGIS fees for vomitoxin testing services initiated as an original FGIS inspection service are $7.50 per test for qualitative analysis and $12.00 per test for quantitative analysis plus the applicable hourly rate per service representative required to obtain a sample and perform the test.

FGIS fees for vomitoxin testing services initiated at the appeal inspection level are $35.00 per test (regular workday) and $44.00 per test (nonregular workday) for qualitative analysis, except as otherwise provided for in fee Schedule A. For quantitative testing, the fees are $40.00 per test (regular workday) and $50.00 per test (nonregular workday). This fee per test does not include a sampling fee. Delegated states and designated agencies are responsible for establishing their fees subject to approval by FGIS.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Grain.

For reasons set out in the preamble, 7 CFR part 800 is amended as follows:

PART 800—GENERAL PROVISIONS

1. The authority citation for part 800 continues to read as follows:

Authority: Pub. L. 94-582, 80 Stat. 2867, as amended (7 U.S.C. 71 et seq.).

2. Section 800.71(a), Schedule A, is revised to read as follows:

§ 800.71 Fees assessed by the Service.

(a) * * *

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<td>(2) Reinspection, appeal inspection, Board appeal inspection, and review of weighing services:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Grading service:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(A) Grade and factors (per sample)</td>
<td>61.10</td>
<td>79.50</td>
</tr>
<tr>
<td>(B) Protein test (per sample)</td>
<td>15.30</td>
<td>19.90</td>
</tr>
<tr>
<td>(C) Factor determination (per factor)</td>
<td>30.60</td>
<td>39.75</td>
</tr>
<tr>
<td>(D) Vomitoxin Test (per test) Qualitative</td>
<td>35.00</td>
<td>44.00</td>
</tr>
<tr>
<td>Quantitative</td>
<td>40.00</td>
<td>50.00</td>
</tr>
<tr>
<td>(ii) Sampling services (per hour per Service representative)</td>
<td>61.10</td>
<td>79.50</td>
</tr>
<tr>
<td>(iii) Review of weighing service (per hour per Service representative)</td>
<td>61.10</td>
<td>79.50</td>
</tr>
<tr>
<td>(3) Extra copies of certificates (per copy)</td>
<td>3.00</td>
<td>3.00</td>
</tr>
<tr>
<td>(4) Official track scale testing service</td>
<td>44.00</td>
<td>59.90</td>
</tr>
</tbody>
</table>

1 Official inspection and weighing services include, but are not limited to: grading, weighing, sampling, stowage examination, equipment testing, scale testing and certification, test weight revalidation, evaluation of inspection and weighing equipment, demonstrating official inspection and weighing functions, furnishing standard illustrations, and certifying inspection and weighing results.

2 For vomitoxin tests, a charge of $7.50 per qualitative test and a charge of $12.00 per quantitative test will be assessed in addition to the applicable hourly rate for original inspection service.

3 Fees for reinspection and appeal inspection services performed at locations where FGIS is providing original inspection service shall be assessed at the applicable contract or noncontract hourly rate as the original inspection, except that for vomitoxin tests, a charge of $7.50 per qualitative test and a charge of $12.00 per quantitative test will be assessed in addition to the applicable hourly rate. If additional personnel are required to perform the reinspection or appeal inspection service, the applicant will be assessed the noncontract original inspection hourly fee.

4 If at the request of the Service a file sample is located and forwarded by an agency for an official appeal, the agency may, upon request, be reimbursed at the rate of $2.50 per sample by the Service.

* * * * *


David R. Galliart,
Acting Administrator.

[FR Doc. 93-23234 Filed 9-22-93; 8:45 am]

BILLING CODE 3410-EN-M

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 120 and 122

Business Loan Policy and Business Loans

AGENCY: Small Business Administration (SBA).

ACTION: Final rule.

SUMMARY: Under this final rule, SBA is implementing certain provisions of Public Law 103–81, enacted on August 13, 1993, which are relevant to its guaranteed lending programs regarding late payment fees, preferred lenders, interest rates, percentages of loans guaranteed by SBA, and which are relevant to its microloan demonstration program. Pursuant to this final rule, late fees are authorized with respect to late
loan installments, the maximum percentage guaranteed by SBA for preferred lender loans is reduced from 80 percent to 70 percent, a preferred lender can no longer use its own internal prime rate in calculating interest, and SBA grants in the microlending program may be made if the recipient agrees to work with individuals to secure loans in amounts not to exceed $25,000 (increased from $15,000).

**EFFECTIVE DATE:** This rule is effective September 1, 1993.

**FURTHER INFORMATION CONTACT:** Charles R. Hartberg, Assistant Administrator for Financial Assistance, 202/205-6490.

**SUPPLEMENTARY INFORMATION:** The Small Business Guaranteed Credit Enhancement Act of 1993 was enacted as Public Law 103-31 on August 13, 1993 (107 Stat. 720) (1993 legislation). The 1993 legislation expressly prescribes an effective date of September 1, 1993, for most of the statutory changes made by that legislation. SBA is therefore using that date as the effective date for all of these final rules.

Section 4 of the 1993 legislation authorizes the imposition of a late payment fee not to exceed five percent of a monthly loan payment plus interest with respect to repayments on business loans guaranteed by SBA. This final rule implements that legislation by amending § 120.104–2 of SBA’s regulations to authorize a lender to charge a fee on late loan payments in an amount not to exceed five percent of the monthly loan payment plus interest. This means that the lender, at its option, may impose a late payment fee of a lesser percentage than five percent.

Section 5 of the 1993 legislation reduced the maximum percentage of guaranty by SBA from 80 percent to 70 percent for a business loan made under the SBA’s preferred lenders program (PLP). This final rule amends § 120.403–2 of SBA’s regulations to reflect this change. SBA can guaranty less than 70 percent of a PLP loan if the lender so requests.

Section 5 of the 1993 legislation also mandates that the maximum interest rate for a PLP loan shall not exceed the maximum interest rate prescribed by SBA for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 634(a)). This final rule amends § 120.403–5 of SBA’s regulations to reflect this statutory change. The rule will no longer permit a PLP lender to utilize its internal prime rate. Instead, it must use the prime rate as published in a national financial newspaper published each business day. In order to achieve consistent treatment, if a PLP loan carries a fluctuating interest rate, the rule states that the PLP lender must follow the rules contained in § 122.8–4 of SBA’s regulations which deal with the setting of interest rates.

Section 5 of the 1993 legislation also prescribes changes in the percentage of SBA guaranty for business loans in excess of $155,000 which are effective September 1, 1993. These changes apply to loans made based upon applications received by SBA on or after August 21, 1993. The final rule reflects the statutory mandate by amending § 122.7–3 of SBA regulations to make clear that SBA shall guarantee no more than 75 percent of a loan in excess of $155,000 if the maturity exceeds ten years. SBA shall not guarantee more than 85% of a loan in excess of $155,000 if the maturity period is ten years or less. On a case-by-case basis, SBA may guarantee lesser percentages at the request of the lender. The statutory language makes reference to 75% and 85% as floor levels of guaranty. This final rule establishes the level of guaranty in each instance at the minimum permissible level. Section 122.7–3 is also amended to delete references to regulatory provisions which had previously been statutorily repealed.

Section 122.8–4 of SBA regulations is amended to reflect that financial newspapers no longer make reference to the “low New York” prime rate in setting interest rates. Accordingly, SBA lenders, in determining their base rate for variable rate loans, need only ascertain the prime rate.

Section 8 of the 1993 legislation made a change with respect to SBA grants made to non-intermediary lenders for marketing, management, and technical assistance relative to the microlending demonstration program authorized in section 7(m) of the Small Business Act (15 U.S.C. 636(m)). Thus, the final rule amends § 122.61–10 of SBA regulations to provide that an SBA grant to a non-intermediary lender may be made only if such lender agrees to work with individuals to secure loans in amounts not to exceed $25,000 (increased from $15,000 in the 1993 legislation) from private sector lenders. The same regulatory section is also amended to state that in each year SBA may make no more than 25 grants for terms of up to 5 years to non-intermediaries, each grant not to exceed $125,000. This reflects a change from the prior law which simply made reference to making 6 grants without reference to any time frame.

**Compliance With Executive Orders 12291, 12612 and 12778, the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., and the Paperwork Reduction Act, 44 U.S.C. ch. 35.**

For purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., SBA certifies that this final rule does not have a significant impact on a substantial number of small entities. SBA certifies that this final rule does not constitute a major rule for the purposes of Executive Order 12291, because the annual effect of this rule on the national economy will not attain $100 million or more. This final rule does not impose new reporting or recording requirements which would be subject to the Paperwork Reduction Act, 44 U.S.C. chapter 35.

This final rule does not have federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

For purposes of Executive Order 12778, SBA certifies that this final rule is drafted, to the extent practicable, in accordance with the standards set forth in Section 2 of that Order.

Because the 1993 legislation imposes express effective dates and because this final rule is amending the regulations to reflect the statutory changes, SBA is publishing this final rule without opportunity for public comment pursuant to 5 U.S.C. 553(b)(A).

**List of Subjects**

13 CFR Part 120

Loan programs—business, Small businesses.

13 CFR Part 122

Loan programs—business, Small businesses.

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), SBA amends parts 120 and 122, chapter I, title 12, Code of Federal Regulations, as follows:

**PART 120—[AMENDED]**

1. The authority citation for part 120 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6) and 636 (a) and (b).

2. Section 120.104–2 is amended by revising paragraph (b) to read as follows:

§ 120.104–2 Service and commitment fees.

* * * * *

(b) Late Payment or Prepayment Fees.

A lender shall not charge any fee or penalty for partial or full prepayment of
any loan. A Lender is authorized to collect from the borrower a penalty fee on late payments of loans in an amount not to exceed five percent of the monthly loan payment plus interest.

3. Section 120.403–2 is revised to read as follows:

§120.403-2 Maximum percentage of PLP loan to be guaranteed.

Under this program, SBA shall guarantee 70 percent of any PLP loan unless aPreferred Lender requests a lesser percentage.

4. Section 120.403–5 is revised to read as follows:

§120.403-5 Interest rates.

A Preferred Lender has the option of applying, on a loan by loan basis, a fixed or variable rate of interest.

(a) Fixed Interest Rate. If the Preferred Lender uses a fixed rate of interest in making a PLP loan, such rate shall be legal and reasonable and shall not exceed the maximum rate authorized by SBA as published, from time to time, in the Federal Register. Such rate information is available from local SBA offices.

(b) Variable rate loans. If the PLP Lender uses a variable interest rate, it must follow the prescribed rules contained in §122.8-4.

PART 122—[AMENDED]

1. The authority citation for part 122 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6), 636(a), 636(m).

2. Section 122.7–3 is amended by revising paragraphs (b) and (c) to read as follows:

§122.7-3 Guaranty loans.

(b) Guaranty of loans in excess of $155,000. SBA shall guarantee no more than 75 percent and not less than 70 percent of a loan in excess of $155,000 if the maturity period exceeds ten years, subject to paragraph (c) of this section. Decisions to guarantee such loans in amounts between 70 percent and 75 percent shall be made on a case-by-case basis. SBA shall guarantee no more than 85 percent and not less than 70 percent of a loan in excess of $155,000 if the maturity period is ten years or less.

(c) Refinancing. SBA shall guarantee no more than 80 percent of that portion of a loan used to refinance a debt owed to a bank or other lending institution. Therefore the blended guaranty percentage of the total loan will reflect the respective percentages of guaranty for the refinancing and the remaining portion of the loan.

3. Section 122.8–4 is amended by revising paragraph (d) to read as follows:

§122.8-4 Variable (fluctuating) rate.

(d) Base rate. The base rate shall be the prime rate in effect on the first business day of the month, as printed in a national financial newspaper published each business day, or the SBA Optional peg rate which SBA publishes quarterly in the Federal Register.

4. Section 122.61–10 is amended by revising the second sentence of paragraph (a) and paragraph (b) to read as follows:

§122.61-10 SBA grants for terms of five years or less.

(a) Purpose. Such a grant may be made only if such nonprofit entity agrees to work with such individuals to secure loans in amounts not to exceed $25,000 in the aggregate from private sector lenders, regardless of whether the nonprofit entity provides a loan guarantee.

(b) Amount of grant. In each year of the microloan program, the SBA may make no more than 25 grants for terms of up to five years to nonprofit intermediaries, each not to exceed $25,000.

[Catalog of Federal Domestic Assistance Programs, No. 59.012, Small Business Loans]

Dated: August 30, 1993.

Erskine B. Bowles, Administrator.

[FR Doc. 93–23049 Filed 9–22–93; 8:45 am]

BILLING CODE 0255–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93–ANM–11]

Amendment of Class E Airspace; Billings, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment to part 71 of the Federal Aviation Regulations amends the Class E airspace at Billings, Montana, to provide additional controlled airspace to assist controllers and enhance their ability to provide vectors and descents for Instrument Flight Rule (IFR) traffic operating in the Billings area. Airspace reclassification, in effect as of September 16, 1993, has discontinued the use of the term “transition area,” replacing it with the designation “Class E airspace.” The area will be depicted on aeronautical charts for pilot reference.

EFFECTIVE DATE: 0901 UTC, November 11, 1993.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

History

On March 1993, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending the Billings, Montana 700-foot and 1200-foot Transition Areas (58 FR 12566). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Airspace reclassification, in effect as of September 16, 1993, has discontinued the use of the term “transition area,” and airspace extending upward from 700 feet or more above the surface of the earth is now Class E airspace. Also, to simplify the description of the 1200-foot portion of Class E airspace, all reference to bearings and radial have been eliminated. Other than these changes, this amendment is the same as that proposed in the notice. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations amends the Class E airspace at Billings, Montana, to provide additional controlled airspace to assist controllers and enhance their ability to provide vectors and descents for IFR traffic operating in the Billings Area.

The FAA has determined that this regulation only involves an established
body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. 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 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 71
Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment
In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71, as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:


§ 71.1 [Amended]
2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.94A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 6005—Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

ANM MT E5 Billings, MT [Revised]
Billings Logan International Airport, MT (lat. 45°48'30"N, long. 108°32'38"W)
Billings VORTAC (lat. 45°48'31"N, long. 108°37'29"W)

That airspace extending upward from 700 feet above the surface within a 4500-foot radius circle centered on Billings Logan International Airport clockwise between the 117 degree and the 201 degree bearing from the airport, excluding the airspace within Federal Airways; that airspace extending upward from 14,500 feet MSL within an arc of a 60-mile radius circle centered on Billings Logan International Airport, clockwise between the 201 degree and the 289 degree bearing from the airport, excluding the airspace within Federal Airways; that airspace extending upward from 7700 feet MSL within an arc of a 60-mile radius circle centered on Billings Logan International Airport, clockwise between the 289 degree and the 321 degree bearings from the airport, excluding the airspace within Federal Airways; that airspace extending upward from 10,000 feet MSL within an arc of a 60-mile radius circle centered on Billings International Airport, clockwise between the 321 degree and the 360 degree bearings from the airport, excluding the airspace within Federal Airways.

Issued in Seattle, Washington, on September 8, 1993.
Temple H. Johnson, Jr.,
Manager, Air Traffic Division.
[FR Doc. 93-23361 Filed 9-22-93; 8:45 am]
BILLING CODE 4910-15-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270
RIN 3235-AE47
Exemption of Acquisitions of Securities Issued by Persons Engaged in Securities-Related Businesses
AGENCY: Securities and Exchange Commission.
ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission is adopting revised amendments to rule 12d3–1 under the Investment Company Act of 1940 to eliminate the qualitative conditions currently imposed by the rule on acquisitions by registered investment companies of the securities of domestic and foreign securities related businesses. The amendments, which are being adopted as proposed, simplify the conditions for qualifying for exemptive relief under rule 12d3–1 and permit registered investment companies to pursue a broader range of investment objectives.

EFFECTIVE DATE: October 25, 1993.

FOR FURTHER INFORMATION CONTACT: L. Bryce Stewall, Senior Special Counsel, at (202) 272–2048, Office of Regulatory Policy, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is adopting revised amendments to rule 12d3–1 (17 CFR 270.12d3–1) under the Investment Company Act of 1940 (15 U.S.C. 80a). The revised amendments eliminate the two qualitative conditions in rule 12d3–1 for obtaining exemptive relief from section 12d(3)(3)’s prohibition of acquisitions by registered investment companies of the securities of securities related businesses. These conditions are that any such acquired security be a “margin security” under Regulation T of the Board of Governors of the Federal Reserve System (17 CFR 220.1), if equity, or be investment grade, as determined by the company’s board of directors, if debt. Rule 12d3–1 will retain, however, its current “quantitative” conditions for acquisitions by registered investment companies of securities related businesses. The rule also will continue not to exempt a registered investment company’s acquisition of a general partnership interest in a securities related business, or any security issued by the investment adviser, promoter, or principal underwriter of the company, or any affiliated person of such adviser, promoter, or underwriter.

I. Background

Section 12(d)(3), with limited exceptions, prohibits a registered investment company and companies that it controls from acquiring any security issued by or any other interest in a securities related business, such as a broker, dealer, underwriter, or investment adviser.

Rule 12d3–1 exempts some of these acquisitions from section 12(d)(3). Paragraph (a) of the rule exempts any acquisition of securities of issuers that derive fifteen percent or less of their gross revenues from securities related activities unless the acquiring company would control the issuer as a result of the acquisition. Paragraph (b) exempts acquisitions of securities of issuers that derive more than fifteen percent of their gross revenues from securities related activities if the acquisitions meet certain "qualitative" and "quantitative" criteria. The qualitative conditions require that an acquired security be a margin security for purposes of Regulation T of the Board of Governors of the Federal Reserve System, if equity, or be "investment grade," as determined by the company’s board of directors, if debt. The quantitative conditions require that, immediately after the
acquisition of any security of a securities related business, the registered investment company may not
own more than five percent of any class of the issuer's equity securities, ten percent of the outstanding principal
amount of the issuer's debt securities, or have more than five percent of the value of its total assets invested in
the securities of such an issuer. In addition, paragraph (c) provides that the rule does not exempt the acquisition of a
general partnership interest in a securities related business, or of a security issued by the company's investment adviser,
promoter, or principal underwriter, or any affiliate of the investment adviser, promoter, or principal underwriter.

In 1989, the Commission proposed amendments to rule 12d3-1 that were designed to facilitate acquisitions by
registered investment companies of the equity securities of foreign securities related businesses. The proposed
amendments would have provided alternative qualitative conditions, using criteria designed for foreign markets, for
exempting acquisitions of equity securities of foreign securities related businesses that could not meet the rule's
margin security requirement. Comments on the proposed amendments, however, although generally supportive,
characterized some of the proposed conditions as unworkable and argued for the elimination of the rule's
qualitative conditions.

In response, the Commission reexamined rule 12d3-1 in light of the purposes underlying section 12(d)(3) and
changes in the securities industry since 1940. As a result, on January 4, 1993, the Commission proposed revised
amendments to rule 12d3-1 that greatly simplify the rule by eliminating its qualitative conditions. The proposal
retained the current rule's quantitative conditions and its exclusion from its exemption of acquisitions by registered
investment companies of a general partnership interest in a securities related business, or of any security issued by
the company's investment adviser, promoter, principal

underwriter, or any of their affiliated persons. The
Commission received four comments on the proposal, from the Capital Group, the Investment Company
Institute, the Putnam Management Company, and T. Rowe Price Associates. The commenters uniformly
supported the proposal, although two suggested changes to limited aspects of the proposal. After reviewing the
comments, the Commission has decided to adopt the revised amendments to rule 12d3-1 as proposed.

II. Discussion

As discussed in the release proposing these amendments, it appears that Congress had two purposes in enacting
section 12(d)(3): First, Congress wished to limit, at least to some extent, the degree to which a registered investment
company is exposed to the "entrepreneurial risks," or general

liabilities, that are peculiar to securities related businesses, at least when they are organized as private general
partnerships. Second, the section 12 prohibition against acquisitions by registered investment companies of
securities or other interests in securities related businesses, indicates that Congress intended to prevent potential
conflicts of interest and reciprocal practices.

The Commission proposed to eliminate the qualitative conditions in paragraphs (b)(4) and (b)(5) of the rule
because these conditions do not appear necessary to address Congress's concerns. In this regard, paragraph (c)
prohibits a registered investment company's acquisition of the securities of its investment adviser, promoter, or
principal underwriter, or any affiliated person of such adviser, promoter, or underwriter. The quantitative
conditions in paragraphs (b)(1) through (b)(3) also minimize the possibility that conflicts of interest or reciprocal
practices exist in connection with a registered investment company's acquisition of a significant stake in a
derisk or dealer. The potential risk associated with acquisitions by registered investment companies of the
securities of their regular brokers and dealers also is limited further by requirements that the companies
disclose their holdings of securities of such brokers and dealers. Rule 12d3-1's prohibition of the acquisition by a
registered investment company of a general partnership interest in a securities related business adequately
addresses the section 12(d)(3) purpose of preventing registered investment companies from being exposed to the
entrepreneurial risks of such businesses.

The commenters on the revised proposed amendments agreed with the Commission's analysis. One commenter,
for example, stated that it believes the most likely rationale for section 12(d)(3) is to prevent conflicts of interest and the
possibility of reciprocal practices. This commenter viewed the concerns underlying section 12(d)(3) as being
adequately addressed by the qualitative limits in paragraphs (b)(1) through (b)(3) of rule 12d3-1, standing alone.
The commenter also stated that to the extent that section 12(d)(3) was intended to prevent investment
company assets from being subject to the entrepreneurial risks of securities related businesses, these concerns are
addressed by rule 12d3-1's prohibition on the acquisition of a general partnership interest in a securities
related business, as well as by the existing quantitative limits. Another commenter mentioned rule 12d3-1's
prohibition of the acquisition of any security issued by persons with certain business relationships with the
acquiring investment company, and existing disclosure requirements, in addition to the quantitative conditions,
as also helping to limit adequately investment risks in this area.

Each commenter also offered other reasons for eliminating the qualitative conditions. One, for example, stated that
eliminating the qualitative conditions would give greater flexibility to registered investment companies to
invest in securities issued by both foreign and domestic securities related businesses in order to achieve the
highest possible returns to shareholders. In addition, another commenter noted that the proposal would relieve
the boards of directors of registered investment companies of evaluating

5 See Acquisitions by Registered Investment Companies of the Equity Securities of Foreign Securities Firms, Investment Company Act Release No. 37099 (Aug. 3, 1990), 55 FR 32027 (Aug. 11, 1990). The proposed amendments set forth alternative conditions for a foreign security's marketability, certain disclosure criteria that the issuer had to have met in its home country, and would have required that the foreign security be listed on a "qualified foreign exchange" meeting certain standards, all of which are included in the proposed amendments.


3 The Commission also proposed redefining other conditions of the rule to improve its clarity, but not to affect any substantive changes. Id. at n.18.

4 The purposes underlying Section 12(d)(3) are explained in greater detail in the proposing release. Id.
whether debt securities issued by securities related businesses are investment grade. This should allow directors to focus their attention on more critical issues.

After reviewing these comments, the Commission continues to believe that the qualitative conditions of rule 12d3–1 are no longer necessary to effectuate the purposes of section 12(d)(3). In addition, they needlessly limit investment opportunities that are consistent with shareholder interests. Accordingly, the Commission is adopting amendments to rule 12d3–1 that eliminate the qualitative conditions from the rule.

Although supporting elimination of rule 12d3–1’s qualitative conditions, two commenters suggested that the Commission should also consider making limited changes to aspects of the rule that the revised proposed amendments retained. One of these commenters suggested that the five percent limit that paragraph (b)(1) of the rule imposes on registered investment company acquisitions of any class of the equity securities of a securities related business should apply only to the issuer’s outstanding voting stock, arguing that only voting stock implicates the control concerns that section 12(d)(3) addresses. The concerns underlying section 12(d)(3), however, focus on whether a registered investment company’s acquisition of a significant stake in the securities of a securities related business will give rise to conflicts of interest in the management and policies of the acquiring investment company, not the issuer. For example, a registered investment company might purchase a broker’s securities for more than five percent of the value of the fund’s total assets not on their investment merits, but merely as a reward for the sale of the fund’s shares. Such abuses do not require that the investment company control the securities related business. Thus, paragraph (b)(1)’s five percent limit is appropriately designed to address conflicts of interest and reciprocal practices that might occur when a registered investment company acquires an economically significant stake in any class of the equity securities of a securities related business.

The other commenter that suggested that additional, limited changes be made to rule 12d3–1 requested that the Commission consider amending the rule to permit a fund to invest its portfolio assets in a manner designed to replicate a nationally recognized index. Specifically, this commenter suggested modifying or eliminating for index funds rule 12d3–1’s current prohibition on the acquisition of securities of the acquiror’s investment adviser, promoter, underwriter, or their affiliated persons. The Commission believes this is worthy of further examination, but is not within the scope of the proposed amendments. Accordingly, the Commission is not taking action on the commenter’s proposal in this rulemaking.

Thus, after reviewing the comments, the Commission has decided to adopt, as proposed, amendments to rule 12d3–1 that eliminate the rule’s qualitative conditions.

III. Cost Benefit Analysis

The revised amendments will benefit acquiring companies by facilitating acquisitions of the securities of domestic and foreign securities related businesses. In particular, by omitting the margin security requirement, the revised amendments will remove the most significant obstacle to acquiring the equity securities of foreign securities related businesses. In addition, the boards of directors of acquiring companies no longer will have to determine that debt securities issued by securities related businesses are investment grade. The Commission also will benefit because its staff will have to review fewer applications for exemption in this area.

The other commenter that suggested modifying or eliminating for index funds rule 12d3–1’s current prohibition on the acquisition of securities of the acquiror’s investment adviser, promoter, underwriter, or their affiliated persons suggested that the five percent limit that paragraph (b)(1) of the rule imposes on registered investment company acquisitions of any class of the equity securities of a securities related business should apply only to the issuer’s outstanding voting stock, arguing that only voting stock implicates the control concerns that section 12(d)(3) addresses. The concerns underlying section 12(d)(3), however, focus on whether a registered investment company’s acquisition of a significant stake in the securities of a securities related business in this area.

Section 270.12d3–1 is also issued under 15 U.S.C. 80a-6(c).

2. By revising § 270.12d3–1 to read as follows:

§270.12d3–1 Exemption of acquisitions of securities issued by persons engaged in securities related businesses.

(a) Notwithstanding section 12(d)(3) of the Act, a registered investment company, or any company or companies controlled by such registered investment company ("acquiring company") may acquire any security issued by any person that, in its most
recent fiscal year, derived 15 percent or less of its gross revenues from securities related activities unless the acquiring company would control such person after the acquisition.

(b) Notwithstanding section 12(d)(3) of the Act, an acquiring company may acquire any security issued by a person that, in its most recent fiscal year, derived more than 15 percent of its gross revenues from securities related activities, provided that:

(1) Immediately after the acquisition of any equity security, the acquiring company owns not more than five percent of the outstanding securities of that class of the issuer’s equity securities;

(2) Immediately after the acquisition of any debt security, the acquiring company owns not more than ten percent of the outstanding principal amount of the issuer’s debt securities; and

(3) Immediately after any such acquisition, the acquiring company has invested not more than five percent of the value of its total assets in the securities of the issuer.

(c) Notwithstanding subparagraphs (a) and (b) of this section, this section does not exempt the acquisition of a general partnership interest or a security issued by the acquiring company’s investment adviser, promoter, or principal underwriter, or any affiliated person of such investment adviser, promoter, or principal underwriter.

(d) For purposes of this section:

(1) “Securities related activities” are a person's activities as a broker, a dealer, an underwriter, an investment adviser registered under the Investment Advisers Act of 1940, as amended, or as an investment adviser to a registered investment company.

(2) An issuer's gross revenues from its own securities related activities and from its taxable share of the securities related activities of enterprises of which it owns 20 percent or more of the voting or equity interest should be considered in determining the degree to which an issuer is engaged in securities related activities. Such information may be obtained from the issuer's annual report to shareholders, the issuer's annual reports or registration statement filed with the Commission, or the issuer's chief financial officer.

(3) “Equity security” is as defined in §240.3a-11 of this chapter.

(4) “Debt security” includes all securities other than equity securities.

(5) Determination of the percentage of an acquiring company's ownership of any class of outstanding equity securities of an issuer shall be made in accordance with the procedures described in the rules under §240.16 of this chapter.

(6) Where an acquiring company is considering acquiring or has acquired options, warrants, rights, or convertible securities of a securities related business, the determination required by paragraph (b) of this section shall be made as though such options, warrants, rights, or conversion privileges had been exercised.

(7) The following transactions will not be deemed to be an acquisition of securities of a securities related business:

(i) Receipt of stock dividends on securities acquired in compliance with this section;

(ii) Receipt of securities arising from a stock-for-stock split on securities acquired in compliance with this section;

(iii) Exercise of options, warrants, or rights acquired in compliance with this section;

(iv) Conversion of convertible securities acquired in compliance with this section; and

(v) Acquisition of puts, as defined in §270.2a-7(a)(19), provided that, immediately after the acquisition of any put, the company will not, with respect to seventy-five percent of the total value of its assets, have invested more than five percent of the total value of its assets in securities underlying puts from the same institution. An unconditional put shall not be considered a put from that institution, provided that, the value of all securities issued or guaranteed by the same institution and held by the investment company does not exceed ten percent of the total value of the company’s assets. For purposes of this section, a put will be considered to be from the party to whom the company will look for payment of the exercise price and an unconditional put, as defined in §270.2a-7(a)(19), will be considered to be a guarantee of the underlying security or securities.

(8) Any class or series of an investment company that issues two or more classes or series of preferred or special stock, each of which is preferred over all other classes or series with respect to assets specifically allocated to that class or series, shall be treated as if it is a registered investment company.

Note: It is not intended that this rule should supersede the requirements prescribed in Investment Company Act Release No. 13005 (Feb. 2, 1983) with respect to recapitalization agreements with brokers or dealers.


By the Commission.

Margaret H. Mardikian,
Deputy Secretary.

[FR Doc. 93-23192 Filed 9-22-93; 8:45 am]

BILLING CODE 4810-31-P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

[T.D. 93-74]

Import Restrictions Imposed on Significant Archaeological Artifacts From Mali

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by imposing emergency import restrictions on culturally significant archaeological artifacts from the region of the Niger River Valley of Mali and the Bandiagara Escarpment (Cliff), Mali. These restrictions are being imposed pursuant to a Determination of the United States Information Agency issued under authority of the Convention on Cultural Property Implementation Act in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.


FOR FURTHER INFORMATION CONTACT: (Legal Aspects) Susan Wilson, Intellectual Property Rights Branch (202) 482-6996; (Operational Aspects) Mark Loria, Trade Operations (202) 927-0402.

SUPPLEMENTARY INFORMATION:

Background

The value of cultural property, whether archaeological or ethnological in nature, is immeasurable. Such items often constitute the very essence of a society and convey important information concerning a people's origin, history, and traditional setting. The importance and popularity of such items regretfully makes them targets of theft, encourages clandestine looting of archaeological sites, and results in their illegal export and import.

The U.S. shares in the international concern for the need to protect endangered cultural property. The appearance in the U.S. of stolen or illegally exported artifacts from other countries where there has been pillage
import restrictions on certain archaeological materials from the region of the Niger River Valley in Mali and the Bandiagara Escarpment (Cliff) in Mali.

List of Archaeological Artifacts From the Niger River Valley Region, Mali, and the Bandiagara Escarpment (Cliff), Mali

Archaeological material made prior to 1742 from the Region of the Niger River Valley, Mali, and the Bandiagara Escarpment (Cliff), Mali, includes, but is not limited to, the categories listed below. As this region is further excavated, other types of artifacts may be found and added to an amended list. The following list is representative only; dimensions are approximate.

I. Ceramics/Terracotta/Fired Clay

Types of ceramic forms (stylistically known as Djenne-jeno or Jenne, Bankoni, Guitcheba, Bamba, Bougouni, and other stylistic labels) known to come from the region include, but are not limited to:

A. Figures/Statues.

1. Anthropomorphic figures, often incised, impressed and with added motifs, such as scarification marks and serpentine patterns on their bodies, often depicting horsemens or individuals sitting, squatting, kneeling, embracing, or in a position of repose, arms elongated the length of the body or crossed over the chest, with the head tipped backwards. (H: 6–30 in.)

2. Zoomorphic figures, often depicting a snake motif on statuettes or on the belly of globular vases. Sometimes, the serpent is coiled in an independent form. A horse motif—usually mounted—is common. Includes quadrupeds. (H: 6–30 in.)

B. Common Vessels.

1. Funerary jars, ochre in color, often stamped with chevrons. (H: 50–80 cm.)

2. Globular vases, often stamped with chevrons and serpentine forms. (H: under 10 in.)

3. Bottles with a long neck and a belly that is either globular or streamlined. Some have lids shaped like a bird’s head.

4. Ritual pottery of the Tellem culture, decorated with a characteristic plaited roulette.
   a. Pot made on a convex mold built up by coiling.
   b. Hemispherical pot made on three or four logs or feet resting on a stand. (H: 18 cm.)

5. Kitchen pottery of the Tellem culture with the paddle-and-envil technique decorated with impressions from woven mats. (H: 20 cm.)

II. Leather

Objects of leather found in Tellem funerary caves of the Bandiagara Escarpment include, but are not limited to:

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<table>
<thead>
<tr>
<th>Material Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Archaeological materials</td>
<td>From the Niger River Valley Region, Mali, and the Bandiagara Escarpment (Cliff), Mali</td>
</tr>
<tr>
<td>Ceramics/Terracotta/Fired Clay</td>
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</tr>
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</tr>
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<td>Common Vessels</td>
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</tr>
<tr>
<td>Common Vessels</td>
<td>Bottles with a long neck and a belly that is either globular or streamlined. Some have lids shaped like a bird’s head.</td>
</tr>
<tr>
<td>Common Vessels</td>
<td>Ritual pottery of the Tellem culture, decorated with a characteristic plaited roulette.</td>
</tr>
<tr>
<td>Common Vessels</td>
<td>Pot made on a convex mold built up by coiling.</td>
</tr>
<tr>
<td>Common Vessels</td>
<td>Hemispherical pot made on three or four logs or feet resting on a stand. (H: 18 cm.)</td>
</tr>
<tr>
<td>Common Vessels</td>
<td>Kitchen pottery of the Tellem culture with the paddle-and-envil technique decorated with impressions from woven mats. (H: 20 cm.)</td>
</tr>
<tr>
<td>Common Vessels</td>
<td>Objects of leather found in Tellem funerary caves of the Bandiagara Escarpment include, but are not limited to:</td>
</tr>
</tbody>
</table>
A. Clothing.  
1. Sandals, often decorated and furnished with a leather ankle protection.  
2. Boots profusely painted with geometric designs.  
3. Plaited bracelets.  
5. Loinskins.  
6. Bags.

III. Metal  
Moveable metal artifacts from the Niger River Valley Region and the Bandiagara Escarpment are made from the following components:  
A. Copper and Copper Alloy (such as Bronze).  
1. Figures/Statues.  
   a. Anthropomorphic figures, including equestrian figures, kneeling figures. (Some are miniatures no taller than 2 inches; others range from 6 to 30 inches.)  
   b. Zoomorphic figures, such as the bull and snake.  
2. Bells (H: 4–5 in.) and finger bells (H: 2–3 in.).  
3. Pendants, known to depict a bull’s head or a snake (H: 2–4 in.).  
4. Bracelets, known to depict a snake (H: 5–6 in.), known to be shaped as a head and antelope (H: 3–4 in.).  
B. Iron.  
1. Figures/Statues.  
   a. Anthropomorphic figures. (H: 5–30 in.)  
   b. Zoomorphic figures, sometimes representing a serpent. (H: 5–30 in.)  
   2. Headrests of the Tellem culture.  
3. Ring-bells or finger bells of the Tellem culture.

IV. Stone  
Objects of stone found in Tellem funerary caves of the Bandiagara Escarpment include, but are not limited to:  
A. Faceted carnelian beads.  
B. Quartz lip plugs.

V. Glass Beads  
Class beads have been recovered in the Tellem funerary caves and in archaeological sites in the region of the Niger River Valley.

VI. Textiles  
Textile objects, or fragments thereof, have been recovered in Tellem funerary caves of the Bandiagara Escarpment and include, but are not limited to:  
A. Cotton.  
1. Tunics.  
2. Coifs.  
3. Blankets  
B. Vegetable Fibers.  
   Skirts, aprons and belts made of twisted and intricately plaited vegetable fiber.

VII. Wood  
Objects of wood may be found archaeologically (in the funerary caves of the Tellem or Dogon Peoples in the Bandiagara Escarpment) for example:  
A. Figures/Statues.  
   1. Anthropomorphic figures, usually with abstract body and arms raised standing on a platform, sometimes kneeling. (H: 10–24 in.)  
   2. Zoomorphic figures, depicting horses and other animals. (H: 10–24 in.)  
   B. Headrests.  
   C. Househod Utensils.  
   1. Bowls.  
   2. Spoons, carved and decorated.  
   D. Agricultural/Hunting Implements.  
   1. Hoes and axes, with either a socketed or tanged shafting without iron blades.  
   2. Bows, with a notch and a hole at one end and a hole at the other with twisted, untanned leather straps for the "string".  
   3. Arrows, quivers.  
   4. Knife sheaths.  
   E. Musical Instruments.  
   1. Flutes, with end blown, bi-toned.  
   2. Harps.  
   3. Drums.

Inapplicability of Delayed Effective Date and Public Notice Procedures  
While this amendment is being made without notice or public procedure, pursuant to 5 U.S.C. 553(b)(B), because the action being taken is of an emergency nature and such notice or public procedure would be impracticable and contrary to the public interest, it should be noted that the USIA did provide public notice in the Federal Register that it had received a request from the Malian Government that these restrictions be imposed. Because of the emergency nature of the action, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Executive Order 12291  
Because this document concerns a foreign affairs function of the United States, it is not subject to E.O. 12291; therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act  
Because a notice of proposed rulemaking is not required to promulgate this regulation, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) do not apply.

Drafting Information  
The principal author of this document was Peter T. Lynch, Regulations Branch, Office of Rules and Regulations, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 12  
Cultural property, Customs duties and inspections, Imports, International conventions, Prohibited merchandise, Reporting and recordkeeping requirements, Seizure and forfeiture.

Amendment to the Regulations  
Part 12 of the Customs Regulations (19 CFR part 12) is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE  
1. The general and specific authority citation for part 12 continues to read as follows:  
Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General note 8, Harmonized Tariff Schedule of the United States (HTSUS)), 1624; * * * * *  
Sections 12.104–12.104i also issued under 19 U.S.C. 2612.  
* * * * *  
§ 12.104g [Amended]  
2. In § 12.104g, in the table in paragraph (b), the list of emergency actions imposing import restrictions on described articles of cultural property is amended by adding "Mali" under the column headed "State Party", the description "Archaeological material from the Niger River Valley Region, Mali, and the Bandiagara Escarpment (Cliff) forming part of the remains of the ancient sub-Sahara culture" under the column headed "Cultural Property", and "T.D. 93–74" will be placed on the same line as "Mali", in the column headed "T.D. No."

Michael H. Lane,  
Acting Commissioner of Customs.  
Approved: September 8, 1993.

John P. Simpson,  
Deputy Assistant Secretary of the Treasury.
[FR Doc. 93–23396 Filed 9–22–93; 8:45 am]  
BILLING CODE 4620–02–P
DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

RIN 0960-AD58

Supplemental Security Income;
Determining Disability for a Child
Under Age 18; Correction

AGENCY: Social Security Administration, HHS.

ACTION: Correction to final rule.

SUMMARY: This document contains corrections to the final rule published
Thursday, September 9, 1993 (58 FR
47532). This rule revised the disability
evaluation and determination process
for Supplemental Security Income (SSI)
claims of children based on disability.

EFFECTIVE DATE: September 9, 1993. The
rules in §§ 416.924-416.924a, 416.926a,
and 416.994a will no longer be effective September 9, 1997, unless extended by
the Secretary, or revised and promulgated again.

FOR FURTHER INFORMATION CONTACT:
Cassandra Bond, Legal Assistant, Office
of Regulations, Social Security Administration, 6401 Security
Boulevard, Baltimore, Maryland 21235, telephone (410) 965-1794.

SUPPLEMENTARY INFORMATION:

Background

The final rule that is the subject of these
corrections amended the rules we
published on February 11, 1991 (56 FR
5534), subsequent to the February 20,
1990, U.S. Supreme Court ruling in
Sullivan v. Zebley, 493 U.S. 521, 110
S.Ct. 885 (1990). In Zebley, the Court
invalidated the use of a medical
"listings-only" approach to the denial of
children's claims for SSI benefits based
on disability, and required the use of an
individualized functional assessment of
children whose impairments did not
meet or equal the severity of listed
medical impairments. As did our prior
final rules, the changes made in the
rules incorporate into the disability
determination process for these children
concepts and criteria reflecting current
knowledge in the field of childhood
disability and functioning.

Need for Correction

The final rule, as published, did not
contain the complete explanation we
intended to provide concerning the
reasons that we decided to establish a
"sunset date" for the rules cited in

EFFECTIVE DATE above. In addition, we
are making several editorial corrections.

Correction of Publication

Accordingly, the publication on
September 9, 1993, of the final rule,
which was the subject of FR Doc. 93-
21600, is corrected as follows:

1. On page 47534, in the first column,
the following material is inserted before
the entry "Section 416.902-General
Definitions and Terms for this Subpart":

Sunset Date

For several reasons, we are providing a
sunset date for final §§ 416.924-
416.924a, 416.926a, and 416.994a of 4
years from the date of publication. On
that date, those rules will no longer be
effective unless extended by the
Secretary, or revised and promulgated
again. We received one comment asking
us to provide a 3-year sunset date. The
commenter wanted us to include a
sunset date to show our commitment to
update the regulations to reflect
advances in medicine and early
intervention. The commenter's reason
for the need for a sunset date is one
reason for setting a date; however, we
are adopting the comment for other
compelling reasons.

The use of sunset dates is not new in
our regulations. We have used sunset
dates for other rules, including our
listings in the Listing of Impairments in
appendix I to subpart P of part 404.
Sunset dates are a means of alerting the
public that changes in the rules may be
necessary, and, if they are, that we plan
diligently to pursue those changes in the
foreseeable future. Sunset dates do not
require us to make changes in the rules,
but they do require us to reexamine the
rules, and if changes are not necessary,
to publish a final rule in the Federal
Register extending the effective date.

The most important reason for
including a sunset date for §§ 416.924-
416.924a, 416.926a, and 416.994a is that
these rules represent a significant
change in the way we evaluate disability
in children from the way we evaluated
disability in children prior to the
Supreme Court’s decision in Zebley.
Even though we have had these rules in
place for over two-and-one-half years
we believe that they are functioning
well and serving the children they are
intended to serve, the rules we
promulgated on February 11, 1991 and
this final rule still establish some
different disability evaluation criteria
for children. The rules for which we are
providing a sunset date do implement
the statutory standard for evaluating
disability in children (i.e., a child is
disabled if he or she has an
impairment(s) of "comparable severity"
to impairment(s) that disable adults).
These rules also use as many familiar
principles of disability evaluation as
possible; however, they are of necessity
different from the adult rules in some
respects and employ evaluation criteria
that have not been used before in
adjudicating childhood disability
claims.

We are beginning to receive anecdotal
evidence and concerns from Members of
Congress and other individuals who
believe that the rules—and even the
entire program—should be changed.
Some people question whether all
children who are receiving SSI benefits
under these rules do, in fact, have
impairments of comparable severity to
disabling impairments in adults. Some
question the propriety of paying SSI
benefits to children with certain kinds
of impairments. Many of these
allegations, opinions, and concerns
come from individuals in the
educational community who have the
opportunity to see the children who file
for and receive SSI benefits, but we have
also heard the same concerns from other
people.

We are committed to ensuring that the
SSI benefits we pay go to children
who are disabled and that the benefits
are used for the benefit of the children.
For this reason, we are revising the rules
determined to be necessary and within our
authority to improve our process. The
sunset date for these rules is one aspect
of our commitment. If we find that it is
necessary to revise the rules to further
minimize the risk of incorrect payments,
we will take appropriate action to revise
them.

2. On page 47542, in the first column,
last paragraph, first line, "one-and-one-
half" is corrected to read "two-and-one-
half."

3. On page 47543, in the third
paragraph, line four, "one-
and-one-half" is corrected to read "two-
and-one-half."

4. On page 47544, in the second
paragraph under the first "Response,
line sixteen, "a year-
and-a-half" is corrected to read "two-
and-a-half years."

5. On page 47545, in the third
paragraph, the paragraph titled
"Response" is corrected to read as
follows:

Response: We have not adopted these
comments. We are in the process of
revising the listings for both children
and adults; however, these revisions go
far beyond the ambit of the present rules
and will be proposed through normal
Administrative Procedure Act (APA)
rulemaking procedures. We have
published final revisions of both the
multiple body system listings, which

includes Down syndrome, FAS, and other such disorders, and the childhood mental listings (55 FR 51204 and 51208, December 12, 1990). We have published further final revisions to the multiple body system listings and revisions to the endocrine system listings, and added rules for the evaluation of immune system disorders, including human immunodeficiency virus (HIV) infection (58 FR 36008, July 2, 1993). We have also published NPRMs proposing to update the listings for adult mental disorders, which may be applicable to children in certain circumstances (56 FR 33130, July 18, 1991), the respiratory listings, including the childhood asthma listing (56 FR 52231, October 18, 1991), and the cardiovascular listings, including the childhood listings (56 FR 31266, July 9, 1991).

6. On page 47570, in the first column, first full paragraph, line three, "one-and-one-half" is corrected to read "two-and-one-half."

7. On page 47570, in the second column, both paragraphs under "Response" are corrected to read as follows:

Response: We adopted the comment, but for different reasons than the commenter gave. The commenter’s reasons are the same reasons we provide sunset dates for our medical listings. The medical listings in the Listing of Impairments contain specific medical criteria; as such, they do require updating from time to time.

However, these childhood rules are not analogous to the Listing of Impairments. They are grounded on a requirement for an individualized assessment of each child’s ability to function, an assessment that we believe will always be relevant regardless of any future advances in screening, diagnosis, and early intervention. Thus, the fact that there may be such changes should have little or no impact on these rules because our ultimate concern will still be to determine how a given child is able to function and how that ability comports with our definition of disability. The kinds of advances described by the commenter will surely assist us in making this determination (in an evidentiary way and perhaps by providing greater insight into the effects of children’s impairments), but we do not think that they will affect the rules themselves.

However, for reasons we have already given earlier in this preamble, the rules may need updating in the future.

Therefore, we are providing a 4-year sunset date for §§ 416.924-416.924e, 416.926a, and 416.994a. We chose 4 years instead of the 3 recommended by the commenter because it is more reasonable and practicable.

8. On page 47576, in the second column, in the paragraph titled “Cost Considerations,” line 18, “saved” is corrected to read “prevented.”

9. On page 47576, in the third column, in the first paragraph titled “Cost Considerations,” line 10, “saved” is corrected to read “prevented.”

10. On page 47577, in the second column, in the Words of Issuance, add the following sentence: “The rules in §§ 416.924-416.924a, 416.926a, and 416.994a will no longer be effective on September 9, 1997 unless extended by the Secretary or revised and promulgated again.”

Fred Wirth,
Acting Deputy Assistant Secretary for Information Resources Management.

DEPARTMENT OF COMMERCE
Patent and Trademark Office
37 CFR Part 1
[Docket No. 921118-3184]
RIN 0651-AA63
Patent Interference Practice Burden of Proof
AGENCY: Patent and Trademark Office, Commerce.
ACTION: Final rule.
SUMMARY: The Patent and Trademark Office (PTO) is amending its rules of practice in patent interference cases. The amended rules specify that a party filing a motion has the burden of proof for that motion. The amended rules also more clearly state the nature of expert-witness and fact-witness evidence that must accompany a preliminary motion. Moreover, a definition of “interlocutory order,” as contrasted with a final decision, is added to clarify the meaning of “interlocutory order.”
EFFECTIVE DATE: October 25, 1993. These rules will apply to all papers filed with the PTO on or after the effective date.
FOR FURTHER INFORMATION CONTACT: Fred E. McKelvey by telephone at (703) 305-9035 or by mail marked to his attention and addressed to Box 8, Commissioner of Patents and Trademarks, Washington, DC 20231.
SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the Federal Register (58 FR 528) on January 6, 1993, and in the Official Gazette of the PTO (1147 Off. Gaz. 11) on February 2, 1993. Comments were due March 8, 1993. Four comments were received.

The PTO proposed moving the presumption of correctness of an interlocutory order, which is presently in 37 CFR 1.655(a), to a proposed new subsection 1.601(q). The PTO also proposed to make explicit in 37 CFR 1.637(a) that a party filing a motion has the burden of proving why it is entitled to the relief sought in the motion.

The PTO proposed to amend 37 CFR 1.639 to incorporate guidance provided in Hanagan v. Kimura, 16 USPQ2d 1791, 1794 (Comm’r Pat. 1990). Subsection (c) of § 1.639 was proposed to be amended to refer to “additional evidence in the form of testimony” so as to distinguish the evidence needed under subsection (c) from evidence submitted under subsections (a) and (b). Subsection (d) to 37 CFR 1.639 was proposed to be added to specify the nature of evidence that must be submitted when an opinion of an expert is needed. Subsection (e) was proposed to be added to specify the nature of evidence that must be submitted when a statement of a fact witness is to be relied upon. Subsection (f) was proposed to be added to specify the nature of a showing that should be made when a statement of an opponent is needed or evidence in possession of an opponent is needed. Subsection (g) was proposed to be added to specify the nature of evidence that must be supplied if inter partes tests are to be conducted.

Present 37 CFR 1.655(a) was proposed to be amended by deleting the last sentence, which would be moved to and be included in the proposed definition of interlocutory order in proposed subsection 1.601(q).

The PTO received one comment that endorsed the proposed rulemaking, but was otherwise directed to an earlier rulemaking.

The PTO received two comments regarding proposed subsection 1.601(q). One comment suggested that procedural rules should not be placed in a definition. The comment suggested that the last two sentences of proposed subsection 1.601(q), which deal with the presumed correctness of interlocutory orders, be in a new subsection of section 1.655. This suggestion is adopted in part. The last two sentences of subsection 1.601(q) will be moved to the end of subsection 1.655(a).

A second comment challenged the sufficiency of the notice in the proposed rulemaking. The comment noted that the word “manifest” was omitted from the portion of existing subsection 1.655(a) that was moved to new subsection 1.601(q) and that the word
"manifestly" was omitted from the remainder of subsection 1.655(a). The comment argued that the Notice of Proposed Rulemaking did not provide sufficient notice of these omissions, which the comment characterized as substantive changes, and thus violates the requirements of 5 U.S.C. 553. This comment is not adopted.

The Notice of Proposed Rulemaking gave specific notice of the actual terms of the proposed rule. Cf. section 553(b) (requiring "[g]eneral notice of" “either the terms or substance of the proposed rule or a description of the subjects and issues involved.”). In any case, no change actually occurs because the omitted words, "manifest" and "manifestly", in 37 CFR § 1.655(e) are unnecessary. No board decision is "manifest", in omitted words, "manifest" and issues involved.

The PTO received two comments regarding codification of the Hanagan guidelines in subsections 1.639(d)-(g). One comment endorsed codification of the Hanagan guidelines, but suggested that the codification be reformulated to increase flexibility. In particular, the comment pointed to the unusual case described in the Notice of Proposed Rulemaking where an opponent to a preliminary motion was overwhelmed with evidence. The comment suggested that the mandatory requirements of § 1.639, as amended, be revised to state that the information required under the Hanagan guidelines "should ordinarily" be provided. The comment is not adopted.

When necessary, a party opposing a preliminary motion should request an extension of time to submit the information described in subsections 1.639 (d) through (g), which do not require the submission of the actual testimony or evidence. In contrast, the example discussed in the Notice of Proposed Rulemaking, the examiner-in-chief deferred consideration of the preliminary motion until the final hearing to allow the opponent time to prepare a full opposition, which included the actual evidence the opponent relied upon to support the opposition. As the Notice of Proposed Rulemaking pointed out, examiners-in-chief have, and should exercise, discretion to extend time or otherwise remedy problems that may arise when applying the requirements of section 1.639 in specific cases.

A second comment suggested that the requirements of subsections 1.639 (d) and (e) duplicate the declarations submitted under 37 CFR 1.672(b). The comment recommends that rules be revised to require a subsection 1.672(b) declaration be submitted once, during the motions period, in support of an opposition to a preliminary motion. The recommendation is not adopted.

Subsection 1.672(b) is directed to the technical requirements for submitting affidavits or depositions for testimony that will not be compelled. Subsection 1.639(c), which invokes the requirements of subsections 1.639 (d) and (e), requires a description of the proposed testimony, not an affidavit or deposition of the testimony itself. A request under subsection 1.639(c) must describe the nature of the testimony being sought so the examiner-in-chief can determine whether the requested testimony is actually needed. Hanagan, 16 USPQ2d at 1794. Subsection 1.639(c) is intended to address the situation where evidence in the form of testimony is not available to the party asserting a need for evidence. The Hanagan guidelines require such a party to justify the delay and inconvenience that may result by explaining what the party expects the testimony to prove. To this end, subsection 1.639(c) is revised to clarify that it only applies to testimony that is unavailable to the party seeking the testimony.

Other Considerations

The rule changes are in conformity with the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), Executive Orders 12291 and 12612, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

The General Counsel of the Department of Commerce has certified to the Chief Counsel for Advocacy, Small Business Administration, that these rule changes will not have a significant economic impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)). The principal impact of these changes would be to clarify procedure in patent interferences and thereby eliminate ambiguity that may exist in current rules.

The Office has determined that these rule changes are not a major rule under Executive Order 12291. The annual effect on the economy will be less than $100 million. There will be no major increase in costs or prices for consumers; individuals; industries; Federal, state or local government agencies; or geographic regions. There will be no significant 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.

The Office has also determined that this notice has no Federalism implications affecting the relationship between the National Government and the States as outlined in Executive Order 12612.

These rule changes will not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., since no recordkeeping or reporting requirements within the coverage of the Act are placed upon the public.
List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Courts, Inventions and patents.

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR part 1 would continue to read as follows:

Authority: 35 U.S.C. 6, unless otherwise noted.

2. Section 1.601 is amended by adding paragraph (q) to read as follows:

§ 1.601 Scope of rules, definitions.

(q) A final decision is a decision awarding judgment as to all counts. An interlocutory order is any other action taken by an examiner-in-chief or a panel of the Board in an interference, including the notice declaring an interference.

3. Section 1.637 is amended by revising paragraph (a) to read as follows:

§ 1.637 Content of motions.

(a) A party filing a motion has the burden of proof to show that it is entitled to the relief sought in the motion. Every motion shall include (1) a statement of the precise relief requested, (2) a statement of the material facts in support of the motion, and (3) a full statement of the reasons why the relief requested should be granted.

4. Section 1.639 is amended by revising paragraph (c) and by adding paragraphs (d) through (g) as follows:

§ 1.639 Evidence in support of motion, opposition, or reply.

(c) If a party believes that additional evidence in the form of testimony that is unavailable to the party is necessary to support or oppose a preliminary motion under § 1.633 or a motion to correct inventorship under § 1.634, the party shall describe the nature of any proposed testimony as specified in paragraphs (d) through (g) of this section. If the examiner-in-chief finds that testimony is needed to decide the motion, the examiner-in-chief may grant appropriate interlocutory relief and enter an order authorizing the taking of testimony and deferring a decision on the motion to final hearing.

(d) When additional evidence in the form of expert-witness testimony is needed in support of or opposition to a preliminary motion, the moving party or opponent should:

(1) Identify the person whom it expects to call as an expert;

(2) State the field in which the person is alleged to be an expert;

(3) State:

(i) The subject matter on which the person is expected to testify;

(ii) The facts and opinions to which the person is expected to testify; and

(iii) A summary of the grounds and basis for each opinion.

(e) When additional evidence in the form of fact-witness testimony is necessary, state the facts to which the witness is expected to testify.

(f) If the opponent is to be called, or if evidence in the possession of the opponent is necessary, explain the evidence sought, what it will show, and why it is needed.

(g) When inter partes tests are to be performed, describe the tests stating what they will be expected to show.

5. Section 1.655 is amended by revising paragraph (a) to read as follows:

§ 1.655 Matters considered in rendering a final decision.

(a) In rendering a final decision, the Board may consider any properly raised issue including (1) priority of invention, (2) derivation by an opponent from a party who filed a preliminary statement under § 1.625, (3) patentability of the invention, (4) admissibility of evidence, (5) any interlocutory matter deferred to final hearing, and (6) any other matter necessary to resolve the interference. The Board may also consider whether any interlocutory order was erroneous or an abuse of discretion. All interlocutory orders shall be presumed to have been correct and the burden of showing error or an abuse of discretion shall be on the party attacking the order. When two or more interlocutory orders involve the same issue, the last entered order shall be presumed to have been correct.


Bruce A. Lehman,
Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

BILLING CODE 3510-10-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[C034-1-6052; FRL-4735-4]

Clean Air Act Approval and Promulgation of Air Quality Implementation Plan for Colorado; Ambient Air Quality Surveillance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to Colorado's State Implementation Plan (SIP) for Air Quality Monitoring, as submitted by the Governor with a letter dated July 7, 1993. The revisions update the SIP to bring it into compliance with the Federal requirements for monitoring criteria. This submittal completely replaces the previous version of the air quality monitoring plan.

EFFECTIVE DATES: This action will become effective on November 22, 1993 unless notice is received by October 25, 1993 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Notice of adverse or critical comments should be submitted to Amy Platt at the EPA Region VIII Office.

Copies of the State's submittal and other information are available for inspection during normal business hours at the following locations: Air Programs Branch, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2405; and Colorado Department of Health, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530.

FOR FURTHER INFORMATION CONTACT: Amy Platt, Environmental Protection Agency, Region VIII, (303) 293-1769.

SUPPLEMENTARY INFORMATION:

I. Background

In a May 10, 1979 Federal Register notice (44 FR 27558), EPA set forth ambient air quality monitoring and data reporting requirements to satisfy the requirements of section 110(a)(2)(C) of the 1977 Clean Air Act. The May 10, 1979 notice revoked the requirements for air quality monitoring in 40 CFR part 51 and established a new part 58 entitled Ambient Air Quality Surveillance. Pursuant to the May 10, 1979 revisions, States were required, among other things, to revise their SIPs to meet the requirements of 40 CFR...
On December 14, 1979, the Colorado Air Pollution Control Division submitted a revision to the Colorado SIP concerning compliance with these Federal monitoring regulations. EPA determined that the submittal met the requirements of 40 CFR 58.20, and on July 9, 1980 the revisions were approved (45 FR 46072).

II. Revisions Submitted July 7, 1993

After a review of its monitoring SIP, the State deemed necessary further revisions to the plan to conform it to all the requirements of 40 CFR part 58. Therefore, in a letter dated July 7, 1993, the Governor of Colorado submitted a revised Air Quality Monitoring SIP, which had been adopted on March 18, 1993 by the Colorado Air Quality Control Commission. This submittal updates the State's air quality monitoring plan and makes it consistent with 40 CFR part 58.

The revisions address air quality surveillance network design, network description, station designations, air quality monitoring criteria, data reporting, annual review of the State's monitoring network, prevention of significant deterioration monitoring, and public notification. No public comments were received by the State on this SIP. The State believes that the monitoring SIP revisions will provide for the continued implementation, maintenance and enforcement of the state air pollution control program aimed at meeting the National Ambient Air Quality Standards (NAAQS), as well as bring the SIP into conformance with Federal requirements for ambient air quality monitoring.

EPA is acting on these revisions without prior proposal because the Agency views these amendments as noncontroversial and anticipates no adverse comments. This action will be effective November 22, 1993 unless, by October 25, 1993, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective November 22, 1993.

III. This Action

EPA is approving Colorado's SIP revision, submitted by the Governor with a letter dated July 7, 1993. These revisions amend the Air Quality Monitoring SIP to bring it into conformance with Federal requirements in 40 CFR part 58. This submittal completely replaces the previous version of the Air Quality Monitoring plan. EPA is approving these revisions because they provide for the continued implementation, maintenance and enforcement of the NAAQS. This action was requested by the State of Colorado.

Nothing in this action should be construed as constraining or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to a SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Executive Order (EO) 12291

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

V. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seg., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Approvals of SIP submittals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. Union Electric Co. v. U.S. E.P.A., 427 U.S. 246, 258-60 (1976); 42 U.S.C. 7410(a)(2).

VI. Petitions

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 22, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review must be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Environmental protection, Hydrocarbons, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.


Jack W. McGraw,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart G—Colorado

2. Section 52.346 is added to read as follows:

§ 52.346 Air quality monitoring requirements.

In a letter and submittal dated July 7, 1993, from the Governor of Colorado to the EPA Region VIII Administrator, the State submitted a revised Air Quality Monitoring State Implementation Plan. The plan was adopted by the State on March 18, 1993 and completely replaces the previous version of the Air Quality Monitoring plan as identified at 40 CFR 52.320 (c)(17). The revisions updated the plan to bring it into conformance with the Federal requirements for air quality monitoring as found in 40 CFR part 58. The State commits to meet these Federal requirements.

[FR Doc. 93-23391 Filed 9-22-93; 8:45 am]

BILLING CODE 6560-50-4
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Administration

48 CFR Parts 2401, 2402, 2414, 2415, 2419, and 2452

[Docket No. R-83–1600; FR–2473–F–04]

HUD Acquisition Regulation; Technical Amendments and Corrections

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Final rule; technical amendments.

SUMMARY: The purpose of this final rule is to amend the HUD Acquisition Regulation (HUDAR) to update existing coverage with respect to the Department's structure and responsibilities; and to make technical amendments to the regulation by correcting obsolete references.

EFFECTIVE DATE: October 25, 1993.

FOR FURTHER INFORMATION CONTACT: Edward L. Girovasi, Jr., Director, Policy and Evaluation Division, Office of Procurement and Contracts, room 5262, 451 Seventh Street, SW., Washington, DC 20410–5006 (voice (202) 708–0294, TDD (202) 708–1112). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Background

The uniform regulation for the procurement of supplies and services by Federal departments and agencies, the Federal Acquisition Regulation (FAR), was promulgated on September 19, 1983 (48 FR 42102). The FAR is codified in title 48, chapter 1, of the Code of Federal Regulations. HUD promulgated its regulation to implement the FAR on March 1, 1984 (49 FR 7696).

The HUDAR (title 48, chapter 24 of the Code of Federal Regulations) is prescribed by the Assistant Secretary for Administration under section 7(d) of the Department of HUD Act (42 U.S.C. 3533(d)); section 205(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(c)); the Secretary’s delegation effective October 9, 1985 (50 FR 42097); and the general authorization in FAR 1.301.

The purpose of this final rule is to amend the HUDAR to update existing coverage with respect to the Department’s structure and responsibilities; and to correct obsolete references.

The Department has determined that this document need not be published as a proposed rule, as is generally required by the Administrative Procedure Act (APA) since this rule merely makes technical amendments and corrections to existing HUD regulations and the public is not affected by the changes.

Other Matters

Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520) requires that Federal agencies obtain approval from the Office of Management and Budget (OMB) before collecting information from 10 or more persons. There are no information collection requirements contained in these technical amendments to the HUDAR.

National Environmental Policy Act

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321–4347) is unnecessary, since these technical amendments are categorically excluded under HUD regulations at 24 CFR 50.20(k).

Executive Order 12291, Federal Regulation

This rule does not constitute a “major rule” as that term is defined in section 1(b) of Executive order 12291 on Federal Regulation issued on February 17, 1981. Analysis of this rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

As required by section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because it merely makes technical amendments to the Department’s regulations.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on States or their political...
subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. The rule makes technical corrections to the agency’s regulations. As a result, the rule is not subject to review under the Order.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule will not have potential for significant impact on family information, maintenance, and general well-being, and, thus, is not subject to review under the Order. The rule involves Departmental procurement procedures.

Semiannual Agenda of Regulations

This rule was not listed in the Department’s Semiannual Agenda of Regulations published on April 26, 1993 (58 FR 24382).

List of Subjects in 48 CFR Parts 2401, 2402, 2414, 2415, 2419 and 2452

Government procurement, HUD acquisition regulations. Accordingly, title 48, chapter 24 of the Code of Federal Regulations, is amended as follows:

SUBCHAPTER A—GENERAL

PART 2401—FEDERAL ACQUISITION REGULATIONS SYSTEM

1. The authority citation for 48 CFR part 2401 continues to read as follows:

Authority: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

2. Section 2401.104–2, the heading and paragraph (b) are revised to read as follows:

2401.104–2 Arrangement of regulations.

(b) When HUD supplements material contained in the FAR, it is given a unique number containing the numerals “70” or higher. The rest of the number will parallel the FAR part, subpart, section, subsection, or paragraph it is supplementing. For example, FAR 14.407, Award, does not contain a provision for the steps to be taken when only one bid is received. The HUDAR provides this information. Since the subject matter supplements what is contained in FAR 14.407, the HUDAR section supplementing the FAR is numbered 2414.407–70.

PART 2402—DEFINITIONS OF WORDS AND TERMS

3. The authority citation for 48 CFR part 2402 continues to read as follows:

Authority: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

2402.101 [Amended]

4. Section 2402.101, paragraph (1) under the definition of “Head of Contracting Activity”, is amended by removing the words “and the Consolidated Supply Program”.

5. In section 2402.101, the definition for “Primary Organization Heads” is amended by removing the words “Under Secretary” and adding, in their place, the words “Deputy Secretary”, and by removing the words “the President of the Solar Energy and Energy Conservation Bank.”

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACTING TYPES

PART 2413—SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES

6. The authority citation for 48 CFR part 2413 continues to read as follows:

Authority: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

2413.505–2 [Removed and Redesignated]

7. Section 2413.505–2, paragraph (a) is removed and paragraph (b) is redesignated as paragraph (a).

PART 2414—SEALED BIDDING

8. The authority citation for 48 CFR part 2414 continues to read as follows:


2414.406–4 [Redesignated as 2414.407–70]

(d) For determinations under FAR 14.406–4(b)(1) and (2), the Head of the Contracting Activity will obtain the concurrence of the Office of General Counsel (Headquarters) or Regional Counsel (Regions) before notification to the contractor. The Contracting Officer shall be notified promptly of action to be taken.

2414.407–701 [Redesignated as 2414.407–70]

10. The designation of § 2414.407–701 is corrected to read 2414.407–70. (The text of the section remains unchanged.)

PART 2415—CONTRACTING BY NEGOTIATION

11. The authority citation for 48 CFR part 2415 continues to read as follows:


2415.407 [Amended]

12. In Section 2415.407, paragraph (b) is removed.

2415.604(b) [Amended]

13. Section 2415.604(b) is amended by removing all references to “$500,000” and adding, in their place, “$1,000,000”.

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

PART 2419—SMALL BUSINESS

14. The authority citation for 48 CFR part 2419 continues to read as follows:

Authority: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

2419.201–70 [Removed]

15. Section 2419.201–70 is removed.

SUBCHAPTER H—CL AUSES AND FORMS

PART 2452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

16. The authority citation for 48 CFR part 2452 continues to read as follows:

Authority: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

2452.215–70 [Amended]

17. In Section 2452.215–70, the date of “(APR 1994)” is corrected to read “(DEC 1993)”.

2452.237–73 [Amended]

18. In section 2452.237–73, Alternate I, paragraph (c)(2), the reference to “FAR 52.243–2” is corrected to read, “FAR 52.243–1”.


Maril ynn A. Davis,
Assistant Secretary for Administration.
[FR Doc. 93–22752 Filed 9–22–93; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 920407–2519; I.D. # 091393B]

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure of the school Atlantic bluefin tuna component of the Angling
category in waters off New Jersey and states north.

SUMMARY: NMFS closes the fishery for school Atlantic bluefin tuna conducted by Angling category fishermen in the waters off New Jersey and states north. Closure of this fishery is necessary because the annual adjusted quota of 36.7 metric tons (mt) of school Atlantic bluefin tuna allocated for this category in waters off New Jersey and states north has been attained. The intent of this action is to prevent overharvest of the quota established for this fishery.

EFFECTIVE DATE: The closure is effective from 0001 hours local time September 21 through December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Richard B. Stone or Aaron E. King, 301-713-2347.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 et seq.) regulating the harvest of Atlantic bluefin tuna by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285.

Section 285.22(d)(2) of the regulations provides for an annual quota of 53 mt of school Atlantic bluefin tuna to be caught, retained, possessed or landed north of 38 degrees 47 minutes N. latitude (New Jersey and states north) by individuals in the Angling category. This quota was adjusted to 36.7 mt (58 FR 36154) based on overages from the 1992 season. The Assistant Administrator for Fisheries, NOAA (AA), is authorized under § 285.20(b)(1) to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of Atlantic bluefin tuna will equal any quota under § 285.22. The AA is further authorized under § 285.20(b)(1) to prohibit fishing for, or retention of, Atlantic bluefin tuna by those fishing in the category subject to the quota when the catch of tuna equals the quota established under § 285.22. The AA has determined, based on the reported catch, that the annual quota of school Atlantic bluefin tuna for those fishing in waters off New Jersey and states north will be attained by September 20, 1993. Therefore, since the area south of 38 degrees 47 minutes N. latitude (Delaware and states south) has been previously closed (58 FR 45074), all catching, retaining, possessing or landing of any school Atlantic bluefin tuna along the Atlantic coast, and harvested under § 285.22(d) must cease at 0001 local time on September 21, 1993.

Classification

This action is required by 50 CFR 285.20(b)(1) and complies with E.O. 12291.

Authority: 16 U.S.C. 971 et seq.

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.

DATED: September 17, 1993.

Richard H. Schaefer,

Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93–23286 Filed 9–20–93; 9:23 am]

BILLING CODE 3510–22–P

50 CFR Part 611

[Docket No. 930352–3203; I.D. No. 010893A]

Pelagic Fisheries of the Western Pacific Region

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

ACTION: Final rule.

SUMMARY: NMFS removes Federal regulations governing foreign longline fishing for pelagic species, other than tuna, in the exclusive economic zone (EEZ) off the Commonwealth of the Northern Mariana Islands (CNMI) and the west coast of the U.S. mainland. Foreign fishing in these areas is governed by the Preliminary Fishery Management Plan for Pacific Billfish, Oceanic Sharks, Wahoo, and Mahimahi (PMP). The Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP), which manages all domestic and most foreign fishing for pelagic species off the coasts of Hawaii and U.S. territories of the western Pacific, has largely replaced the PMP. Withdrawing the PMP and its implementing rules will reduce the complexity caused by having two separate management approaches for foreign fishing.

DATES: Effective date: October 25, 1993.

FOR FURTHER INFORMATION CONTACT: James J. Morgan, NMFS, at (310) 980–4036; or Alvin Z. Katekar, NMFS, at (608) 955–8631.

SUPPLEMENTARY INFORMATION: The PMP was implemented on April 1, 1980 (45 FR 14581), to allow and manage otherwise-prohibited foreign longline fishing for pelagic species within the EEZ of the Pacific Ocean, excluding the EEZ off Alaska. Alaska is well beyond the range of these pelagic species. At that time, there was some interest in foreign longline fishing for billfish in the EEZ. Subsequently, the Western Pacific Fishery Management Council (WPFMC) prepared an FMP for the same species to manage both foreign and domestic fishing within the EEZ of the Western Pacific Ocean, except for those portions of the EEZ off the CNMI and the west coast of the U.S. mainland (52 FR 5984, February 17, 1987). Since the CNMI had chosen not to participate as a member of the WPFMC, the FMP did not include conservation and management measures applicable to the EEZ around the CNMI in the management area of the FMP. Also, the Pacific Fishery Management Council (PFMC) decided not to prepare a plan for the west coast, because the State of California regulations were considered sufficient for managing fisheries for pelagic species off the west coast. Therefore, the PMP now only covers foreign longline fishing for pelagic species within the EEZ off the CNMI and the west coast of the U.S. mainland.

A proposed rule on this action was published in the Federal Register on April 30, 1993 (58 FR 26090). No comments were received.

Since implementation of the Magnuson Fishery Conservation and Management Act (Magnuson Act), foreign longlines have not fished for pelagic species within the EEZ of the Pacific Ocean. Apparently, the expense of taking an observer and meeting the other requirements is not justified when measured against the uncertainty of the potential harvest. Opportunities to harvest these highly migratory species extend well beyond the EEZ.

If foreign fishermen decide to seek access to pelagic species in either the EEZ of the CNMI or the west coast of the U.S. mainland, those requests could be dealt with appropriately by the PFMC or the WPFMC. Both the PFMC and the WPFMC requested that NMFS withdraw the PMP.

In view of the above, the PMP and its implementing rules are withdrawn. This rule amends 50 CFR 611.81 by removing paragraphs that implemented the PMP, i.e., paragraphs (i), (j)(3), and (k).

Several other paragraphs in § 611.81 are redesignated, or revised to correct cross-references.

Subsequent to publishing the proposed rule, a technical revision has been made to amend appendix C to subpart A, paragraph C, as well as the caption to Figure 3 of the same part in order to delete references to PMP regulatory provisions now withdrawn.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that the PMP and its implementing regulations
are not necessary for the conservation and management of the pelagic fisheries in the EEZ of the CNMI and the west coast of the U.S. mainland. Withdrawing the PMP and issuing this final rule to remove its implementing regulations are consistent with the Magnuson Act and other applicable law.

The Assistant Administrator has determined that this rule is categorically excluded from the requirements to prepare an environmental impact statement (EIS) or environmental assessment (EA) under paragraph 6.02c.3.(f) of NOAA Administrative Order 216-6. This action would not affect total catch and effort on management unit species.

This rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. The rule would have no impacts on domestic or foreign fishing vessels, as no foreign longlining has been conducted, or is expected in the foreseeable future under the PMP.

The Assistant Administrator has determined that this rule is consistent to the maximum extent practicable with the approved coastal zone management programs of the Commonwealth of the Northern Mariana Islands, and the States of California, Oregon, and Washington. Letters have been sent to the Commonwealth and the States requesting their review and comment. The Commonwealth concurred with the determination. No reply has been received from California, Oregon, and Washington within the statutory time period.

List of Subjects in 50 CFR Part 611
Fisheries. Foreign relations. Reporting and recordkeeping requirements.

Samuel W. Meckem.

For the reasons set out in the preamble, 50 CFR part 611 is amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for part 611 continues to read as follows:


Appendix C to Subpart A—[Amended]

2. In appendix C to subpart A, the heading of paragraph C., "C. Pacific Coast Groundfish and Pacific Billfish and Sharks Fisheries (Figure 3.)" is revised to read "C. Pacific Coast Groundfish Fishery (Figure 3.)."

3. In appendix C to subpart A, the caption under Figure 3., "Figure 3. to Appendix C: Fishing Areas for the Pacific Coast Groundfish and the Pacific Billfish and Sharks Fisheries." is revised to read "Figure 3. to Appendix C: Fishing Areas for the Pacific Coast Groundfish Fishery."
Figure 3. to Appendix C: Fishing Areas for the Pacific Coast Groundfish Fishery.
4. In § 611.81, the definition of "non-retention zone" in paragraph (b) is revised; paragraphs (i) and (k) are removed and paragraph (j) is redesignated paragraph (i); newly designated (i)(1) is removed and newly designated paragraphs (i)(2) through (i)(9) are redesignated paragraphs (i)(1) through (i)(8), respectively; the newly designated paragraph (i) heading and paragraphs (i)(3)(i), (i)(3)(ii), (i)(3)(iv) first sentence, (i)(5) introductory text, (i)(6)(i) first sentence, and (i)(6)(ii) first sentence are revised; and in newly redesignated paragraphs (i)(1), (i)(2), and (i)(7), the words "FMP Management Area Group" are removed and the words "FMP Management Area" are added in their place to read as follows:

§ 611.81 Pacific pelagic species fishery.

(b) * * *

Non-retention zone means that area of the EEZ in which all billfish, oceanic sharks, wahoo, and mahimahi caught by longline gear from an FFV must be returned to the sea in accordance with the requirements of paragraph (i)(3) of this section.

(i) Other management measures—

(3) * * *

(i) There is no limit to the amount of Pacific pelagic management unit species that may be caught by the operator of an FFV in the retention zones described in Table 1 of paragraph (i)(1) of this section.

(ii) No operator of an FFV may fish with longline gear to catch and retain Pacific billfish, oceanic sharks, mahimahi, or wahoo within the non-retention zone set out in Table 1 of paragraph (i)(1) of this section.

(iv) No operator of an FFV may fish for Pacific pelagic management unit species in the closed areas set out in Table 1 of paragraph (i)(1) of this section.

(5) Factors considered. Factors that will be considered by the Regional Director in making any determination described in paragraph (i)(4) of this section will include the following:

(i) The Secretary will publish a notice of any proposed determination described in paragraph (i)(4) of this section in the Federal Register for public comment, unless the Secretary finds good cause that such notice and public review are impracticable or contrary to the public interest.

(ii) If the Secretary determines, for good cause, that a determination described in paragraph (i)(4) of this section must be issued without affording a prior opportunity for public comment, public comments on the notice will be received by the Secretary for a period of 15 days after the effective day of the notice.

[FR Doc. 93–23335 Filed 9–22–93; 8:45 am]
Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1773

Policy on Audits of REA Borrowers

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration's (REA) proposes to amend its regulations on audits of REA borrowers. This proposed rule revises and clarifies a provision of the current regulation that requires a certified public accountant (CPA) to state whether an electric borrower has complied with certain provisions of its loan and security instruments. This proposed rule also incorporates the illustrative management letter issued by the American Institute of Certified Public Accountants in a Technical Practice Aid dated November 11, 1992.

DATES: Written comments must be received by REA by November 22, 1993.

ADDRESSES: Submit written comments to Roberta E. Detwiler, Chief, Technical Accounting and Auditing Staff, Borrower Accounting Division, Rural Electrification Administration, Room 2222, South Building, U.S. Department of Agriculture, Washington, DC 20250, telephone number (202) 720-5227. REA requires a signed original and three copies of all comments (7 CFR Part 1700). All comments received will be made available for inspection at room 2234 South Building during regular business hours (7 CFR 1.27 (b)).

FOR FURTHER INFORMATION CONTACT: Ms. Roberta E. Detwiler, Chief, Technical Accounting and Auditing Staff, Borrower Accounting Division, Rural Electrification Administration, Room 2222, South Building, U.S. Department of Agriculture, Washington, DC 20250, telephone number (202) 720-5227.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512-1. This action has been classified as "nonmajor" because it does not meet the criteria for a major regulation as established by the Order.

Regulatory Flexibility Act Certification

The Administrator of REA has determined that the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) does not apply to this proposed rule.

Information Collection and Recordkeeping Requirements

In compliance with the Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implements the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and section 3504 of that Act, the information collection and recordkeeping requirements have been approved by the Office of Management and Budget (OMB) under control number 0572-0002. Comments regarding these requirements may be sent to the United States Department of Agriculture, Clearance Office, OIRM, Room 404-W, Washington, DC 20250 or to the Office of Management and Budget, Office of Information and Regulatory Affairs, Room 3201, Washington, DC 20503.

National Environmental Policy Act Certification

The Administrator, REA, has determined that this proposed rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this proposed rule is listed in the Catalog of Federal Domestic Assistance Programs under numbers 10.850—Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402.

Executive Order 12372

This proposed rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation. A Notice of Final Rule entitled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts REA and Rural Telephone Bank (RTB) loans and loan guarantees, and RTB loans, to governmental and nongovernmental entities from coverage under this Order.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This proposed rule: (1) Will not preemp any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule; (2) Will not have any retroactive effect; and (3) Will not require administrative proceeding before parties may file suit challenging the provisions of this proposed rule.

Background

On December 3, 1991, REA published a final rule on part 1773, at 56 FR 63354, concerning audits of REA borrowers. Part 1773 implements the standard REA security instrument provision requiring REA borrowers to prepare and furnish to REA, at least once during each 12-month period, a full and complete report of its financial condition, operations, and cash flows, in form and substance satisfactory to REA, audited and certified by an independent CPA, satisfactory to REA, and accompanied by a report of such audit, in form and substance satisfactory to REA. A report of the audit was defined in §1773.1 to include the auditor's report, report on compliance, report on internal controls and management letter.

The management letter is prepared by the CPA and addresses specific internal control, compliance, and other program issues not typically addressed in the standard auditor's report, report on internal controls, or report on compliance. The requirements for preparing a management letter are set forth in §1773.34, Management Letter. This proposed rule revises and clarifies §1773.34 (e). Section 1773.34 (e)(1)(i) for electric borrowers and §1773.34 (e)(2)(i) for telephone borrowers require
This proposed rule also incorporates the illustrative management letter, as amended by the proposed part 1773 revisions, issued by the American Institute of Certified Public Accountants in a Technical Practice Aid dated November 11, 1992. The illustrative letter properly addresses the management letter requirements set forth in §1773.34 and includes specific language to ensure compliance with the promulgated auditing literature. As such, REA believes it is more informative than the sample management letter previously provided in Appendix C to Part 1773.

List of Subjects in 7 CFR Part 1773

Accounting, Electric power, Loan programs—communications, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas, Telephone.

For the reasons set forth in the preamble, REA proposes to amend 7 CFR chapter XVII as follows:

PART 1773—POLICY ON AUDITS OF REA BORROWERS

1. The authority citation for part 1773 continues to read as follows:

Authority: 7 U.S.C. 901 et seq., 1921 et seq.

2. Section 1773.34 is amended by removing paragraph (e)(1)(i), redesignating paragraphs (e)(1)(ii) through (e)(1)(iv) as paragraphs (e)(2)(i) through (e)(2)(iv) respectively and revising the newly designated paragraphs, removing paragraph (e)(2)(ii), redesignating paragraphs (e)(2)(ii) through (e)(2)(iv) as paragraphs (e)(2)(i) through (e)(2)(iii) respectively and revising the newly designated paragraphs to read as follows:

§1773.34 Management letter.

(e) * * * * *

(i) The requirement for funds to be deposited in banks or other depositories designated in the loan documents or approved by REA.

(ii) The requirement for a borrower to obtain written approval of the mortgagees to enter into any contract for the operation or maintenance of any substantial part of its property, or for the use by others of its property.

(iii) The requirement for a borrower to obtain written approval of mortgagees to enter into any contract which the borrower has contracted to operate and maintain the physical plant facilities of another borrower or utility system; and

(iv) The requirement for a borrower to prepare and furnish mortgagees annual financial and statistical reports on the borrower's financial condition and operations. The CPA must state whether the information represented by the borrower as having been submitted to REA in its most recent December 31 REA Form 7 or Form 12 is in agreement with the borrower's records, and must comment on any exceptions noted. If the borrower represents that an amended report has been filed as of December 31, the comments must relate to the amended report.

§1773.34

3. Paragraph (e) is omitted.

4. Paragraph (f) is omitted.

5. Paragraph (g) is omitted.

6. Paragraph (h) is omitted.

7. Paragraph (i) is omitted.

8. Paragraph (j) is omitted.

9. Paragraph (k) is omitted.

10. Paragraph (l) is omitted.

11. Paragraph (m) is omitted.

12. Paragraph (n) is omitted.

13. Paragraph (o) is omitted.

14. Paragraph (p) is omitted.

15. Paragraph (q) is omitted.

16. Paragraph (r) is omitted.

17. Paragraph (s) is omitted.

18. Paragraph (t) is omitted.

19. Paragraph (u) is omitted.

20. Paragraph (v) is omitted.

21. Paragraph (w) is omitted.

22. Paragraph (x) is omitted.

23. Paragraph (y) is omitted.

24. Paragraph (z) is omitted.

25. Paragraph (aa) is omitted.

26. Paragraph (bb) is omitted.

27. Paragraph (cc) is omitted.

28. Paragraph (dd) is omitted.

29. Paragraph (ee) is omitted.

30. Paragraph (ff) is omitted.

31. Paragraph (gg) is omitted.

32. Paragraph (hh) is omitted.

33. Paragraph (ii) is omitted.

34. Paragraph (jj) is omitted.

35. Paragraph (kk) is omitted.

36. Paragraph (ll) is omitted.

37. Paragraph (mm) is omitted.

38. Paragraph (nn) is omitted.

39. Paragraph (oo) is omitted.

40. Paragraph (pp) is omitted.

41. Paragraph (qq) is omitted.

42. Paragraph (rr) is omitted.

43. Paragraph (ss) is omitted.

44. Paragraph (tt) is omitted.

45. Paragraph (uu) is omitted.

46. Paragraph (vv) is omitted.

47. Paragraph (ww) is omitted.

48. Paragraph (xx) is omitted.

49. Paragraph (yy) is omitted.

50. Paragraph (zz) is omitted.

51. Paragraph (aaa) is omitted.

52. Paragraph (bbb) is omitted.

53. Paragraph (ccc) is omitted.

54. Paragraph (ddd) is omitted.

55. Paragraph (eee) is omitted.

56. Paragraph (fff) is omitted.

57. Paragraph (ggg) is omitted.

58. Paragraph (hhh) is omitted.

59. Paragraph (iii) is omitted.

60. Paragraph (jjj) is omitted.

61. Paragraph (kkk) is omitted.

62. Paragraph (LLL) is omitted.

63. Paragraph (mmm) is omitted.

64. Paragraph (nnn) is omitted.

65. Paragraph (ooo) is omitted.

66. Paragraph (ppp) is omitted.

67. Paragraph (qqq) is omitted.

68. Paragraph (rrr) is omitted.

69. Paragraph (sss) is omitted.

70. Paragraph (ttt) is omitted.

71. Paragraph (uuu) is omitted.

72. Paragraph (vvv) is omitted.

73. Paragraph (www) is omitted.

74. Paragraph (xxx) is omitted.

75. Paragraph (yyy) is omitted.

76. Paragraph (zzz) is omitted.

77. Paragraph (aaa) is omitted.

78. Paragraph (bbb) is omitted.

79. Paragraph (ccc) is omitted.

80. Paragraph (ddd) is omitted.

81. Paragraph (eee) is omitted.

82. Paragraph (fff) is omitted.

83. Paragraph (ggg) is omitted.

84. Paragraph (hhh) is omitted.

85. Paragraph (iii) is omitted.

86. Paragraph (jjj) is omitted.

87. Paragraph (kkk) is omitted.

88. Paragraph (LLL) is omitted.

89. Paragraph (mmm) is omitted.

90. Paragraph (nnn) is omitted.

91. Paragraph (ooo) is omitted.

92. Paragraph (ppp) is omitted.

93. Paragraph (qqq) is omitted.

94. Paragraph (rrr) is omitted.

95. Paragraph (sss) is omitted.

96. Paragraph (ttt) is omitted.

97. Paragraph (uuu) is omitted.

98. Paragraph (vvv) is omitted.

99. Paragraph (www) is omitted.

100. Paragraph (xxx) is omitted.

101. Paragraph (yyy) is omitted.

102. Paragraph (zzz) is omitted.

103. Paragraph (aaa) is omitted.

104. Paragraph (bbb) is omitted.

105. Paragraph (ccc) is omitted.

106. Paragraph (ddd) is omitted.

107. Paragraph (eee) is omitted.

108. Paragraph (fff) is omitted.

109. Paragraph (ggg) is omitted.

110. Paragraph (hhh) is omitted.

111. Paragraph (iii) is omitted.

112. Paragraph (jjj) is omitted.

113. Paragraph (kkk) is omitted.

114. Paragraph (LLL) is omitted.

115. Paragraph (mmm) is omitted.

116. Paragraph (nnn) is omitted.

117. Paragraph (ooo) is omitted.

118. Paragraph (ppp) is omitted.

119. Paragraph (qqq) is omitted.

120. Paragraph (rrr) is omitted.

121. Paragraph (sss) is omitted.

122. Paragraph (ttt) is omitted.

123. Paragraph (uuu) is omitted.

124. Paragraph (vvv) is omitted.

125. Paragraph (www) is omitted.

126. Paragraph (xxx) is omitted.

127. Paragraph (yyy) is omitted.

128. Paragraph (zzz) is omitted.

129. Paragraph (aaa) is omitted.

130. Paragraph (bbb) is omitted.

131. Paragraph (ccc) is omitted.

132. Paragraph (ddd) is omitted.

133. Paragraph (eee) is omitted.

134. Paragraph (fff) is omitted.

135. Paragraph (ggg) is omitted.

136. Paragraph (hhh) is omitted.

137. Paragraph (iii) is omitted.

138. Paragraph (jjj) is omitted.

139. Paragraph (kkk) is omitted.

140. Paragraph (LLL) is omitted.

141. Paragraph (mmm) is omitted.

142. Paragraph (nnn) is omitted.

143. Paragraph (ooo) is omitted.

144. Paragraph (ppp) is omitted.

145. Paragraph (qqq) is omitted.

146. Paragraph (rrr) is omitted.

147. Paragraph (sss) is omitted.

148. Paragraph (ttt) is omitted.

149. Paragraph (uuu) is omitted.

150. Paragraph (vvv) is omitted.

151. Paragraph (www) is omitted.

152. Paragraph (xxx) is omitted.

153. Paragraph (yyy) is omitted.

154. Paragraph (zzz) is omitted.
approved by REA. For purposes of this part 1773, funds shall be defined as cash on deposit in demand and time accounts, and certificates of deposit; and

(iii) The requirement for a borrower to prepare and furnish mortgages annual financial and statistical reports on the borrower's financial condition and operations. The CPA must state whether the information represented by the borrower as having been submitted to REA in its most recent December 31 REA Form 479 is in agreement with the borrower's records, and must comment on any exceptions noted. If the borrower represents that an amended report has been filed as of December 31, the comments must relate to the amended report.

3. Section 1773.40 is revised to read as follows:

§ 1773.40 Regulatory assets.

The CPA's workpapers must document whether all regulatory assets comply with the requirements of SFAS No. 71 and have received REA approval.

4. Section 1773.45 is revised to read as follows:

§ 1773.45 Regulatory liabilities.

The CPA's workpapers must document whether all regulatory liabilities comply with the requirements of SFAS No. 71 and have received REA approval.

5. Appendix C to Part 1773 is revised to read as follows:

Appendix C to Part 1773—Illustrative Independent Auditors' Management Letter

REA requires that CPAs auditing REA borrowers provide a management letter in accordance with § 1773.34. REA requires that this letter bear the same date as the auditor's report and be addressed to the borrower's board of directors. The CPA is required to sign the auditor's report, report on compliance, report on internal controls, and management letter.

Illustrative Independent Auditors' Management Letter

March 15, 19x6
Board of Directors
[Name of Borrower]
[City, State]

We have audited the financial statements of [Name of Borrower] for the year ended December 31, 19x5, and have issued our report thereon dated March 15, 19x6. We conducted our audit in accordance with generally accepted auditing standards, Government Auditing Standards issued by the Comptroller General of the United States, and 7 CFR Part 1773, Policy on Audits of Rural Electrification Administration (REA) Borrowers. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

In planning and performing our audit of the financial statements of [Name of Borrower] for the year ended December 31, 19x5, we considered the internal control structure in order to determine our auditing procedures for the purpose of expressing an opinion on the financial statements and not to provide assurance on the internal control structure.

A description of the responsibility of management for establishing and maintaining the internal control structure and the objectives of and inherent limitations in such a structure is set forth in our independent auditors' report on internal control structure dated March 15, 19x6, and should be read in conjunction with this report.

Our consideration of the internal control structure would not necessarily disclose all matters in the internal control structure that might be material weaknesses under standards established by the American Institute of Certified Public Accountants.

A material weakness is a condition in which the design or operation of the specific internal control elements does not reduce to a relatively low level the risk that errors or irregularities in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

However, we noted no matters involving the internal control structure and its operation that we consider to be a material weakness as defined above. [If a material weakness was noted, refer to the independent auditors' report on internal control structure.]

7 CFR 1773.34 requires comments on specific aspects of the internal control structure, compliance with specific REA loan and security instrument provisions, and other additional matters. We have grouped our comments accordingly. In addition to obtaining reasonable assurance about whether the financial statements are free from material misstatement, if at your request, we performed tests of specific aspects of the internal control structure, of compliance with specific REA loan and security instrument provisions, and of additional matters. We have grouped our comments accordingly. In addition to obtaining reasonable assurance about whether the financial statements are free from material misstatement, if at your request, we performed tests of specific aspects of the internal control structure, of compliance with specific REA loan and security instrument provisions, and of additional matters.

The specific aspects of the internal control structure, compliance with specific REA loan and security instrument provisions, and additional matters tested include, among other things, the accounting procedures and records, materials control, compliance with specific REA loan and security instrument provisions, and of additional matters. The specific aspects of the internal control structure, compliance with specific REA loan and security instrument provisions, and additional matters tested include, among other things, the accounting procedures and records, materials control, compliance with specific REA loan and security instrument provisions, and of additional matters. The specific aspects of the internal control structure, compliance with specific REA loan and security instrument provisions, and additional matters tested include, among other things, the accounting procedures and records, materials control, compliance with specific REA loan and security instrument provisions, and of additional matters. The specific aspects of the internal control structure, compliance with specific REA loan and security instrument provisions, and additional matters tested include, among other things, the accounting procedures and records, materials control, compliance with specific REA loan and security instrument provisions, and of additional matters.

We noted no matters regarding [Name of Borrower]'s internal control structure and its operation that we consider to be a material weakness as previously defined with respect to:

The accounting procedures and records [list other comments].

The process for accumulating and recording labor, material, and overhead costs, and the distribution of these costs to construction, retirement, and maintenance or other expense accounts [list other comments]; and,

The materials control [list other comments].

Comments On Compliance With Specific REA Loan And Security Instrument Provisions

Management's responsibility for compliance with laws, regulations, contracts, and grants is set forth in our independent auditors' report on compliance dated March 15, 19x6, and should be read in conjunction with this report. At your request, we have performed the procedures enumerated below with respect to compliance with certain provisions of laws, regulations, and contracts. The procedures performed are summarized as follows:

Procedure performed with respect to the requirement to maintain all funds in institutions whose accounts are insured by an Agency of the Federal Government

1. Obtained information from financial institutions with which [Name of Borrower] maintains funds that indicated that the institutions are insured by an Agency of the Federal Government.

Procedures performed with respect to the requirement for a borrower to obtain written approval of the mortgagee to enter into any contract for the operation or maintenance of property, for the use of mortgaged property by others, or for services pertaining to toll traffic, operator assistance, or switching for the year ended December 31, 19x5 of [Name of Borrower]:

1. Obtained and read a borrower prepared schedule of new written contracts entered into during the year for the operation or maintenance of its property, or for the use of its property by others as defined in § 1773.34 [list comments];
2. Reviewed Board of Director minutes to ascertain whether board-approved written contracts are included in the borrower-prepared schedule.

3. Noted the existence of written REA [and other mortgagee] approval of each contract listed by the borrower.

Procedure performed with respect to the requirement to submit REA Form 7 or Form 12 [Form 479 for telephone borrowers] to the REA:

1. Agreed amounts reported in Form 7 or Form 12 [Form 479 for telephone borrowers] to [Name of Borrower]'s records. The results of our tests indicate that, with respect to the test itself. [Name of Borrower] compiled, except as noted below, in all material respects, with the specific REA loan and security instrument provisions referred to below. With respect to items not tested, nothing came to our attention that caused us to believe that [Name of Borrower] had not complied, in all material respects, with those provisions. The specific provisions tested, as well as any exceptions noted, include the requirements that:

- The borrower maintains all funds in institutions whose accounts are insured by an Agency of the Federal Government [list all exceptions];
- The borrower has obtained written approval of the REA [and other mortgagees] to enter into any contract for the operation or maintenance of all or any part of its property, or for the use by others of its property as defined in § 1773.34(e)(1)(i) [§ 1773.34(e)(2)(i) for telephone borrowers][list all exceptions]; and
- The borrower has submitted its Form 7 or Form 12 [Form 479 for telephone borrowers] to the REA and the Form 7 or Form 12 [Form 479 for telephone borrowers], Financial and Statistical Report, as of December 31, 19x5, represented by the borrower as having been submitted to REA is in agreement with the [Name of Borrower]'s records in all material respects [list all exceptions].

Comments On Other Additional Matters

In connection with our audit of the financial statements of [Name of Borrower], nothing came to our attention that caused us to believe that [Name of Borrower] failed to comply with respect to:

- The reconciliation of subsidiary plant records to the controlling general ledger plant accounts addressed at 7 CFR 1773.34(c)(1) [list all exceptions];
- The clearing of the construction accounts and the accrual of depreciation on completed construction addressed at 7 CFR 1773.34(c)(2) [list all exceptions];
- The retirement of plant addressed at 7 CFR 1773.34(c)(3) and (4) [list all exceptions];
- Sales of plant, material, or scrap addressed at 7 CFR 1773.34(c)(5) [list all exceptions];
- The disclosure of material related party transactions, in accordance with Statement of Financial Accounting Standards No. 57, Related Party Transactions, for the year ended December 31, 19x5, in the financial statements referenced in the first paragraph of this report addressed at 7 CFR 1773.34(f) [list all exceptions]; and
- For electric borrowers only: depreciation rates addressed at 7 CFR 1773.34(g) [list all exceptions].

Detailed Schedule Of Inventory Differences

A detailed schedule of differences between physical inventory, perpetual inventory records, and the general ledger (identifying gross overages and gross shortages) is provided below. This schedule is not a required part of the basic financial statements but is supplementary information required by 7 CFR 1773.34(d). We have applied certain limited procedures, which consisted principally of inquiries of management regarding the method of measurement and presentation of the supplementary information. However, we did not audit the information and express no opinion on it. [Disclose the disposition of inventory differences.]

(The detailed schedule of inventory differences would be included here. The word “audited” should appear in the title of the schedule.)

For Electric Borrowers Only: DETAILED SCHEDULE OF DEFERRED DEBITS AND DEFERRED CREDITS

Our audit was made for the purpose of forming an opinion on the basic financial statements taken as a whole. The detailed schedule of deferred debits and deferred credits required by 7 CFR 1773.34(h) and provided below is presented for purposes of additional analysis and is not a required part of the basic financial statements. This information has been subjected to the auditing procedures applied in our audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

(The detailed schedule of deferred debits and deferred credits would be included here. The total amount of deferred debits and deferred credits as reported in the schedule must agree with the totals reported on the Balance Sheet under the specific captions of "Deferred Debts" and "Deferred Credits." Those items that have been approved, in writing, by REA should be clearly indicated.)

This report is intended solely for the information and use of the board of directors, management, and the REA and supplemental lenders. However, this report is a matter of public record and its distribution is not limited.

Name of Firm


Bob J. Nash,
Under Secretary, Small Community and Rural Development.

[FR Doc. 93–23357 Filed 9–22–93; 8:45 am]

BILLING CODE 3410–15–F

DEPARTMENT OF ENERGY

10 CFR Part 766

Uranium Enrichment Decontamination and Decommissioning Fund; Procedures for Special Assessment of Domestic Utilities

AGENCY: Office of Environmental Restoration and Waste Management, Department of Energy (DOE).

ACTION: Notice of proposed rulemaking: reopening of the public comment period.

SUMMARY: The DOE Office of Environmental Restoration and Waste Management published a Proposed Rule on August 2, 1993, entitled "Uranium Enrichment Decontamination and Decommissioning Fund; Procedures for Special Assessment of Domestic Utilities" (58 FR 41164). These proposed regulations implement Sections 1801 and 1802 of the Atomic Energy Act of 1954 (Act), as amended by the Energy Policy Act of 1992, which creates the Uranium Enrichment Decontamination and Decommissioning Fund (Fund) and provides for a Special Assessment of Domestic Utilities for payment into the Fund. As announced during the public hearing on August 30, 1993, DOE has decided to reopen the public comment period.

DATES: Written comments must be submitted to DOE on or before October 8, 1993.


All comments received will be available for public review in the Freedom of Information Public Reading Room, Monday through Friday, 9 a.m. to 4 p.m., 1000 Independence Avenue, SW., Washington, DC 20585 (202) 586–6025.

FURTHER INFORMATION:


Mr. Edward Le Duc, Office of General Counsel, U.S. Department of Energy, Mail Stop CC–11, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6947 or


Clyde Frank,
Acting Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 93–23337 Filed 9–22–93; 8:45 am]

BILLING CODE 6450–01–P
A. Background

In April 1992, the Finance Board adopted policy guidelines governing the extension of advances to capital deficient members. See Finance Board Resolution No. 92-277.1. The policy precludes the Banks from making new advances to members without positive tangible capital, until a member's regulator requests that a Bank to promptly provide the Finance Board with a copy of any appropriate federal banking agency or insurer's request that the Bank lend to a tangibly insolvent member. A Bank shall use the most recently available Report of Condition and Income, Thrift Financial Report, or other regulatory report of financial condition to determine whether a member has positive tangible capital.

One Bank and one commercial bank member suggested that state banking regulators, as well as federal banking regulators, be permitted to request that a Bank lend to a tangibly insolvent member. (The earlier proposed rule designated only federal regulators as entities eligible to request that advances be made to federally insured depository institutions members without positive tangible capital.) Except as provided in § 935.5(e) in the case of members that are not federally insured depository institutions, the Finance Board continues to believe that it is necessary to limit the authority to request funding for tangibly insolvent members to federal banking regulators and insurers. This limitation ensures that the Banks do not inadvertently act in contravention of a federal banking regulator's wishes.

One Bank also requested clarification on whether a funding request from a conservator satisfies the requirements of § 935.5(b). Since generally all member conservatorships are operated or supervised by a federal banking agency or insurer, the Finance Board believes that a request from such a conservator, certifying that the conservator is acting with authorization from the regulator, would satisfy the requirements of the section.
Bank to renew an outstanding advance to a member without positive tangible capital for successive terms of up to 30 days each. Section 935.5(c)(5) of the current proposed rule also would add a new provision prohibiting a Bank from making such a renewal if so requested by the appropriate federal banking agency or insurer. A Bank would be permitted to renew an advance to a member without positive tangible capital for a term greater than 30 days at the written request of the appropriate federal banking agency or insurer. A Bank commenter expressed support for this position.

3. Lending to Capital Deficient But Solvent Members

Section 935.5(d) of the current proposed rule would authorize the Banks to make new advances and renew outstanding advances to capital deficient members (defined as members that fail to meet the minimum capital requirements) that have positive tangible capital. However, the current proposed rule would direct the Banks not to make new advances or renew outstanding advances to such capital deficient members upon receipt of written notification from the appropriate federal regulator or insurer that the member's regulator or insurer has prohibited the use of Bank advances.

Bank lending to members that have positive tangible capital, but that fail to meet their minimum capital requirements, was not addressed in the earlier proposed rule. Two federal regulators commenting on the earlier proposed rule suggested that, in addition to the restrictions on advances to members without positive tangible capital, restrictions should also be placed on lending to certain solvent members that are capital deficient. One regulator recommended that the Banks not be permitted to lend to "critically undercapitalized" members (institutions with less than two percent Tier 1 capital to assets), if the appropriate federal banking agency or insurer objects.

The regulator recommended as well that the Finance Board require the Banks to consult with the appropriate federal regulator or insurer before lending to an "undercapitalized" or "significantly undercapitalized" institution. It suggested this would help prevent an undercapitalized member from using Bank advances to fund excessive growth.

A second federal regulator requested that the Finance Board retain the provision in current Finance Board policy requiring the Banks to refrain from lending to an undercapitalized but tangibly solvent member at the request of the regulator. The regulator noted that while it has sufficient authority to restrict liability growth, the current Finance Board policy provides an additional safeguard against funding violations by financially troubled institutions.

The Finance Board wants to ensure that the Banks do not lend to members whose access to advances has been restricted by the appropriate federal banking agencies. However, the Finance Board also wants to ensure that the federal regulators, and not the Banks, have the responsibility for determining whether a member's access to funding should be restricted and for enforcing any directives that limit the member's access to loans. The Finance Board therefore believes that it is appropriate for a Bank to refrain from lending to a capital deficient but tangibly solvent member after the appropriate federal banking agency or insurer has established restrictions on the member's access to Bank advances.

Accordingly, the current proposed rule directs the Banks to refrain from lending to a capital deficient but solvent member once the Bank receives written notice from the regulator or insurer that the member's use of Bank advances has been prohibited. The Bank may resume lending to such a member once it receives a written statement from the appropriate federal banking agency or insurer that re-establishes the member's access to advances. The Finance Board requests comment on this proposed treatment.

4. Bank Determination That It Can Safely Make an Advance

A new § 935.5(e)(3) has been added to reiterate the provision in the Bank Act that all advances, including advances to capital deficient members, can only be made if the Bank determines that it can safely make the advance to the member. See 12 U.S.C. 1430(a).

5. Report of Outstanding Bank Advances

Section 935.5(e) of the current proposed rule would require each Bank to provide the Finance Board with a monthly report of outstanding Bank advances and commitments to all members. Section 935.5(e) also would direct the Banks, upon written request from a member's appropriate federal banking agency or insurer to provide such entity information on advances and commitments outstanding to the member. This requirement is consistent with the approach taken in the earlier proposed rule.

6. Capital Deficient Members That Are Not Federally Insured Depositories

Section 935.5(f) of the current proposed rule would require that, in the case of members that are not federally insured depository institutions, the relevant provisions in § 935.5 (b), (c), (d) and (e) would apply to a member's state regulator acting in a capacity similar to an appropriate federal banking agency or insurer. This is consistent with the approach taken in the earlier proposed rule.

7. Advance Commitments

Section 935.5(g) of the current proposed rule provides that the written advances agreement required by § 935.4(b)(2) of the Finance Board's regulations, or the written advances application required by § 935.4(a) of the Finance Board's regulations, stipulate that a Bank shall not fund commitments for advances, including CIP and Affordable Housing Program advance commitments, previously made to members whose access to advances has subsequently been restricted pursuant to § 935.5. Consistent with § 935.8 of the Finance Board's advances regulation, a Bank may charge a fee for a commitment cancellation resulting from the restrictions in § 935.5.

The Finance Board is making all commitments entered into after August 25, 1993, subject to regulatory restrictions to ensure that commitments entered into by the Banks going forward do not result in the Banks inadvertently circumventing the wishes of the federal banking agencies. The Finance Board believes that immediate application of the restrictions on advance commitments is justifiable, given that the Banks and their members have been aware of the Finance Board's views on lending to capital deficient members since the adoption of the Finance Board's capital deficient lending policy on April 22, 1992. The Finance Board specifically requests comment on applying the regulatory restrictions to all commitments entered into by the Banks after August 25, 1993.

The earlier proposed rule stipulated that this limitation on funding advance commitments appear in the advances agreement. Two Bank commenters requested, for purposes of greater operational flexibility, that this requirement be revised to permit the Banks to include this stipulation in either the advances application or the advances agreement. The Finance Board agrees that placing the provision in the advances application is substantially the same as placing it in the advances agreement. Therefore, the current
The restrictions on access to Bank advances are triggered by a member's level of tangible capital. Section 935.1 of the current proposed rule would define "tangible capital" as: (1) Capital calculated according to Generally Accepted Accounting Principles (GAAP), less "intangible assets" as reported in the member's Thrift Financial Report for members whose primary federal regulator is the Office of Thrift Supervision (OTS), or as reported in the Report of Condition and Income for members whose primary federal regulator is the Federal Reserve System (Federal Reserve Board); or (2) capital calculated according to GAAP, less intangible assets, as defined by a Bank for members which are not regulated by the OTS, the FDIC, the OCC, or the Federal Reserve Board. This definition remains unchanged from the earlier proposed rule.

As in the earlier proposed rule, the Finance Board is proposing a definition of tangible capital that is consistent with the definition established by the FDIC in its final rulemaking on prompt corrective action. See 57 FR 44886 (Sept. 29, 1992). The prompt corrective action procedures provide a framework for determining supervisory action for financial institutions. The FDIC has implemented prompt corrective action procedures based on an institution's level of Tier 1 or core capital. GAAP capital less intangible assets results in a definition of tangible capital that is similar to Tier 1 or core capital, as defined by the federal banking regulators. See e.g., 12 CFR part 3, Appendix A, section 21(b) (OCC); 12 CFR part 208, Appendix A, II.A.1 (Federal Reserve Board); 12 CFR 325.2(m) (FDIC); 12 CFR 567.5(a) (OTS).

The Finance Board received two comment letters on the definition of tangible capital in the earlier proposed rule. One federal regulator suggested that the Banks consider credit unions' unique membership orientation when computing their tangible capital and that it may not be appropriate to compute credit union tangible capital in accordance with the definition in § 935.1 of the Finance Board's regulations for calculating commercial bank and thrift tangible capital. A trade association recommended that the Banks specifically exclude from tangible capital insurance and reserve accounts held by credit unions and insurance companies, respectively, since such accounts are earmarked for other purposes and may be unavailable as a general loss reserve.

The Finance Board believes that it is appropriate for the Banks to define intangible assets in connection with setting their underwriting criteria. It expects that each Bank will define intangible assets in the same manner for all of its members and will treat all members equally.

II. Transfer of Advances

The current proposed rule also would amend § 935.17 of the Finance Board's advances regulation, which governs the transfer of advances. Section 935.17 provides that a Bank may allow one of its members to assume advances previously extended by the Bank to another of its members. The current proposed rule would amend this section also to provide that a Bank may allow a member to assume advances held by a nonmember, provided the advances were originated by the Bank.

The Banks generally may not make advances to nonmembers, except in the limited circumstances provided for in section 10b of the Bank Act, 12 U.S.C. 1430b. However, a nonmember, through acquisition of a member institution, may assume outstanding Bank advances held by the acquired member. Section 935.17, as amended, would authorize a Bank to allow the transfer of advances from a nonmember to a member, provided the advance was originated by the Bank, and provided the assumption complies with the requirements governing the issuance of new advances. A Bank may charge an appropriate fee for processing the transfer.

III. Treatment of Nursing Homes as Residential Property

In the Finance Board's final advances rule, nursing homes were treated as nonresidential property. The Finance Board has subsequently reconsidered this issue and determined that nursing homes have a sufficiently residential character to be treated as residential real property, and may be accepted as collateral for advances. Therefore, the current proposed rule deletes nursing homes from the definition of "nonresidential real property" and includes nursing homes in the definition of "multifamily property." Thus, loans backed by nursing homes would become eligible collateral for an advance.

IV. Solicitation of Comment

The Finance Board requests public comment on all aspects of the current proposed rule.

Paperwork Reduction Act

Section 935.5(e) of the proposed rule would require the Banks to report certain information to the Finance Board. However, proposed § 935.5(e) does not involve a "collection of information" for purposes of the Paperwork Reduction Act because proposed § 935.5(e) does not require the Banks to collect any additional information from the public. The Paperwork Reduction Act defines "collection of information" to include the obtaining of facts or opinions from ten or more persons "other than * * * instrumentalities * * * of the United States." 44 U.S.C. 3502(4)(A).

The Banks are considered to be instrumentalities of the United States under statute and case law. See 12 U.S.C. 1431(e)(1); Fahey v. O'Melveny & Myers, 200 F.2d 420, 446 (9th Cir. 1952) ("a Federal Home Loan Bank is a federal instrumentality organized to carry out public policy * * * Id.); Association of Data Processing Service Organizations v. Fed. Home Loan Bank Board, 568 F.2d 478 (6th Cir. 1977) (court found Banks to be federal instrumentalities in action preventing a Bank from providing on-line data processing services); Osei-Bonsu v. Fed. Home Loan Bank of New York, 726 F. Supp. 95, 97-98 (S.D.N.Y. 1989) (Banks held to be federal instrumentalities in an employment context).

Reporting requirements imposed upon the Banks are not "collection[s] of information" unless the collection is for general statistical purposes. See 12 U.S.C. 3502(4)(B). The requirements that the Banks provide information to the Finance Board in proposed § 935.5(e) would not be for general statistical purposes and, therefore, would not be information collections under the Paperwork Reduction Act.

Regulatory Flexibility Act

The proposed rule applies to all System members, regardless of their size. The proposed rule does not contain any requirements that the Finance Board believes will have a disproportionate impact on small entities. Therefore, it is certified, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this proposed rule, as promulgated, will not have a significant economic impact on a substantial number of small entities.
List of Subjects in 12 CFR Part 935
Advances, Credit, Federal home loan banks.

The Finance Board hereby proposes to amend chapter IX, title 12, Code of Federal Regulations, as follows:

PART 935—ADVANCES
1. The authority citation for part 935 is revised to read as follows:

Subpart A—Advances to Members
2. Section 935.1 is amended by removing the definitions of “insurer,” “nonresidential real property” and “multifamily property” and by adding the following definitions in appropriate alphabetical order to read as follows:
§935.1 Definitions.
* * * * *
Capital deficient member means a member that fails to meet its minimum regulatory capital requirements as defined or otherwise required by the member’s appropriate federal banking agency, insurer or, in the case of members that are not federally insured depository institutions, state regulator.
* * * * *
Insurer means the Federal Deposit Insurance Corporation for “insured depository institutions” as defined in 12 U.S.C. 1813(c)(2) and the National Credit Union Administration for federally insured credit unions.
* * * * *
Multifamily property means, for purposes of this part:
(1)(i) Real property that is solely residential and which includes five or more dwelling units; or
(ii) Real property which includes five or more dwelling units with commercial units combined, provided the property is primarily residential.
(2) Multifamily property as defined in this section includes nursing homes, dormitories and homes for the elderly.
* * * * *
Nonresidential real property means, for purposes of this part, real property not used for residential purposes, including business or industrial property, hotels, motels, churches, hospitals, educational and charitable institutions, clubs, lodges, association buildings, golf courses, recreational facilities, farm property not containing a dwelling unit, or similar types of property, except as otherwise determined by the Board in its discretion.
* * * * *
State regulator means a state insurance commissioner or state regulatory entity with primary responsibility for supervising a member borrower that is not a federally insured depository institution.
Tangible capital means:
(1) Capital, calculated according to GAAP, less “intangible assets” as reported in the member’s Thrift Financial Report for members whose primary federal regulator is the OTS, or as reported in the Report of Condition and Income for members whose primary federal regulator is the FDIC, the OCC or the Board of Governors of the Federal Reserve System;
(2) Capital calculated according to GAAP, less intangible assets, as defined by a Bank for members which are not regulated by the OTS, the FDIC, the OCC, or the Board of Governors of the Federal Reserve System.
* * * * *
3. Section 935.5 is amended by removing the period at the end of paragraph (a)(2) and adding in its place “; and” and adding paragraphs (a)(3) and (b) through (g) to read as follows:
§935.5 Limitations on access to advances.
(a) * * * *
(3) Advances and renewals shall only be made if the Bank determines in its discretion that it may safely make such advance or renewal to the member, including advances and renewals made pursuant to this section.
(b) New advances to members without positive tangible capital.
(1) A Bank shall not make a new advance to a member without positive tangible capital unless the member’s appropriate federal banking agency or insurer requests in writing that the Bank make such advance. The Bank shall promptly provide the Finance Board with a copy of any such request.
(2) A Bank shall use the most recently available Thrift Financial Report, Report of Condition, and Income or other regulatory report of financial condition to determine whether a member has positive tangible capital.
(c) Renewals of advances to members without positive tangible capital.
(1) Renewal for 30-day terms. A Bank may renew outstanding advances, for successive terms of up to 30 days each, to a member without positive tangible capital; provided, however, that a Bank shall honor any written request of the appropriate federal banking agency or insurer that the Bank not renew such advances.
(2) Renewal for longer than 30-day terms. A Bank may renew outstanding advances to a member without positive tangible capital for a term greater than 30 days at the written request of the appropriate federal banking agency or insurer.
(d) Advances to capital deficient but solvent members.
(1) Except as provided in paragraph (d)(2)(i) of this section, a Bank may make a new advance or renew an outstanding advance to a capital deficient member that has positive tangible capital.
(2)(i) A Bank shall not lend to a capital deficient member that has positive tangible capital if it receives written notice from the appropriate federal banking agency or insurer that the member’s use of Bank advances has been prohibited. The Bank shall promptly provide the Finance Board with a copy of any such notice.
(ii) A Bank may resume lending to such a capital deficient member if the Bank receives a written statement from the appropriate federal banking agency or insurer which re-establishes the member’s ability to use advances.
(e) Reporting.
(1) Each Bank shall provide the Finance Board with a monthly report of the advances and commitments outstanding to each of its members.
(2) Such monthly report shall be in a format or on a form prescribed by the Finance Board.
(3) Each Bank shall, upon written request from a member’s appropriate federal banking agency or insurer, provide to such entity information on advances and commitments outstanding to the member.
(f) Members without federal regulators.
(1) Members without federal regulators. In the case of members that are not federally insured depository institutions, the references in paragraphs (b), (c), (d), (e), and (f) of this section to “appropriate federal banking agency or insurer” shall mean the member’s state regulator acting in a capacity similar to an appropriate federal banking agency or insurer.
(g) Advance commitments.
(1) In the event that a member’s access to advances from a Bank is restricted pursuant to this section, the Bank shall not fund outstanding commitments for advances not exercised prior to the imposition of the restriction. This requirement shall apply to all advance commitments made by a Bank after August 25, 1993.
(2) Each Bank shall include the stipulation contained in paragraph (g)(1) of this section as a clause in either:
(i) The written advances agreement required by §935.4(b)(2) of this part; or
(ii) The written advances application required by §935.4(a) of this part.
4. Section 935.17 is revised to read as follows:
§ 935.17 Intradistrict transfer of advances.

(a) Advances held by members. A Bank may allow one of its members to assume an advance extended by the Bank to another of its members, provided the assumption complies with the requirements of this part governing the issuance of new advances. A Bank may charge an appropriate fee for processing the transfer.

(b) Advances held by nonmembers. A Bank may allow one of its members to assume an advance held by a nonmember, provided the advance was originated by the Bank and provided the assumption complies with the requirements of this part governing the issuance of new advances. A Bank may charge an appropriate fee for processing the transfer.

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 71
[Airspace Docket No. 93-AWP-16]

Proposed Modification of Class E Airspace, Oxnard, California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify Class E airspace at Oxnard, CA. The Class E extension that was established using the Camarillo Very High Frequency Omnidirectional Range (VOR) 246° radial was in error. The correct description should be the Camarillo VOR 264° radial.

DATES: Comments must be received on or before November 5, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, System Management Branch, AWP-530, Docket No. 93-AWP-18, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western-Pacific Region, Federal Aviation Administration, room 6007, 15000 Aviation Boulevard, Lawndale, California. An informal docket may also be examined during normal business hours at the Office of the Manager, System Management Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Charles Register, Airspace Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 297-0433.

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, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number 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. 93-AWP-18." The postcard will be date-stamped and returned to the commenter. All communications received on or 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 light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California, 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, System Management Branch, AWP-530, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

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. 11-2A, which describes the application procedure.

The Proposed Amendment

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Class E airspace extension at Oxnard, CA based on the Camarillo VOR 264° radial. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace is published in paragraph 6004 of FAA Order 7400.9A, dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 as of September 16, 1993 (58 FR 36298, July 8, 1993). The Class E airspace listed in the document would be published subsequently in the Order.

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 operational. The requirements listed above, therefore—(1) are not a “major rule” under Executive Order 12291; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11304, February 23, 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 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71-[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:


§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace designations and reporting points, dated June 17, 1993, and
The official docket may be examined in the Office of the Assistant Chief Counsel, Western-Pacific Region, Federal Aviation Administration, room 6007, 15000 Aviation Boulevard, Lawndale, California. An informal docket may also be examined during normal business hours at the Office of the Manager, System Management Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT:
Gene Enstad, Airspace Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 297-0010.

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, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number 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. 93-AWP-17." The postcard will be date/time stamped and returned to the commenter. All communications received on or 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 light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California, 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, System Management Branch, AWP-530, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

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. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class D airspace at Pacific Missile Range Facility (PMRF), Barking Sands, Kekaha, Kauai, HI. The U.S. Navy operates a control tower at Barking Sands with an associated airport traffic area (ATA). Airspace Reclassification, in effect as of September 16, 1993, discontinued the use of the term "airport traffic area" and, for controlled airspace at an airport with an operating control tower, replaced it with the designation "Class D airspace." The intended effect of this proposal is to provide adequate Class D airspace to contain IFR operations and continue the existing two-way communication requirement at PMRF Barking Sands.

The coordinates for this airspace docket are based on North American Datum 83. Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9A, dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class D airspace listed in the document would be published subsequently in the Order.

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.
I. Introduction

On May 4, 1993, the Commission issued a concept release soliciting comment on the capital treatment of derivative products under the net capital rule. The Commission requested that comments be received on or before September 10, 1993.

On September 1, 1993, the Securities Industry Association sent a letter requesting that the comment period be extended from September 10, 1993 to December 31, 1993. The SIA’s stated reason for this request is “the complexity of the issue involved, including the capital related issues, the wide variety of products that may be affected, and the need to review various approaches taken by other regulators interested in this subject, such as the European community and the Bank for International Settlements.” The SIA has formed a task force to respond to the concept release.

II. Discussion

The Commission appreciates the complexity of the issues addressed by the Commission’s concept release on derivative products. Therefore, in order to receive serious and well reasoned responses from the industry participants, the Commission is extending the comment period for all commenters to December 17, 1993.

Nevertheless, the Commission is eager to address these important issues in a timely fashion. Accordingly, the Commission staff will continue to develop proposed rulemaking in this area while it is awaiting responses from the industry.

III. Conclusion


Dated: September 17, 1993.

By the Commission.

Margaret H. McFarland,
Deputy Secretary.

FOR FURTHER INFORMATION CONTACT:

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

1. See letter from Securities Industry Association, to Michael A. Macchiarioli, Associate Director, Division of Market Regulation dated September 1, 1993.

2. See letter from Douglas G. Preston, Assistant General Counsel, Securities Industry Association, to Michael A. Macchiarioli, Associate Director, Division of Market Regulation dated September 1, 1993.


2. See letter from Douglas G. Preston, Assistant General Counsel, Securities Industry Association, to Michael A. Macchiarioli, Associate Director, Division of Market Regulation dated September 1, 1993.
Trade Commission, telephone 202–205–3090. Hearing impaired persons are advised that information on the matter can be obtained by contacting the Commission’s TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: Section 335 of the Tariff Act of 1930 (19 U.S.C. 1335) authorizes the Commission to adopt such reasonable procedure and rules and regulations as it deems necessary to carry out its functions and duties. Section 3 of the Government in the Sunshine Act (5 U.S.C. 552b(g)) authorizes the Commission to promulgate regulations to implement the requirements of that Act.

Commission rules ordinarily are promulgated in accordance with the rulemaking provisions of section 553 of the Administrative Procedure Act (5 U.S.C. 551 et seq. (APA)), which entails the following steps: (1) Publication of notice of proposed rulemaking; (2) solicitation of public comment on the proposed rules; (3) Commission review of such comments prior to developing final rules; and (4) publication of the final rules thirty days prior to their effective date. See 5 U.S.C. 553. This notice of proposed rulemaking is the first step in that procedure.

The Commission has determined that this proposed rule does not meet the criteria described in section 1(b) of Executive Order 12291 (46 FR 13193, Feb. 17, 1981) and does not constitute a major rule for the purposes of the EO. The amendment is not subject to the filing requirement of section 3(c)(3) of the EO. Moreover, in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 note), the Commission hereby certifies pursuant to 5 U.S.C. 605(b) that the proposed rule set forth in this notice is not likely to have a significant economic impact on a substantial number of small business entities. This is because the proposed rule merely conforms the Commission’s practice under the Government in the Sunshine Act to that of the majority of other agencies and is not expected to have any significant economic impact.

Explanation of the Proposed Amendment to 19 CFR Part 201

Sections 201.35(a), 201.35(c)(1), 201.35(c)(2), and 201.35(c)(3) are amended to provide that public notice of Commission meetings held pursuant to the Government in the Sunshine Act shall be issued at least seven days prior to the date of the meeting. The present rule provides for ten day’s notice.

This amendment is fully in accordance with section 552b(e)(1) of the Government in the Sunshine Act (5 U.S.C. 552b(e)(1)), which requires agencies to make public announcement of a meeting at least one week before the meeting. Since only a very few agencies afford more than seven days’ notice of meetings under the Act, the amendment is also in accordance with the practice of most other agencies under the Act.

The Commission intends to continue its present practice of issuing meeting notices by posting each notice on the bulletin board outside the Secretary’s office, making additional copies of the notice available to the public through the Secretary’s office and the mailing list, and submitting a copy of each notice to the Federal Register for publication.

List of Subjects in 19 CFR Part 201

Administrative practice and procedure, Sunshine Act.

19 CFR part 201 is amended as follows:

PART 201—AMENDED

1. The authority citation for part 201 continues to read as follows:

Authority: Sec. 335 of the Tariff Act of 1930 (19 U.S.C. 1335), and sec. 603 of the Trade Act of 1974 (19 U.S.C. 2462), unless otherwise noted.

2. Paragraphs (a) and (c) of section 201.35 are revised to read as follows:

§201.35 Notices to the public.

(a) At least seven (7) days before each Commission meeting the Commission shall issue a public notice which:

(1) States the time and place of the meeting;

(2) Lists the subjects or agenda items to be discussed at the meeting;

(3) States whether the meeting or portion thereof is to be open or closed to public observation, and

(4) Gives the name and business phone number of the Secretary to the Commission.

(c)(1) The 7-day period for public notice provided for in paragraph (a) of this section shall not apply when a majority of the entire membership of the Commission determines by recorded vote that Commission business requires that a particular meeting be called with less than 7 days’ notice and that no earlier announcement of such meeting was possible.

(2) When the Commission has voted in conformity with paragraph (c)(1) of this section to shorten the 7-day period for public notice provided for by paragraph (a) of this section with respect to a particular meeting, the Commission shall issue the public notice required by paragraph (a) of this section at the earliest practicable time.

(3) When the Commission not only has voted in conformity with paragraph (c)(1) of this section to shorten the 7-day period for public notice provided for in paragraph (a) of this section with respect to a particular meeting, but also has voted to close a portion or portions of such meeting in accordance with §201.36 of this subpart, the public notice required by paragraph (c)(2) of this section shall also include, or be amended to include, if already issued, those items specified in paragraph (b) of this section.

* * * *

Issued: September 14, 1993.
By order of the Commission:
Donna R. Koehnke, Secretary.

[FR Doc. 93-23223 Filed 9-22-93; 8:45 am]
BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1306

Prescriptions—Transmission by Facsimile

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The DEA proposes to amend its regulations to allow for the transmission of controlled substance prescriptions between the prescriber and the dispenser via facsimile. This proposed change would facilitate the delivery of medication in situations where medication needs change quickly and physicians’ orders need to be communicated rapidly.

DATES: Written comments and objections must be received on or before November 22, 1993.

ADDRESSES: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: Currently, Schedules III and IV substances (and Schedule V substances when a prescription is required) may be dispensed by a pharmacist pursuant to either a written or oral prescription made by the prescribing practitioner.
The purpose of this proposal is to allow for the transmission of written prescriptions by a practitioner directly to the dispensing pharmacy by facsimile. All conditions specified under 21 CFR 1306.05 regarding the manner in which a prescription must be prepared shall apply to prescriptions generated via facsimile.

Current law and DEA regulations further state that a pharmacist may dispense a Schedule II substance only pursuant to a written prescription signed by the prescribing practitioner, except in an emergency situation when an oral order is permissible with certain specified limitations. By virtue of this proposal, DEA would recognize the practice of transmitting a Schedule II prescription from the prescriber to the pharmacy by means of facsimile, but would require that the original written prescription be presented and verified against the facsimile at the time the substances are actually dispensed, and that the original document be properly annotated and retained for filing.

Two exceptions to this requirement will be granted. The first proposed exception involves pharmacies providing home infusion/intravenous (I.V.) pain therapy. Prescriptions for home infusion/I.V. pain therapy may be transmitted directly by the practitioner to the home infusion pharmacy by facsimile and they may be considered “written prescriptions” as required by 21 U.S.C. 829(a). In other words, in the case of home (or hospice) infusion/I.V. pain therapy, it is not necessary for the original prescription to be delivered to the pharmacy either prior to or subsequent to the delivery of the medication to the patient’s home. The facsimile copy of the prescription shall be retained as the original document by the home infusion pharmacy and it must contain all information required by 21 CFR 1306.05(a) including the date issued, full name and address of the patient, name, address, DEA registration number and signature of the prescribing practitioner. This exception to the regulations for home infusion/I.V. therapy is intended to facilitate the means by which home infusion pharmacies obtain prescriptions for patients requiring the frequently modified parenteral controlled release administration of narcotic substances, but does not extend to the dispensing of oral dosage units of controlled substances. By facilitating the process by which such prescriptions are communicated, the need to treat them as “emergency prescriptions” as defined by 21 CFR 1306.11(d), thereby limiting the quantity which may be dispensed, will be substantially eliminated. This exception will also facilitate the delivery of medication to patients in LTCF settings where medication needs change quickly and physicians’ orders need to be communicated rapidly.

The second proposed exemption applies to Schedule II prescriptions written for patients in Long Term Care Facilities (LTCF) which are filled by and delivered to the facility by a consulting pharmacy. A prescription for any controlled substance in Schedule II written for a patient in a LTCF may be transmitted directly by the prescribing practitioner to the consulting pharmacy and they may be considered “written prescriptions” as required by 21 U.S.C. 829(a). The facsimile copy of the prescription shall be retained as the original document by the consulting pharmacy and it must contain all information required by 21 CFR 1306.05(a) including the date issued, full name and address of the patient (the address shall indicate that the location is a LTCF), name, address, DEA registration number and signature of the prescribing practitioner. By facilitating the process by which prescriptions are communicated, the need to treat them as “emergency prescriptions” as defined by 21 CFR 1306.11(d), thereby limiting the quantity which may be dispensed, will be substantially eliminated. This exception will also facilitate the delivery of medication to patients in LTCF settings where medication needs change quickly and physicians’ orders need to be communicated rapidly.

Under current regulations, a pharmacist bears the responsibility for ensuring that prescriptions for controlled substances have been issued for a legitimate medical purpose by an authorized practitioner in the usual course of professional practice. Orders purporting to be prescriptions, which are not issued in the usual course of professional treatment, are not considered prescriptions within the meaning and intent of the Controlled Substances Act and a person who knowingly issues or fills such an order shall be subject to penalties provided by the law. That responsibility applies equally to an order transmitted by facsimile. Therefore, this proposed rule should not constitute an increased potential for the diversion of controlled substances. In exercising professional judgement, a pharmacist must take adequate measures to guard against the diversion of controlled substances through prescription forgeries. Some measures to be considered in authenticating prescriptions received via facsimile equipment would include maintenance of a physician’s facsimile number reference file, verification of the telephone number of the originating facsimile equipment and/or telephone verification with the physician’s office that the prescription was both written and transmitted by the prescribing practitioner. Although such measures parallel efforts currently engaged in verifying the authenticity of prescriptions transmitted by traditional means, the requirement of this proposal places an additional responsibility on the pharmacist to take efforts to ensure that the facsimile has been initiated by the prescriber.

The Director, Office of Diversion Control, hereby certifies that this proposed rule will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. This proposed rule is not a major rule for purposes of Executive Order (E.O.) 12291 of February 17, 1981. It has been determined that it is not a major rule because it does not have an annual effect on the economy of $100 million or more; it does not cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies or geographic regions; and it does not significantly affect competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Pursuant to sections 3(c)(3) and 3(e)(2)(C) of E.O. 12291, this proposed rule has been submitted to the Office of Management and Budget for review and approval of that office has been requested pursuant to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. et seq. This action has been analyzed in accordance with the principles and criteria in E.O. 12612 and it has been determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR 1306
Drug Enforcement Administration, Drug traffic control, Prescriptions.

For reasons set out above, it is proposed that 21 CFR 1306 be amended as follows:

PART 1306—[AMENDED]

1. The authority citation for part 1306 continues to read as follows:
Authority: 21 U.S.C. 821, 829, 871(b), unless otherwise noted.

2. Section 1306.02 is proposed to be amended by redesignating the current
paragraph (h) as paragraph (i) and adding a new paragraph (j) to read as follows:

§ 1306.02 Definitions.
  * * * *

(h) The term home infusion pharmacy means a pharmacy which compounds solutions for direct administration to a patient in a private residence, Long Term Care Facility or hospice setting by means of parenteral, intravenous, subcutaneous or intraspinal infusion.
  * * * *

3. Section 1306.11 is proposed to be amended by revising paragraph (a) and by adding new paragraphs (e) and (f) as follows:

Controlled Substances Listed in Schedule II
§ 306.11 Requirement of prescription.
  (a) A pharmacist may dispense directly a controlled substance in Schedule II, which is a prescription drug as determined under the Federal Food, Drug and Cosmetic Act, only pursuant to a written prescription signed by the prescribing practitioner, or a facsimile of a written, signed prescription transmitted directly by the prescribing practitioner to the pharmacy or pursuant to an oral prescription made by a prescribing individual practitioner or a facsimile of a written, signed prescription transmitted directly by the prescribing practitioner to the pharmacy or pursuant to an oral prescription made by a prescribing individual practitioner and promptly reduced to writing by the pharmacist (containing all information required in § 1306.05, except for the signature of the prescribing practitioner).
  * * * *

(c) An institutional practitioner may administer or dispense directly (but not prescribe) a controlled substance listed in Schedule III or IV, which is a prescription drug as determined under the Federal Food, Drug and Cosmetic Act, only pursuant to a written prescription signed by a prescribing individual practitioner or a facsimile of a written, signed prescription transmitted directly by the prescribing practitioner to the pharmacy or pursuant to an oral prescription made by a prescribing individual practitioner and promptly reduced to writing by the pharmacist (containing all information required in § 1306.05, except for the signature of the prescribing practitioner).
  * * * *

4. Section 1306.21 is proposed to be amended by revising paragraphs (a) and (c) as follows:

Controlled Substances listed in Schedules III and IV
§ 1306.21 Requirement of prescription.
  (a) A pharmacist may dispense directly a controlled substance listed in Schedule III or IV, which is a prescription drug as determined under the Federal Food, Drug and Cosmetic Act, only pursuant to either a written prescription signed by a prescribing individual practitioner or a facsimile of a written, signed prescription transmitted directly by the prescribing practitioner to the pharmacy or pursuant to an oral prescription made by a prescribing individual practitioner and promptly reduced to writing by the pharmacist (containing all information required in § 1306.05, except for the signature of the prescribing individual practitioner), or pursuant to an order for medication made by an individual practitioner which is dispensed for immediate administration to the ultimate user, subject to § 1306.07.


Gene R. Haislip,
Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93-23182 Filed 9-22-93; 8:45 am]
BILLING CODE 4410-06-M

21 CFR Part 1313

Distribution of Chemical Import/Export Declaration

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The DEA proposes to amend its regulations concerning the disposition of Copy 3 of the Precursor and Essential Chemical Import/Export Declaration (DEA Form 486). The amendment is being made to eliminate confusion between the regulation and the instructions set forth on the reporting form.

DATES: Comments and objections must be received on or before November 22, 1993.

ADDRESSES: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, Washington, DC 20537.

Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT:
Mr. G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537. telephone (202) 307-7297.

SUPPLEMENTARY INFORMATION: Instructions provided on the reverse side of Copy 3 of the Precursor and Essential Chemical Import/Export Declaration (DEA Form 486) direct regulated persons to provide Copy 3 of the form to the U.S. Customs Service (USCS) along with the Shipper’s Export Document on or before the day of exportation. Section 1313.23(c) provides the same instructions but omits the phrase on or before the day of exportation. This action is proposed to amend the wording in § 1313.23(c) to
include the omitted phrase. USCS requires that the Shipper's Export Document be submitted within four days after shipment. Although DEA cannot require that the USCS document be submitted on or before the day of exportation, it is suggested that an exporter do so to facilitate uninterrupted export of the goods.

The Deputy Assistant Administrator, Office of Diversion Control, hereby certifies that this proposed rule will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. This proposed rule clarifies an existing regulation, and imposes no burden on the public. This rule is not a major rule for purposes of Executive Order (E.O.) 12291 of February 17, 1981.

Pursuant to section 3(c)(3) and 3(e)(2)(C) of E.O. 12291, this proposed action has been submitted for review to the Office of Management and Budget, and approval of that office has been requested pursuant to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. et seq.

This action has been analyzed in accordance with the principles and criteria contained in E.O. 12612, and it has been determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1313

Drug traffic control, Exports, Imports, Reporting requirements.

For reasons set out above, 21 CFR part 1313 is proposed to be amended as follows:

PART 1313—[AMENDED]

1. The authority citation for part 1313 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b), 971.

2. Section 1313.23 is proposed to be amended by revising paragraph (c) to read as follows:

§ 1313.23 Distribution of export declaration.
   *
   *
   *
   (c) Copy 3 shall be presented to the U.S. Customs Service at the port of exit for each export of a listed chemical or chemicals on or before the day of exportation, and when possible, along with the Shippers Export Declaration.


Gene R. Halalip,
Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

Editorial note: This document was received at the Office of the Federal Register September 17, 1993.

[FR Doc. 93-23184 Filed 9-22-93; 8:45 am]
BILLING CODE 4410-00-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 41

[Public Notice 1872]

Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Temporary Visitors for Business or Pleasure

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends the originally scheduled comment period to November 23, 1993. The proposed rulemaking published on July 26, 1993, 58 FR 40024, proposes to amend regulations on visas for temporary visitors for pleasure and temporary visitors for business. The proposed regulations reflect changes in the interpretation of the B visa classification resulting primarily from the enactment of the Immigration Act of 1990 (IMMMACT 90).

DATES: Written comments must be received in duplicate on or before November 23, 1993.

ADDRESSES: Interested persons are invited to submit comments in duplicate to Chief, Division of Legislation and Regulations, Visa Office, Department of State, Washington, DC 20522–0113.


SUPPLEMENTARY INFORMATION: The Immigration Act of 1990 (Pub. L. 101–649, Nov. 29, 1990) with subsequent modification by the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (MATINA) (Pub. L. 102–232, Dec. 12, 1991) amended certain existing nonimmigrant visa classifications in the Immigration and Nationality Act of 1952, ("INA"), and added several new ones. IMMMACT 90 and MATINA did not directly amend the INA's B visa classification (INA 101(a)(15)(B)), but certain changes to the H–1B visa classification (INA 101(a)(15)(H)(i)(b)) and creation of the new O, P, and R classification by IMMMACT 90 affect the interpretation of the B visa classification currently set forth in the FAM. Proposed rulemaking 1840 concerns an extremely significant visa classification. In view of the importance of the subject matter, the Department is extending the comment period an additional 60 days for a total of 120 days to provide the public with greater opportunity to submit formal comments.


David L. Hobbs,
 Acting Assistant Secretary for Consular Affairs.

[FR Doc. 93-23187 Filed 9-22-93; 8:45 am]
BILLING CODE 4410-00-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1605

Discrimination Because of Religion Under Title VII of the Civil Rights Act of 1964, as Amended


ACTION: Notice of proposed rulemaking.

SUMMARY: The Equal Employment Opportunity Commission is proposing a revision to its Guidelines on Discrimination Because of Religion. We are revising the guidelines to reflect Supreme Court precedent in Ansonia Board of Education v. Philipbrook, 479 U.S. 60 (1986) on religious accommodation. If adopted, this revision will clarify an employer's duty of religious accommodation and help avoid unnecessary litigation costs. Also, it will prevent an employee or prospective employee from being discriminated against and unnecessarily penalized because of his/her religious practices.

DATES: Comments must be received by November 22, 1993.

ADDRESSES: Comments should be addressed to the Office of the Executive Secretariat, U.S. Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507. Copies of comments submitted by the public will be available for review at the Commission's library, Room 6502, 1801 L Street NW., Washington, DC between the hours of 9:30 a.m. and 5 p.m. This notice is also available in the following alternative formats: large print, braille,
audio tape, and electronic file on computer disk. Requests for copies of this notice, either in an alternative format or regular format, should be made to the Publications Distribution Center at (202) 663–4264 (voice), or TDD (202) 663–7110.


SUPPLEMENTARY INFORMATION: This proposed rule is not a major rule for purposes of Executive Order 12291. Section 701(j) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–(j), creates an obligation to provide reasonable accommodation for the religious practices of an employee or prospective employee unless to do so would create an undue hardship. In Ansonia Board of Education v. Philbrook, 479 U.S. 60, 69 (1986), the Supreme Court held that an employer has met its obligation under section 701(j) when it demonstrates that it has offered a reasonable accommodation to the employee. The Court stated that “where the employer has already reasonably accommodated the employee's religious needs, the statutory inquiry is at an end. The employer need not further show that each of the employee's alternative accommodations would result in undue hardship.” Id. at 68. The Commission subsequently issued guidance on this issue. See EEOC Compliance Manual, Section 628, Religious Accommodation, Appendix A. “Ansonia Board of Education v. Philbrook and Religious Accommodation.”

Currently, § 1605.2(c)(2) provides that when there is more than one method of accommodation available which does not cause undue hardship, the Commission will determine whether the accommodation offered is reasonable by examining: (1) The alternative methods considered by the employer; and (2) the alternatives actually offered to the individual. The employer must offer the accommodation which least disadvantages the individual’s employment opportunities. This section is being revised to clarify that pursuant to Ansonia, an employer has met its accommodation obligation when it demonstrates that it offered an accommodation that is reasonable. The accommodation need not be the accommodation that the employee prefers.

No changes are proposed to §§ 1605.1 and 1605.3 of the Guidelines.

Regulatory Flexibility Act

The proposed amended guidelines, if promulgated in final form, are not expected to have a significant economic impact on small business entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq.

List of Subjects in 29 CFR Part 1605

Religious discrimination.

Dated: September 14, 1993.

For the Commission.

Tony E. Gallegos,
Chairman.

For the reasons set forth in the preamble, the EEOC proposes to amend 29 CFR 1605.2(c)(2) as follows:

1. The authority citation for part 1605 is revised to read as follows:


§ 1605.2 [Amended]

2. Section 1605.2(c)(2) is revised to read as follows:

* * * * * * * (c) * * * * * (2) The employer or labor organization is obligated to offer a reasonable accommodation to the employee or prospective employee. The accommodation offered must be reasonable, but it need not be the accommodation preferred by the employee or prospective employee. * * * *

[FR Doc. 93–23074 Filed 9–22–93; 8:45 am]

BILLING CODE 0750–01–M

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 701, 773, 774, 777, and 843

RIN 1029–AB62

Definition and Procedures for Transfer, Assignment and Sale of Permit Rights: Definitions of Ownership and Control; Permit Information Requirements and the Applicant/Violator System; Civil Penalties for Owners and Controllers of Violators

AGENCY: Office and Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; extension of public comment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the U.S. Department of the Interior (DOI) extends until October 12, 1993, the public comment period on the proposed rule published in the June 28, 1993 Federal Register (58 FR 34652), and extended on August 27, 1993 (58 FR 45303) concerning the definition and procedures for transfer, assignment and sale of permit rights, definitions of ownership and control, permit information requirements and the Applicant/Violator system; civil penalties for owners and controllers of violators. This will provide additional time in which to comment on the proposed rule.

DATES: Written Comments: OSM will accept written comments on the proposed rule until 5 p.m. Eastern time on October 12, 1993

ADDRESSES: Written Comments: Hand deliver to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, room 660, 800 North Capitol St., Washington, DC; or mail to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, room 660 NC, 1951 Constitution Avenue NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dr. Annette Cheek, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240; Telephone: 202–208–6652.

SUPPLEMENTARY INFORMATION: OSM published a proposed rule on June 28, 1993 (58 FR 34652), that would amend its regulations and amend existing provisions to clarify the role of the AVS in the permit application process; reorganize and amend the definitions of ownership and control; amend the definition of and procedures for transfer, assignment and sale of permit rights; establish procedures for permit revisions regarding changes in operators or other changes in ownership or control; revise requirements for information to be submitted as part of the permit application process; eliminate certain civil penalties for owners and controllers of violators; and establish penalties for knowing submission of false or incomplete ownership or control information during any of the above or several other information collection processes.

The comment period for the proposed rule was scheduled to close on August 27, 1993. An extension was requested and subsequently approved by OSM which extended the comment period until September 27, 1993. A second extension was requested in order to provide additional time in which to comment on the proposed rule. OSM has decided to grant an additional 15 days for the public to comment on the proposed rule. Comments will now be
ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH11-1-5170 and OH12-1-6174; FRL-4733-4]

Approval and Promulgation of Air Quality Implementation Plans; Ohio

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: USEPA is proposing partial approval, partial disapproval and partial limited approval/limited disapproval of portions of the requested revisions to the Ohio State Implementation Plan (SIP) for ozone. The requested revisions consist of amendments to the Ohio Volatile Organic Compound (VOC) Rules, Ohio Administrative Code (OAC) Chapters 3745–21-01, 3745–21-04, 3745–21-09, 3745–21-10 and 3745–21-11. The revisions were submitted by the State of Ohio on June 8, 1988, and August 24, 1980, to satisfy the requirements of part D of the Clean Air Act. USEPA has evaluated each revised rule. A number of the regulations are approvable, and a number are not approvable; USEPA is proposing partial approval and partial disapproval of these portions. The remainder of the regulations, while deficient, would nevertheless strengthen the existing SIP if federally approved. Therefore, for these remaining regulations, USEPA is proposing a limited approval under sections 110(k)(3) and 301(a) of the Clean Air Act as amended in 1990 (CAA) in order to strengthen the SIP. At the same time, USEPA is proposing a limited disapproval of these rules because they still contain deficiencies that were required to be corrected by section 182(a)(2)(A) and, as a result, do not meet the requirements of part D of the Act.

DATES: Comments on this revision and on the proposed USEPA action must be received by October 25, 1993.

ADDRESSES: Copies of the SIP revision request and USEPA's analysis are available at the following address for review: (It is recommended that you telephone Bonnie Bush, at (312) 353–6684, before visiting the Region 5 Office.) U.S. Environmental Protection Agency, Region 5, Air Enforcement Branch (AE–17), 77 West Jackson Boulevard, Chicago, Illinois 60604.

Written comments should be sent to: William MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE–17), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.


SUPPLEMENTARY INFORMATION: Under section 107 of the Clean Air Act, as amended in 1977 (1977 Act), USEPA designated certain areas in each State as attainment, nonattainment, or unclassifiable. For Ohio, USEPA classified numerous areas as nonattainment—not meeting the National Ambient Air Quality Standards (NAAQS) for ozone. These included a portion of Ashatabula County and the counties of Butler, Clark, Clermont, Clinton, Cuyahoga, Geauga, Greene, Hamilton, Jefferson, Lake, Lorain, Lucas, Mahoning, Miami, Montgomery, Portage, Preble, Stark, Summit, Trumbull and Warren. See 43 FR 8962 (March 3, 1978), and 43 FR 45993 (October 5, 1978), codified at 40 CFR 81.336.

For ozone nonattainment areas, section 172(a) of the 1977 Act required States to develop SIPs to provide for attainment of the NAAQS by December 31, 1982. However, area officials could demonstrate that they could not attain the NAAQS by December 31, 1982, and seek an extension of the attainment date to as late as December 31, 1987. For the State of Ohio, the counties of Butler, Clermont, Hamilton and Warren Counties in the Cincinnati nonattainment area and Portage, Summit, Cuyahoga, Geauga, Lake, Lorain Counties in the Cleveland nonattainment area were provided with extensions until December 31, 1987. Under section 172(b) of the 1977 Act, ozone nonattainment areas were to develop reasonably available control technology (RACT) rules for existing sources of VOC emissions as part of their SIP attainment strategy. To assist those areas in adopting RACT rules, USEPA developed a series of Control Techniques Guidelines (CTGs) which established the presumptive norm for RACT for various source categories. The CTGs were issued in three phases. Group I and II CTGs were issued in the late 1970s. Group III CTGs were issued in the early 1980s. Those source categories that were not covered by a CTG were deemed "non-CTG" sources.

In general, ozone nonattainment areas that established an attainment date of December 31, 1982, were required to adopt RACT rules for source categories covered by the first two sets of CTGs. For those areas that demonstrated that attainment by December 31, 1982, was not feasible and that received an attainment date extension, USEPA required that the area adopt RACT rules for all CTG sources and for major non-CTG sources. A major source was one that emitted or had the potential to emit 100 tons per year or more of VOC. Numerous nonattainment areas failed to attain the NAAQS by their established attainment dates. In those cases, USEPA issued letters to the Governor of each State, finding, pursuant to section 110(a)(2)(H) of the 1977 Act, that the SIPs were substantially inadequate to attain the NAAQS and requiring these areas to correct deficiencies in their existing SIPs. These letters are referred to as "SIP Calls." The required SIP corrections included both correcting existing rules and adopting required rules that the State had failed to previously adopt.

I. Background

USEPA issued two SIP Calls for the State of Ohio. The 1988 SIP Call identified the counties of Clermont, Hamilton, Warren and Butler in the Cincinnati Consolidated Metropolitan Statistical Area (CMSA) and the counties of Portage, Summit, Cuyahoga, Geauga, Lake, Medina and Lorain in the Cleveland CMSA as not attaining the NAAQS. Based on the results of further air quality monitoring data, a 1989 SIP Call identified the counties of Clark, Greene, Miami and Montgomery in the Dayton MSA, Mahoning and Trumbull in the Youngstown-Warren MSA, Fulton, Lucas and Wood in the Toledo MSA, Carroll and Stark in the Canton MSA, and Ashatabula County adjacent to the Cleveland CMSA, as not attaining the NAAQS.

1 In addition, the 1988 SIP Call identified Lawrence County in the Huntington-Ashland MSA and Washington County in the Parkersburg-Marietta MSA which were designated nonattainment prior to enactment of the Clean Air Act Amendments of 1990, they are not subject to the RACT fix-up requirement of section 182(a)(2)(A).

2 In addition, the 1989 SIP Call identified Delaware, Fairfield, Franklin, Licking, Madison, Pickaway and Union Counties in the Columbus MSA, which was designated as attainment under the 1977 Act. Therefore, these counties are not subject to the RACT fix-up requirement of section 182(a)(2)(A).
The Clean Air Act Amendments of 1990 were enacted on November 15, 1990. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In section 182(a)(2)(A) of the Clean Air Act, as amended in 1990 (CAA or amended Act), Congress statutorily adopted the requirement that ozone nonattainment areas fix their deficient RACT rules for ozone. Areas designated nonattainment before enactment of the Amendments and which retained that designation and were classified as marginal or above as of the time of enactment are required to meet the RACT fix-up requirement. Under section 182(a)(2)(A), those areas are required to have correct RACT requirements by May 15, 1991. The RACT requirements must be consistent with pre-amendment USEPA's pre-amendment guidance.3 The SIP Call letters interpreted that guidance and indicated corrections necessary for specific nonattainment areas.

The counties of Clermont, Hamilton, Warren and Butler in the Cincinnati CMSA, Portage, Summit, Cuyahoga, Geauga, Lake and Lorain in the Cleveland CMSA, Ashtabula adjacent to the Cleveland CMSA, Clark, Greene, Miami and Montgomery in the Dayton MSA, and Lucas in the Toledo MSA retained their designations of nonattainment under the amended Act and were classified as moderate in severity. Medina County in the Cleveland CMSA and Wood County in the Toledo MSA were newly designated as moderate nonattainment under the amended Act. Mahoning and Trumbull Counties in the Youngstown-Warren MSA and Stark County in the Canton MSA retained their designations of nonattainment under the amended Act and were classified as marginal in severity. These areas were classified by operation of law pursuant to section 181(a) upon enactment of the Amendments. 56 FR 56694 (November 6, 1991). The Columbus nonattainment area, consisting of Delaware, Franklin and Licking Counties, was designated under section 107 and classified as marginal in severity effective on January 6, 1992, 56 FR 56694. The Huntington-Ashtabula and Parkersburg-Marietta areas were designated as attainment/unclassifiable under the pre-amended Act and retained that designation upon enactment of the amended Act, 56 FR 56694. Therefore, pursuant to section 182(a)(2)(A) of the amended Act, the State of Ohio was required to correct the RACT rules for the Cincinnati, Cleveland (with the exception of Medina County), Dayton, Toledo (with the exception of Wood County), Youngstown, Warren and Canton nonattainment areas in accordance with USEPA's pre-amendment guidance.

Since Wood and Medina Counties were newly designated nonattainment for ozone under the amended Act and were not required to comply with the RACT fix-up requirement, the limited disapproval action will not apply to these rules as they apply to these areas, and the disapproval actions with regard to these submittals will not trigger the sanctions and Federal Implementation Plan (FIP) clocks for these areas. See Analysis and Proposed Rulemaking Action, below. Upon review of the State's RACT catch-up submittal (due by November 15, 1992, under section 182(b)(2)), USEPA will determine whether the State has adopted the required RACT rules for these areas.

On June 9, 1988, Ohio submitted regulations governing 11 non-CTG sources and the associated technical support for these regulations. These 11 sources were found as the result of investigating 32 facilities located in the Cleveland, Cincinnati and Akron areas. To ensure that this is a complete list of non-CTG facilities, USEPA advised Ohio on June 11, 1991, that it must identify all "missing" non-CTG sources and develop regulations for all non-CTG sources in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, and Summit Counties in the Cleveland nonattainment area and Butler, Clermont, Hamilton and Warren Counties in the Cincinnati nonattainment area. Ohio has not submitted that revised list to date. On August 24, 1990, the OEPA submitted revisions to the ozone portion of its SIP. This submittal revised Chapter 3745–21 "Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Materials Standards," including the following amendments: OAC Chapter 3745–21–01, Definitions; OAC Chapter 3745–21–04, Attainment Dates and Compliance Time Schedules; OAC Chapter 3745–21–09, Control of Emissions of Volatile Organic Compounds from Stationary Sources; OAC Chapter 3745–21–10, Compliance Test Methods and Procedures; and OAC Chapter 3745–21–11. Reasonably Available Control Technology Studies for Ozone. These amendments revised

### RACT rules for the following source categories:

- Automobiles and Light-Duty Truck Coating
- Can Coating
- Coil Coating
- Paper Coating
- Fabric Coating
- Vinyl Coating
- Metal Furniture Coating
- Magnet Wire Coating
- Large Appliance Coating
- Bulk Gasoline Plants
- Bulk Gasoline Terminals
- Gasoline Tank Trucks
- Storage of Petroleum Liquids in Fixed Roof Tanks
- Petroleum Refinery Sources
- Cutback and Emulsified Asphalts in Road Construction and Maintenance
- Solvent Metal Cleaning
- Gasoline Dispensing Facilities
- Leaks from Petroleum Refinery Equipment
- Miscellaneous Metal Parts Coating
- Synthesized Pharmaceutical Manufacturing
- Rubber Tire Manufacturing Facilities
- Printing
- Petroleum Liquid Storage in External Floating Roof Tanks
- Petroleum Solvent Dry Cleaning Facilities
- Perchloroethylene Dry Cleaning Facilities
- Leaks from Process Units that Produce Organic Chemicals
- Air Oxidation Processes in Organic Chemical Manufacture

#### II. Analysis

Today's Federal Register Notice identifies deficiencies pertaining to VOC regulations contained in the August 24, 1990, submittal, incorporating comments from an October 1988 USEPA Technical Support Document (TSD) which evaluates the June 1988 submittal. The rules from the August 1990 submittal are considered to supersede the rules from the June 1988 submittal, but the OEPA technical support documentation from the June 1988 submittal provides a portion of the basis for today's analysis.

On July 23, 1991, the OEPA sent a letter to Region 5 withdrawing OAC rule 3745–21–11 from the August 1990 SIP revision request. Region 5 acknowledged receipt of the July 1991 letter in an August 8, 1991, letter, which notified the OEPA that withdrawal of OAC 3745–21–11 could affect approvability of OAC 3745–21–01(B)(4), the definition of "potential to emit" because OAC 3745–21–01(B)(4) references OAC 3745–21–11. Today's notice considers OAC 3745–21–11 to be withdrawn and approves 3745–21–01(B)(4). However, if in the future the USEPA submits a rule OAC 3745–21–11, USEPA may need to reconsider its approval of OAC 3745–21–01(B)(4), the definition of "potential to emit," in light of the revision.

Each rule deficiency is described in this notice in terms of its statutory basis.

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3 Among other things, the pre-amendment guidance consists of the VOC RACT portions of the Post-87 policy, 52 FR 45044 (Nov. 24, 1987); the Bluebook, "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice" (of which notice of availability was published in the Federal Register on May 25, 1988); and the existing CTGs.
The deficiencies are further detailed in a March 3, 1992 USEPA TSD, which includes a table that lists the deficiencies by regulation number and title, accompanied by a detailed description of the nature of the deficiency and the reference(s) to USEPA technical guidance and policy memoranda supporting the comments. The following documents serve as general technical guidance supporting USEPA's positions:

1. Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations (Clarification to Appendix D of the November 24, 1997, Federal Register); May 25, 1998.
3. Various CTGs.
4. USEPA policy memoranda.

All cited deficiencies are grouped by proposed rulemaking action, either disapproval or concurrent limited approval/disapproval. For each case below where the rule is cited as inconsistent with RACT as defined by USEPA, the OEPA has not submitted support deemed sufficient for any alternative equivalent to RACT proposed in that rule. For each case below where the rule is cited as lacking language pertaining to USEPA review and approval, such language is necessary for Federal enforceability. Ohio's VOC rules should contain a general statement that any variances, exemptions, or alternatives to control requirements, emission limits or test methods approved by Ohio must be approved by USEPA as SIP revisions. The remainder of the VOC rules submitted in August 1990 are approvable. Any numbers in parentheses following each deficiency description refer to the list of letters from Region 5 to Ohio and a TSD following the definition of deficiencies. These letters give additional detailed descriptions of the deficiencies.

Deficient Rules Proposed for Disapproval

3745–21–01 Definitions

(D)(6) The definition of “capture system” is inconsistent with RACT as defined by USEPA. (2, 4)

(D)(8) The definition of “coating” is inconsistent with RACT as defined by USEPA. (2, 4)

3745–21–09 Control of VOC Emissions From Stationary Sources

All emission limits should be established as pounds VOC per gallon of solids as well as pounds VOC per gallon of coating to be consistent with RACT as defined by USEPA. (2, 4, 6)

(I) Metal Furniture Coating.
The emission limits should contain language excluding water “and compounds specifically exempted from the definition of VOC” to be consistent with RACT as defined by USEPA; the rule contains an applicability cutoff that is inconsistent with RACT as defined by USEPA. The rule also lacks language ensuring USEPA review and approval of an alternative test method. (2, 4, 5, 6)

(L) Storage of Petroleum Liquids in Fixed Roof Tanks.
The rule lacks language ensuring USEPA review and approval of an alternative test method. (2)

(N) Cutback and Emulsified Asphalts in Road Construction and Maintenance.
The rule contains an inappropriate exemption to the rule which is inconsistent with RACT as defined by USEPA. (2, 4, 5, 6, 7)

(O) Solvent Metal Cleaning.
The rule lacks language ensuring USEPA review and approval of an alternative test method. The rule contains vague language which is inadequate to ensure enforceability. (2)

(R) Bulk Gasoline Terminals.
This rule relies on rule 3745–21–10(E) which is deficient and being proposed for disapproval.

(U) Miscellaneous Metal Parts Coating.
The emission limits should contain language excluding water “and compounds specifically exempted from the definition of VOC” to be consistent with RACT as defined by USEPA. The rule contains emission limits and an applicability cutoff that are not consistent with RACT as defined by USEPA. The rule lacks language ensuring USEPA review and approval of an alternative test method and contains vague language which is inadequate to ensure enforceability. The rule includes a relaxation from RACT, which is prohibited by the General Savings Clause of the amended Act, section 193. (2, 3, 4, 5, 6, 7, 8, 9)

(W) Synthesized Pharmaceutical Manufacturing.
The rule lacks language ensuring USEPA review and approval of an alternative test method.

3745–21–01 Definitions

(D)(45) The definition of “paper coating” is inconsistent with RACT as defined by USEPA, and it contains a vaguely defined exemption which is inadequate to ensure enforceability. However, (D)(45) also contains a revision which broadens its applicability and enforceability, therefore, strengthening the SIP. (2, 3, 4, 5)

3745–21–09 Control of VOC Emissions From Stationary Sources

Deficiencies cited for rules 3745–21–09 (A) through (H), (I), (J), (K), (S), (T) and (X) exist in the current approved SIP rule.

(A) Applicability.
Not all counties subject to RACT under the CAA are listed, however the rule is revised so as to remove restrictions on applicability related
to dates of construction and modification, therefore, broadening enforceability and strengthening the SIP.

(B) General Provisions.

Recordkeeping and reporting requirements are not adequate to ensure enforceability. This paragraph applies to rules (C) to (K), (S), (U), (Y), (FF), (II) and (PP) of Rule 09; therefore, this deficiency applies to those rules in addition to any other deficiencies cited for those rules elsewhere in this notice. The rule lacks language ensuring USEPA review and approval of any alternative test methods. However, the rule does provide for some recordkeeping and reporting requirements for Rules 09 (FF), (II) and (PP) where none exists in the current approved SIP. Therefore, limited approval improves enforceability and strengthens the SIP. (2, 4, 6)

(C) Automobiles and Light-Duty Truck Coating.

The emission limits should contain language excluding water "and compounds specifically exempted from the definition of VOC" to be consistent with RACT as defined by USEPA. The rule contains an emission limit which is inconsistent with RACT as defined by USEPA. Moreover, the enforceability of the rule is strengthened by the revised definition of "coating line." OAC 3745-21-01(D)(10), (2, 4, 6)

(D) Can Coating.

The emission limits should contain language excluding water "and compounds specifically exempted from the definition of VOC" to be consistent with RACT as defined by USEPA. However, the enforceability of the rule is strengthened by the revised definition of "coating line." (2, 6)

(E) Coil Coating.

The emission limits should contain language excluding water "and compounds specifically exempted from the definition of VOC" to be consistent with RACT as defined by USEPA. However, the enforceability of the rule is strengthened by the revised definition of "coating line." (2, 6)

(F) Paper Coating.

The emission limits should contain language excluding water "and compounds specifically exempted from the definition of VOC" to be consistent with RACT as defined by USEPA. However, the enforceability of the rule is strengthened by the revised definition of "coating line." (2, 6)

(G) Fabric Coating.

The emission limits should contain language excluding water "and compounds specifically exempted from the definition of VOC" to be consistent with RACT as defined by USEPA. However, the enforceability of the rule is strengthened by the revised definition of "coating line" and "fabric coating." OAC 3745-21-01(D)(21), (2, 6)

(H) Vinyl Coating.

The emission limits should contain language excluding water "and compounds specifically exempted from the definition of VOC" to be consistent with RACT as defined by USEPA. However, the enforceability of the rule is strengthened by the revised definition of "coating line" and "vinyl coating." OAC 3745-21-01(D)(61), (2, 6)

(I) Magnet Wire Coating.

The emission limits should contain language excluding water "and compounds specifically exempted from the definition of VOC" to be consistent with RACT as defined by USEPA. However, the enforceability of the rule is strengthened by the revised definition of "coating line." (2, 6)

(J) Large Appliance Coating.

The emission limits should contain language excluding water "and compounds specifically exempted from the definition of VOC" to be consistent with RACT as defined by USEPA. The rule lacks language ensuring USEPA review and approval of an alternative test method. However, the rule is strengthened by the revised definition of "coating line" and revised language that limits the condition of the exemption. (2, 6)

(K) Small Appliance Coating.

The emission limits should contain language excluding water "and compounds specifically exempted from the definition of VOC" to be consistent with RACT as defined by USEPA. However, the enforceability of the rule is strengthened by the revised definition of "coating line." (2, 6)

(2) Leaks from Petroleum Refinery Equipment.

The rule lacks language ensuring USEPA review and approval of an alternative test method. The rule also contains language pertaining to leak repair which is not adequate to ensure enforceability. However, the rule contains revised language which limits the scope of the existing exemption, therefore, making the rule more stringent and strengthening the SIP. (2, 4, 5, 6)

(X) Rubber Tire Manufacturing Facilities.

The rule contains inappropriate exemptions which are inconsistent with RACT as defined by USEPA. However, vague discretionary language has been eliminated from the rule, therefore, improving enforceability. (2, 4, 5, 6, 7)

(Y) Printing.

While the definition of the exemption to the rule is too vague to ensure enforceability, it is a narrower definition than the previously approved rule, and therefore, improves enforceability. The rule is also strengthened by the definition of "printing line." OAC 3745-21-01(D)(48), and elimination of vague discretionary language. (2, 4)

The deficiencies which provide the bases for proposing limited disapproval of rules OAC 3745-21-09 (FF) through (PP) are itemized below. The basis for proposing limited approval of these rules is that these rules are new rules as of this submittal and that these rules provide regulation where none would exist without approval. Therefore, USEPA believes these rules would strengthen the SIP.

(FF) Steelcraft Manufacturing Co., Cincinnati.

Recordkeeping requirements are inadequate to ensure enforceability. (2, 4, 6)

(GG) Chevron USA, Incorporated, Cincinnati Area.

Recordkeeping requirements are inadequate to ensure enforceability. (2, 4, 6)

(HH) Goodyear Tire and Rubber Co., Akron, Massillon Road.

Recordkeeping requirements are inadequate to ensure enforceability. The rule lacks language ensuring USEPA review and approval of an alternative test method. (1, 2, 4, 6, 9)


The rule contains an emission limit that is inconsistent with RACT as defined by USEPA. Recordkeeping requirements are inadequate to ensure enforceability. (1, 2, 4, 6)

(JJ) Goodyear Tire and Rubber Co., Akron, Tech Way Drive.

Recordkeeping requirements are inadequate to ensure enforceability. The rule lacks language ensuring USEPA review and approval of an alternative test method. (1, 2, 4, 6)

(KK) Morton Thiokol Inc., Cincinnati.

The rule contains vague language and recordkeeping requirements which are inadequate to ensure enforceability. The rule lacks a test
method for leak testing, and the O
EPA has not submitted adequate
documentation that no test method
is necessary, which is inconsistent
with RACT as defined by USEPA.
(1, 2, 4, 6)
(LL) Lubrizol Corporation, Painesville
(Cleveland Area).
Recordkeeping requirements are
inadequate to ensure enforceability.
(2, 4, 6)
(MM) PPG Industries, Inc., Cleveland.
The rule contains vague language and
recordkeeping requirements which
are inadequate to ensure
enforceability. This source is a
paint manufacturing facility with
volatile organic liquid (VOL)
storage tanks. There is no provision
for a storage tank control system,
and no non-CTG RACT has been
developed for VOL storage, which
is inconsistent with RACT
requirements as defined by USEPA.
(1, 2, 4, 6)
(NN) Midwest Mica and Insulation Co.,
Cleveland.
The rule lacks a method for
determination of fugitive emissions,
and the O
ePA has not submitted
adequate documentation that such a
method is unnecessary, which is
inconsistent with RACT as defined
by USEPA. (1, 2, 4, 6)
(00) ARMCO Inc., Middletown Works,
Middletown (Cincinnati Area).
Recordkeeping requirements are
inadequate to ensure enforceability.
The rule contains an emission limit
that is inconsistent with RACT as
defined by USEPA. This source is a
steel treatment facility with oil
storage tanks. There is no provision
for a storage tank control system,
and no non-CTG RACT has been
developed for VOL storage, which
is also inconsistent with RACT
requirements as defined by USEPA.
(1, 2, 4, 6)
(PP) Formica Corporation.
Recordkeeping requirements are
inadequate to ensure enforceability.
3745–21–10 Compliance Test Methods
and Procedures
(B) The rule lacks language ensuring
USEPA review and approval of
alternative methods. However, the
enforceability of the rule is
strengthened by the revised
definitions of “coating line” and
“printing line” and by language
expanding the applicability of the
test method. (1, 2, 3, 4, 6)
List of Supporting Letters and TSD
1. Technical Support Document. S.
Rosenthal, Technical Analysis Section,
USEPA. TSD for NPR on Ohio’s Major
Non-CTG VOC RACT Rules. October 26,
2. Letter. W.L. MacDowell, Air
Enforcement Branch, USEPA, to P.
Walling, USEPA. March 8, 1991.
3. Letter. W.L. MacDowell, Air
Enforcement Branch, USEPA, to W.
4. Letter and Enclosures. V. Adamkus,
Region 5, USEPA, to Governor G.
5. Letter. W.L. MacDowell, Air
Enforcement Branch, USEPA, to W.
Juris, USEPA. April 24, 1992.
8. Letter. W.L. MacDowell, Air
Enforcement Branch, USEPA, to W.
9. Letter. W.L. MacDowell, Air
Enforcement Branch, USEPA, to W.
(C) The rule lacks language ensuring
and Procedures
3745–21–10 Compliance Test Methods
and Procedures
(B) The rule lacks language ensuring
USEPA review and approval of
alternative methods. However, the
enforceability of the rule is
strengthened by the revised
definitions of “coating line” and
“printing line” and by language
expanding the applicability of the
test method. (1, 2, 3, 4, 6)
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8. Letter. W.L. MacDowell, Air
Enforcement Branch, USEPA, to W.
9. Letter. W.L. MacDowell, Air
Enforcement Branch, USEPA, to W.
In summary, rules being proposed for
disapproval are:
OAC 3745–21–01 (D)(6), (D)(8)
OAC 3745–21–09 (I), (J), (N), (O), (Q),
(R), (U), (W), (Z), (DD), (EE)
OAC 3745–21–10 (A), (C), (E), (O)
Rules being proposed for concurrent
limited approval/limited disapproval are:
OAC 3745–21–01 (D)(45)
OAC 3745–21–09 (A), (B), (C) through
(H), (J), (K), (S), (T), (X), (Y), (FF)
through (PP)
OAC 3745–21–10 (B)
Rules being proposed for approval
are:
OAC 3745–21–01 (A), (B), (C),
remainder of (D), (E) through (S)
OAC 3745–21–04 (A), (B), (C)
OAC 3745–21–09 (M), (P), (V), (BB),
(CC)
OAC 3745–21–10 (D), (F), (G), (I)
through (N), (P)
3745–21–01(B)(5), the definition of
“VOC,” is not consistent with USEPA’s
definition of “VOC” in that it omits
certain compounds from the list of
compounds exempt from the definition
of “VOC” that are included in USEPA’s
list of exempt compounds. The effect of
this is to make Ohio’s definition more
stringent than USEPA’s definition, and
the States have the option of adopting
regulations more stringent than Federal
standards; therefore, this definition is
acceptable. The State should note that
these federally exempt compounds
cannot be used for VOC emissions trading.

Submittal of 1986 Revisions
On April 9, 1986, the O
ePA submitted a SIP revision request to amend OAC.
Chapter 3745–21. The notice of
proposed rulemaking (NPR) on this
request was published on May 30, 1989
(54 FR 22915); USEPA is currently
processing final rulemaking on this
submittal. The NPR proposes
disapproval of several relaxations of the
current SIP, including OAC 3745–21–09
(D)(1][e] and (D)(2)[a], (N)(3)[a] and
(N)(4), and (U)(1)[a](vliii). It is noted that the August 1990 SIP revision request
submittal. The NPR proposes
disapproval of several relaxations of the
current SIP, including OAC 3745–21–09
(D)(1][e] and (D)(2)[a], (N)(3)[a] and
(N)(4), and (U)(1)[a](vliii). It is noted that the August 1990 SIP revision request
submissions these subparagraphs as
written in the April 1986 SIP revision
request. Absence of comments on any of
these subparagraphs in today’s notice or
any TSD related to this notice is not to
be construed in any way as approval of
these subparagraphs. Final rulemaking
on these subparagraphs will be
forthcoming in the previously
mentioned separate final rulemaking
notice.
In addition, in the April 9, 1996,
note USEPA proposed to disapprove
OAC 3745–21–09 (U)(1)[a](vii) on the
basis that the State was proposing to
relax the SIP, and the State had not
submitted a demonstration that the
relaxation would not interfere with
attainment or maintenance of the ozone
NAAQS. Under the amended Act, the
State is not required to submit a revised
attainment demonstration for moderate
nonattainment areas until November 15,
1993 (section 182[a]) and, for marginal
areas, the Act specifically provides that
the State need not provide an
attainment demonstration. Sections
182(a) and (b)(1). However, this
relaxation is still not approvable
because the amended Act prohibits
USEPA from approving a relaxation of
any SIP requirement in place before the
amendments unless the State submits a
modification that ensures equivalent or
greater emission reductions. Section
193. Ohio has not submitted measures
that would achieve equivalent or greater
emission reductions than those being
lost through the proposed relaxation.
Moreover, the amended Act includes a
requirement that USEPA cannot
approve SIP revisions that would
interfere with attainment or reasonable
further progress toward attainment.
Section 110(l). Based on Ohio's
submittal, USEPA cannot conclude that
the submitted relaxation will not
interfere with attainment or reasonable
further progress.
III. USEPA’s Proposed Rulemaking
Action
USEPA is today proposing partial
approval, partial disapproval and partial
limited approval/limited disapproval of
portions of the requested revisions to
OAC Chapter 3745–21–01, Definitions;
OAC Chapter 3745–21–04, Attainment
Deficiencies previously identified by consistency with the has evaluated the submitted rules for
Test Methods and Procedures. USEPA has recommended the approval of a portion of the requested
because of the cited deficiencies. The rules do not meet the section SIP. Although the approval of these rules will
in order to strengthen the SIP, they do not meet all
requested revisions should be approved in the way. Therefore, this portion of the
申請的审核是为了加强SIP，但并不能满足所有
的要求。因此，这部分申请的批准将
以加强SIP，但并不能满足所有
的要求。因此，这部分申请的批准将

Public comment is solicited on USEPA's proposed rulemaking action. Comments received by October 25, 1993 will be considered in the development of USEPA's final rulemaking action.

The Regulatory Flexibility Act 5 U.S.C. 600 et seq. USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Because Federal approval does not impose new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into economic reasonableness of State action. The CAA forbids USEPA to base its actions concerning SIPs on such grounds. Union Electric Co. v. USEPA, 427 U.S. 248, 259-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

USEPA’s disapproval of the State request under section 110 and subchapter I, part D of the CAA does not affect any existing requirements applicable to small entities. Any pre-existing Federal requirements remain in place after this disapproval. Federal disapproval of the State submittal does not affect its State-enforceability. Moreover, USEPA’s disapproval of the submittal does not impose any new Federal requirements. Therefore, USEPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it impose any new Federal requirements.

Under Executive Order 12291, today’s action is not “Major”. It has been submitted to the Office of Management and Budget (OMB) for review.

List of Subjects in 40 CFR Part 52
Air pollution control, Environmental protection, Hydrocarbons, Intergovernmental relations, Ozone.

Authority: 42 U.S.C. 7401-7671(q).


Vedas V. Adamkus, Regional Administrator.

[FR Doc. 93-23198 Filed 9-22-93; 8:45 am]
BILLING CODE 4260-50-P

40 CFR Part 52

[40 FR 4743-7]

Approval and Promulgation of an Emission Statement Program: Michigan

AGENCY: United States Environmental Protection Agency (U.S. EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: U.S. EPA is proposing to disapprove Michigan’s emission statement submittal as a revision to its State Implementation Plan (SIP) for Ozone. The State’s emission statement submittal consists primarily of a Natural Resources Commission Rule and the Michigan Air Pollution Reporting Forms. U.S. EPA’s action is based upon a revision request submitted by the State to satisfy the emission statement requirements of the Clean Air Act (Act), as amended by the Clean Air Act Amendments of 1990 (Amendments). The SIP revision was submitted on November 16, 1992.

DATES: Comments on this revision and on the proposed U.S. EPA action must be received by October 25, 1993.

ADDRESSES: Written comments should be addressed to: Carlton Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT-18), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.


As to Wood and Medina Counties, USEPA is not issuing the limited disapproval portion of the limited approval/limited disapproval action.
SUPPLEMENTARY INFORMATION:

I. Summary of State Submittal

On November 16, 1992, the Michigan Department of Natural Resources (MDNR) submitted Natural Resources Commission Rule 336.202 (Rule 2), sections 5 and 14a of the 1963 Air Pollution Act 348, and the 1991 Michigan Air Pollution Reporting Forms to U.S. EPA as a revision to the Michigan ozone SIP. In addition, the State has provided its program along with an outline comparing its program to U.S. EPA guidance. This submission addresses the emission statement requirements of section 182(a)(3)(B) of the Act. Under this section of the Act, a State must require the submittal of emissions data for nitrogen oxides (NOx) and volatile organic compounds (VOC) from sources in the State’s ozone nonattainment areas.

II. Analysis of State Submittal

The criteria used to review the submission are found in U.S. EPA’s draft Guidance on the Implementation of an Emission Statement Program, July 1992. Four criteria have been established for approvability. One, the State should require sources emitting NOx or VOC in all ozone nonattainment areas to submit emission statements before November 15, 1993, and annually thereafter. Two, when requesting emission statement data from sources of NOx or VOC, the State should require; (a) Certification of data accuracy, (b) source identification information, (c) operating schedule, (d) emissions information, (e) control equipment information, and (f) process data. Three, the pollutants being reported (NOx and VOC) and accompanying technical terminology should be clearly identified and defined. Four, the State should commit to provide emission statement data and updates to U.S. EPA.

After reviewing Michigan’s submission against the above criteria, numerous deficiencies were found. One, MDNR does not specifically require sources of VOC or NOx in ozone nonattainment areas to submit emission statement data. The State is to notify sources of this requirement in its rules or perhaps its reporting forms. Two, although the reporting forms request source and emissions data, the forms fail to request data elements required by the 1990 Amendments and subsequent U.S. EPA guidance. For example, the forms fail to request sufficient daily operating data, i.e., hours per day and days per week of normal operation. The forms also fail to request proper certification of data accuracy. Three, the State has failed to ensure the submission of emission statement information to U.S. EPA. A detailed analysis of the SIP is found in a technical support document dated June 3, 1993, and September 14, 1993.

III. Implications of Action

Based upon U.S. EPA’s evaluation of Michigan’s November 16, 1992, submittal, U.S. EPA is proposing to disapprove the emission statement submission as a revision to the ozone SIP. As provided under section 179(a) of the Act, the State will have up to 18 months after a final SIP disapproval to correct the deficiencies that are the subject of the disapproval before U.S. EPA is required to impose one of the two sanctions set forth in section 179(b) of the Act: Either highway sanctions or new source review offsets of 2 to 1. If the State has not corrected its deficiencies within 6 months after imposition of the first sanction, U.S. EPA must impose the second sanction. Any sanction U.S. EPA imposes must remain in place until U.S. EPA determines that the State has met the 1990 Amendments requirements. Note also that any final rulemaking disapproving the State’s submission will trigger the requirement for U.S. EPA to impose a Federal implementation plan as provided under section 110(c)(1) of the Act. Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision of any SIP. U.S. EPA shall consider each request for revision of the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Request for Public Comments

Public comments are solicited on the requested SIP revision and on U.S. EPA’s proposal to disapprove. Public comments received by October 25, 1993 will be considered in the development of U.S. EPA’s final rulemaking action.

V. Executive Order (EO) 12291

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989, 54 FR 2214–2225. On January 8, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions, 54 FR 2222, from the requirements of section 3 of Executive Order 12291 for a period of 2 years. U.S. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on U.S. EPA’s request.

VI. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., U.S. EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, U.S. EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

U.S. EPA’s disapproval of the State request under section 110 and subchapter I, part D of the Act does not affect any existing requirements applicable to small entities. Any pre-existing Federal requirements remain in place after this disapproval. Federal disapproval of the State submittal does not affect its State-enforceability. Moreover, U.S. EPA’s disapproval of the submittal does not impose any new Federal requirements. Therefore, U.S. EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it impose any new Federal requirements.

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.


Valdas V. Adamkus, Regional Administrator.
[FR Doc. 93–23204 Filed 9–22–93; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 52

[LA–11–1–5938; FRL–4734–9]

Conditional Approval and Promulgation of Commitment to Adopt a Rule for Reasonably Available Control Technology for Oxides of Nitrogen for Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The EPA proposes conditional approval of revisions to the State Implementation Plan (SIP) for ozone submitted by the State of
Louisiana. This portion of the implementation plan was submitted by the State to satisfy Clean Air Act (CAA) requirements in section 182(f) for adoption of rules for application of reasonably available control technology (RACT) for oxides of nitrogen (NOx) in the Baton Rouge nonattainment area in Louisiana. The EPA has determined that, in limited circumstances, it may accept a commitment by the State to submit the NOx RACT rules by a specified date, but not later than one year after the EPA approval of the State’s committal SIP submission. In this action, the EPA proposes conditional approval under section 110(k)(4) of the CAA of the State’s commitment to adopt NOx RACT rules for the Baton Rouge ozone nonattainment area in Louisiana.

DATES: Comments on this proposed action must be received in writing by October 25, 1993.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed action are available for public inspection during normal business hours at the locations listed below. The interested persons wanting to examine these documents should make an appointment with the Regional office at least 24 hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-A), 1445 Ross Avenue, Dallas, Texas 75202–2733.

Louisiana Department of Environmental Quality, Office of Air & Radiation Protection, 7290 Bluebonnet Blvd., Baton Rouge, Louisiana 70810.

FOR FURTHER INFORMATION CONTACT: Ms. Leila Yim Surratt, Planning Section (6T-AP), Air Programs Branch, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 655–7214.

SUPPLEMENTARY INFORMATION:

I. Background

The air quality planning requirements for the reduction of NOx emissions through RACT are set out in section 182(f) of the CAA. Section 182(f) requirements are described by the EPA in a notice, “State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,” published November 25, 1992 (57 FR 55620). The November 25, 1992, notice should be referred to for further information on the NOx requirements and is incorporated into this proposal by reference.

Section 182(f) of the CAA requires States within moderate or above ozone nonattainment areas in the ozone transport region to apply the same requirements to major stationary sources of NOx (“major” as defined in sections 302 and 182(c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs). For more information on what constitutes a major source, see section 2 of the NOx Supplement to the General Preamble (57 FR 55622).

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC emissions (not covered by a preenactment control technologies guidelines (CTG) document or a postenactment CTG document) by November 15, 1992. There were no NOx CTGs issued before enactment and the EPA has not issued a CTG document for any NOx sources since enactment. States, in their RACT rules, are expected to require final installation of the actual NOx controls by May 31, 1995, from those sources for which installation by that date is practicable. (See 57 FR 55623.)

Under section 110(k)(4), the Administrator may conditionally approve a plan revision based on a commitment from the State to adopt specific enforceable measures by a specified date, but not later than one year after the date of the EPA approval of the plan revision that incorporated that commitment. As explained more fully in the NOx Supplement to the General Preamble (57 FR 55622–55623), the EPA believes conditional approvals are appropriate in this case because Congress clearly intended to allow States the opportunity to show that they qualify to opt out of (or specifically tailor) the new NOx requirements as allowed for in section 182(f) of the CAA.

The EPA has determined that, as a technical matter, photochemical grid modeling is the only reliable tool to justify an area-wide exemption from the NOx requirements (or relaxation of otherwise required NOx reductions). For a variety of ozone nonattainment areas, however, photochemical grid modeling either has not been utilized previously or, if utilized, has not adequately considered the effects of NOx emissions reductions. The EPA recognizes, as was made clear in the comments received on the proposed rule, that modeling is the only reliable tool to justify an area-wide exemption from the NOx requirements (or relaxation of otherwise required NOx reductions). The EPA believes conditional approvals are appropriate for NOx RACT committal SIP submissions that meet the criteria indicated below.

The memorandums of July 22, 1992, and September 16, 1992, from Deputy Assistant Administrator Michael Shapiro concerning the SIP submittals due November 15, 1992, also outline general requirements for conditional approval actions.

II. This Action

A. Analysis of State Submission

As noted above, section 110(k)(4) of the CAA allows the EPA to accept a commitment from States to adopt portions of SIPs rather than the SIP itself. The EPA may, in certain cases, accept a commitment from States to adopt NOx RACT rules rather than the NOx RACT rule itself. The NOx Supplement to the General Preamble (57 FR 55623), the memorandums of July 22, 1992, and September 16, 1992, from Deputy Assistant Administrator Michael Shapiro concerning the SIP submittals due November 15, 1992, and the February 2, 1993, memorandum from G.T. Helms, Chief of the Ozone/Carbon Monoxide Programs Branch outline the EPA’s criteria for acceptability of committal SIPs for the NOx RACT rules. These criteria are:

1. A description of the reason for the committal SIP versus a full SIP submittal;
2. Documentation that credible photochemical grid modeling is not available or did not consider the effects of NOx reductions;
3. Identification of resources to complete such modeling; and
4. A schedule outlining the milestones that have been and will be achieved toward completion of NOx RACT rules including the date for final submittal of rules to the EPA. The date for submitting the final rules to the EPA must be no later than 12 months after the EPA’s final approval of the committal SIP.

The EPA is proposing to conditionally approve a commitment by the State of Louisiana to adopt NOx RACT rules for the Baton Rouge ozone nonattainment area because it meets the requirements of section 110(k)(4) of the CAA and conforms to the four criteria listed above.

With regard to the first and second criteria, Louisiana supports its submission of a committal SIP rather than a full SIP for NOx RACT rules by citing the fact that the photochemical grid modeling for the Baton Rouge ozone nonattainment areas would not be finished in time to provide input into...
the NOx RACT rule development. As explained in the State's SIP submission, the State will use the photochemical grid modeling results to better determine the level of NOx controls, if any, to best meet the ozone standard. As of November 15, 1992, the EPA had not received any photochemical grid modeling results from Louisiana for the Baton Rouge ozone nonattainment area which credibly demonstrates the effect of NOx.

With regard to the third criterion, Louisiana has provided assurances that adequate resources exist to complete the modeling effort. In addition, modeling activities are included in the State's section 105 grant from the EPA for fiscal years 1993 and 1994.

With regard to the fourth criterion, Louisiana’s submittal includes a datespecific milestone schedule for the completion of the modeling efforts and NOx RACT rule for the Baton Rouge ozone nonattainment area. The State’s milestone schedule requires submittal of the final NOx RACT rule to the EPA by November 15, 1994 or one year after the EPA’s final approval of the committal SIP, whichever is sooner. The EPA believes the milestone schedule is sufficient to ensure that submission of the final NOx RACT rule to the EPA will be no later than 12 months after the EPA’s final approval of the committal SIP. In addition, in the submittal, the State commits to submitting periodic progress reports to the EPA indicating the progress of modeling and the NOx RACT rule development. According to the most recent progress report received from the EPA by the State of Louisiana (covering the period from March 1993 through May 1993), the modeling effort is on schedule and the NOx RACT rule development is ahead of schedule.

The EPA is proposing to approve a commitment by the State of Louisiana to adopt NOx RACT rules for the Baton Rouge ozone nonattainment area because it meets the requirements of section 110(k)(4) of the CAA and conforms to the policy in the NOx Supplement to the General Preamble (cited above), the memorandums from Deputy Assistant Administrator Michael Shapiro of July 22, 1992, and September 16, 1992, concerning the SIP submittals due November 15, 1992, and the February 2, 1993, memorandum from G.T. Helms concerning NOx emissions policies.

B. Procedural Background

The CAA requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to the EPA. Section 110(a)(2) of the CAA provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing. Section 110(i) of the CAA similarly provides that each revision to an implementation plan submitted by a State under the CAA must be adopted by such State after reasonable notice and public hearing. The State of Louisiana held a public hearing on November 15, 1992, on the commitment to adopt NOx RACT rules for the Baton Rouge ozone nonattainment area. The commitment was adopted by the State, signed by the Governor, and then received by the EPA on November 16, 1992, as a proposed revision to the SIP.

C. RACT Determination and Implementation

States, including those for which the EPA conditionally approves a commitment to adopt a NOx RACT rule, are expected to require final installation of the actual NOx controls by May 31, 1995, from sources for which installation by that date is practicable. The NOx Supplement to the General Preamble (57 FR 55623) contains a detailed discussion of the EPA's interpretation of the RACT requirement.

III. Implications of This Action

The EPA is proposing to conditionally approve the commitment for adoption of NOx RACT rule(s) as a SIP revision submitted to the EPA by the State of Louisiana for the Baton Rouge ozone nonattainment area. Section 110(k)(4) of the CAA provides that where the EPA takes final action to conditionally approve a commitment to submit a SIP or portion of a SIP, the State must fulfill that commitment (i.e., submit the required SIP or portion thereof) within one year following the EPA conditional approval. If the State does not fulfill its commitment by submitting the SIP or revision to the EPA within that year, the CAA requires that the SIP be disapproved. If the EPA disapproves the SIP for failing to meet the commitment, there are several additional consequences. As provided under section 179(e) of the CAA, the State of Louisiana would have up to 18 months after a final SIP disapproval to correct the deficiency that is the subject of the disapproval. If the State is unable to correct the deficiency before the EPA is required to impose either the highway funding sanction or the requirement to provide two-to-one new source review offsets. If the State has not corrected its deficiency within six months after imposing the first sanction, the EPA must impose the second sanction. Any sanction the EPA imposes must remain in place until the EPA determines that the State has come into compliance. If the EPA ultimately disapproves all or part of the NOx RACT SIP submittal for the Baton Rouge ozone nonattainment area and the State of Louisiana fails to correct the deficiency within 18 months of such disapproval, the EPA anticipates that the first sanction it would impose would be the two-to-one offset requirement. In addition, any final disapproval would trigger the 24-month clock for the EPA to impose a Federal implementation plan as provided under section 110(c)(1) of the CAA.

Request for Public Comments

The EPA is requesting comments on all aspects of today's proposal. As indicated at the outset of this notice, the EPA will consider any comments received by October 25, 1993.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, the EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Conditional approvals of SIP submittals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, the EPA certifies that it does not have a significant impact on affected small entities. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds.


If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the commitment, it will not affect any existing State requirements applicable to small entities. Federal disapproval of the State submittal does not affect its State-enforceability. Moreover, the EPA's disapproval of the submittal does not

1. Also section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).
impose a new Federal requirement. Therefore, the EPA certifies that this disapproval action would not have a significant impact on a substantial number of small entities because such disapproval would not remove existing State requirements nor does it substitute a new Federal requirement.

Executive Order 12291

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. The EPA submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on the EPA’s request.

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.


Joe D. Winkle,
Acting Regional Administrator.

ADDRESSES: Information, comments, or questions concerning the petitioned action may be submitted to the Listing Coordinator, Southwest Region, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87102. The petition, finding, supporting data, and comments will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Steve Spangle, Listing Coordinator, at the above address (telephone 505/766–3972).

SUPPLEMENTARY INFORMATION:

Background

The Mexican spotted owl (Strix ocellata) was listed as a threatened species effective April 15, 1993 (58 FR 14248–14271) (final rule). The main reasons cited for conferring threatened status on the subspecies included the present or threatened destruction, modification, or curtailment of its habitat or range, and the inadequacy of existing regulatory mechanisms. Less important factors included the potential for catastrophic wildfire, and potential competition and/or predation by other raptors including the great horned owl (Bubo virginianus) and red-tailed hawk (Buteo jamaicensis).

On June 25, 1993, the Service received a petition from the Board of Supervisors of Apache County, Arizona (petitioners) to remove the Mexican spotted owl from the List of Endangered and Threatened Wildlife and Plants (delist). Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the Federal Register.

This finding is based on various documents, including the final rule, the petition, and published and unpublished reports. All of these documents are on file in the Service’s Southwest Regional Office (see ADDRESSES section).

The main reasons stated by the petitioners for delisting the Mexican spotted owl involved the loss of jobs, business, education, recreation, wildlife, fisheries, and forest health, as well as fire danger and watershed concerns. Pursuant to section 4(b)(1)(A) of the Act, listing determinations shall be made "solely on the basis of the best scientific and commercial data available * * *"). Regulations implementing the Act further state that "The [Service] shall make any [listing] determination * * * solely on the basis of the best available scientific and commercial information regarding a species status, without reference to possible economic or other
impacts of such determination." (50 CFR 424.11(b).

The impacts of listing the Mexican spotted owl on jobs, business, education, recreation, [other] wildlife, fisheries, and watershed concerns are not relevant to the subspecies' status and thus cannot be considered in making listing determinations. These impacts can, however, be considered when designating critical habitat for a listed species. While the Service may share with the petitioners many of the concerns brought forth in the petition, those effects will be addressed no further in this 90-day finding. However, the petitioners presented information concerning forest health and fire susceptibility, which are both factors influencing the status of the species and will therefore be addressed further.

The petitioners state that the forests are currently in a condition that is considerably more dense than in times of pre-European settlement, and that the current timber stands are currently at great risk of disease and catastrophic fire. Accumulation of both standing and down fuels are also cited as factors causing high risk to forest health. The Service concurs that many areas of the Southwest are at substantial risk of catastrophic fire, and that risk was cited as a factor for listing the subspecies in the final rule.

The petitioners state that listing of the Mexican spotted owl and the resulting space anticipated "recovery strategy" will hamper efforts to manage for healthy forests and reduce accumulated fuels and dense forest understories caused by decades of fire suppression. Consideration of fuel loading and long-term forest health will be essential in the Service's development of a comprehensive plan to conserve the Mexican spotted owl. Therefore, the Service does not agree with the petitioners' statement that the listing of the Mexican spotted owl will lead to further forest degradation, since such degradation would be detrimental to the conservation of the Mexican spotted owl. The Service will address all aspects of forest health as they relate to the status of the Mexican spotted owl during the recovery planning process. Because forest health and fire risk have been identified as factors putting the subspecies at risk, the listing of the Mexican spotted owl can be expected to promote, rather than proscribe, addressing these issues.

Based on the foregoing analysis, the Service determines that the petition, publications referenced in the petition, or information otherwise available to the Service, do not present substantial information indicating that the petitioned action may be warranted.

References

The petition and all attachments to the petition are available for inspection, during normal business hours, at 500 Gold Avenue Southwest, Albuquerque, New Mexico, or copies may be obtained by writing to the Service's Southwest Regional Director (see ADDRESSES section).

Author

The primary author of this notice is Steve Spangle of the Southwest Regional Office, Fish and Wildlife Service (see ADDRESSES section).

Authority

The authority for this action is 16 U.S.C. 1531-1544.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.


Richard N. Smith,
Acting Director, Fish and Wildlife Service.

[FR Doc. 93–23305 Filed 9–22–93; 8:45 am]
DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

September 17, 1993.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

1. Agency proposing the information collection;
2. Title of the information collection;
3. Form number(s), if applicable;
4. How often the information is requested;
5. Who will be required or asked to report;
6. An estimate of the number of respondents;
7. An estimate of the total number of hours needed to provide the information;
8. Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404-W Admin. Bldg., Washington, DC 20250 (202) 690-2118.

Reinstatement
- Animal Plant and Health Inspection Service, National Poultry Improvement Plan (NPIP) VS Forms 9-2, 9-3, 9-4, 9-5, 9-6, 9-7, 10-3
- Recordkeeping: Annually State or local governments: Businesses or other for-profit; small businesses or organizations; 48,567 responses; 4,696 hours
Andrew R. Rhorer (301) 436-7768
Donald E. Hulcher,
Deputy Department Clearance Officer.
[FR Doc. 93-23313 Filed 9-22-93; 8:45 am]
BILLING CODE 3410-01-M

Forest Service

Pinaleno Emergency Fuel Hazard Reduction Project Appeal

AGENCY: Forest Service, USDA.


SUMMARY: On September 2, 1993, Richard N. Kvale, Safford District Ranger, Coronado National Forest, made a decision to implement the Pinaleno Emergency Fuel Hazard Reduction Project which will provide for removal of fuels from high priority areas of the Pinaleno Mountains to provide protection of resource values, facilities, and human life.

During the winter of 1992, the higher elevations of the Pinaleno Mountains received extreme winter damage. The downed trees, tops and branches have materially increased the potential for catastrophic wildfire over a large area. To minimize the threat of further damage, it will be necessary to reduce the fuel hazard in areas adjacent to Heliograph Electronic Site, Columbine Corrals, Columbine Summerhomes, Columbine Administrative Site and from along the state highway in a short, emergency timeframe. Damaged timber that is selected to be harvested needs to be removed within two to three months to avoid the February 1 to August 31 breeding season of the Mexican Spotted Owl; to allow accomplishment before winter; and to prevent decrease in timber resource value due to rapid deterioration. If the decision document resulting from this environmental analysis is appealed under 36 CFR part 217, valuable time in rehabilitation and resource recovery is likely to be lost.

Additionally, there will be potential for additional resource damages, property damage and threat to public safety. I have therefore determined that, pursuant to 36 CFR 217.4(a)(11), decisions involving fuels reduction and timber recovery within the Pinaleno Emergency Fuel Hazard Reduction Project are exempt from administrative appeal.

Copies of the Decision Memorandum and project are available upon request at the Safford Ranger District Office, P.O. Box 709, Safford AZ., 85548.

DATES: This notice is effective September 23, 1993.

ADDRESS: Direct comments to: Larry Henson, Regional Forester, 1570 Southwestern Region, USDA Forest Service, 517 Gold Avenue, SW., Albuquerque, New Mexico, 87102.

FOR FURTHER INFORMATION CONTACT: Milo Larson, Director, Timber Management, (505) 842-3240 or 842-3242. Direct request for a copy of the appeal regulation to Pat Jackson at the above address.

DATED: September 15, 1993.

Larry Henson,
Regional Forester.
[FR Doc. 93-23417 Filed 9-22-93; 8:45 am]
BILLING CODE 3410-11-M

Intent To Prepare an Environmental Impact Statement for the Reissuance of Special Use Permit To Occupy National Forest System Lands;

Roosevelt National Forest, Boulder County, CO

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare Environmental Impact Statement.

SUMMARY: The Arapaho and Roosevelt National Forests and Pawnee National Grassland is proposing to reissue a 20-year Special Use Permit to Public Service Company of Colorado for 5.03 miles of pipeline across National Forest System lands. The permit would allow for maintaining and operating the Boulder hydro gravity line. The facility is a water transmission conduit 36 inches in diameter used to transport water from Barker Dam to the permittee's privately owned lands outside the National Forest boundary.

DATES: Comments concerning the scope of the analysis (issues, preliminary
alternatives, etc.) should be received in writing by October 15, 1993.

ADRESSES: Submit written comments, suggestions and questions to M.M. Underwood, Jr., Forest Supervisor, Arapaho and Roosevelt National Forests, 240 West Prospect Road, Fort Collins, Colorado 80526.

FOR FURTHER INFORMATION CONTACT: Jean Thomas, Project Coordinator, (303) 498-1267.

SUPPLEMENTARY INFORMATION: The Boulder Hydroelectric Generation Station and gravity line first went into operation in 1910. A Special Use Permit for this facility was first issued in 1980. This permit expired December 31, 1991 and was granted an extension until January 31, 1994.

For this Federal action, the Forest Service proposes to reauthorize special use occupancy which allows Public Service Company to operate their facility as they have historically while trying to accommodate Forest resource goals to the extent possible. The permittee's long term historic use of the facility has not included instream flow conditions. It is anticipated that instream flows are needed to reduce environmental impacts. The permittee is concerned that instream flow requirements may not allow use of the volume of water decreed under State water rights.

Forest Service concerns about aquatic habitat and instream flows are evident in new direction and policy addressing terms and conditions for permit renewal which was mandated after this permit was first issued. That direction includes Final Rules for implementing the Federal Land Policy and Management Act of 1976 (FLPMA) which states that special use authorization shall contain terms and conditions which minimize damage to scenic and esthetic values and fish and wildlife habitat.

The proposed action does not meet direction in the Land and Resource Management Plan for the Arapaho and Roosevelt National Forests and Pawnee National Grassland approved May, 1984. The proposed action does not meet general direction statements to authorize permits with conditions to maintain instream flows necessary to fulfill National Forest uses and purposes, and to maintain instream flows and protect public property and resources.

The corresponding standard that will not be met is "Habitat for each species on the forest will be maintained at least at 40 percent or more of potential." The guideline not being met for coldwater streams is "[maintain] * * * a base flow greater than 25 percent of average annual daily flow. * * *"

Major environmental issues: Issuing a permit that does not require a minimum level of stream flow downstream of the facility may have detrimental effects on aquatic habitat, fish populations and aquatic ecology. Impacts may also occur to associated riparian vegetation and wildlife species that inhabit riparian habitats.

Several threatened, endangered, and sensitive species may be impacted by the permit action. These include three bird species, the Least Tern, Piping Plover, and Whooping Crane; two fish species, the Pallid Sturgeon and Greenback cutthroat trout; and two plant species, the Western Prairie White Fringed Orchid and the Ute Ladies’ Tresses Orchid.

Additional issues, concerns and comments were gathered during a public comment period ending September 3, 1993. Alternatives include reissuing a permit with terms and conditions consistent with those of the previous permit; reissuing the permit to accommodate Forest Plan resource goals to the extent possible; reissuing the permit with terms and conditions that meet or exceed Forest Plan direction; and not reissuing a new permit.

The Deciding Official will be the Forest Supervisor, Arapaho and Roosevelt National Forests and Pawnee National Grassland, 240 West Prospect Road, Fort Collins, CO 80526–2006.

It is anticipated that the Draft Environmental Impact Statement will be published in October, 1993. The Final Environmental Impact Statement will be completed in January, 1994.

The comment period on the Draft Environmental Impact Statement will be 45 days from the date the Environmental Protection Agency publishes the Notice of Availability in the Federal Register.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. Vermont Yankee Nuclear Power Corp. v. NRDC 435 US 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. City of Angoon v. Hodel (9th Circuit, 1986) and Wisconsin Heritages, Inc. v. Harris, 490 F. Supp. 1334 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1500.3 in addressing these points.

M.M. Underwood, Jr.,
Forest Supervisor.

[FR Doc. 93–23315 Filed 9–22–93; 8:45 am]
BILLING CODE 3410–11–M

Soil Conservation Service

Largo-Agua Fria Watershed, Catron County, NM

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR part 1500); and the Soil Conservation Service Rules (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Largo-Agua Fria Watershed, Catron County, New Mexico.


SUPPLEMENTARY INFORMATION: The environmental assessment of this
federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Ronald L. Lauster, Acting State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project purpose is watershed protection. The action includes grade stabilization structures and grazing management practices to be implemented throughout the watershed that will reduce erosion and improve watershed condition.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. The environmental assessment has had a 45-day period for public comment. The action includes grade stabilization structures and grazing management practices to be implemented throughout the watershed that will reduce erosion and improve watershed condition.

THE NOTICES OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) ARE...

DEPARTMENT OF COMMERCE
International Trade Administration

Gray Portland Cement and Clinker From Mexico; Amended Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of amended final results of Antidumping Duty Administrative Review.

SUMMARY: Pursuant to the order issued by the Court of International Trade on August 4, 1993, we are amending our final results of administrative review of the antidumping duty order on gray Portland cement and clinker from Mexico for the period April 12, 1990, through August 31, 1991, with respect to one firm, CEMEX, S.A., to correct clerical and ministerial errors.


FOR FURTHER INFORMATION CONTACT: Gabriel Adler or Tom Prosser, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-5505.

SUPPLEMENTARY INFORMATION:

Background

On April 28, 1993, the Department of Commerce (the Department) published in the Federal Register (58 FR 25803) the final results of its administrative review of the antidumping duty order on gray Portland cement and clinker from Mexico for the period of April 12, 1990, through August 31, 1991.

We received written comments from the Ad Hoc Committee of AZ-NM-TX-FL Producers of Gray Portland Cement and the National Cement Company of California (petitioners) and from respondent CEMEX, S.A. (CEMEX) concerning certain alleged clerical and ministerial errors in the Department's calculation of CEMEX's final dumping margin.

Correction of Clerical and Ministerial Errors

Based on the comments received from petitioners, we have noted and corrected the following clerical and ministerial errors:

(a) We inadvertently failed to deduct from U.S. price (USP) the cost of manufacture ("USCOM") and general and administrative expenses ("USGA") incurred by CEMEX in the United States for the further manufacture of cement into concrete. We have made the appropriate correction to USP for these amended final results of review.

(b) Our calculation of profit/loss on CEMEX's sales of further manufactured merchandise inadvertently included movement and selling expenses attributable to sales of cement for which no further manufacturing was done. As a result, our calculation of profit/loss on sales of further manufactured merchandise unintentionally attributed all movement and selling expenses to the cost of further manufacture in the United States. We have corrected this error for these amended final results of review.

(c) Section 772(e) of the Tariff Act of 1930, as amended (the Tariff Act), provides for deductions to USP for expenses incurred by or for the account of exporters in the United States. The Department has previously relied on this provision of the Tariff Act for the deduction of special state transaction taxes (see Final Determination of Sales at Less than Fair Value: New Minivans from Japan, 57 FR 201937, 21938 (May 26, 1992)). In the preliminary results of administrative review, we made an incorrect adjustment for a state transaction tax incurred by CEMEX on exporter's sales price (ESP) sales in Texas, by adding the tax to foreign market value (FMV). It was our intention to correct this error in the final results of administrative review by deducting the Texas tax from FMV rather than adding it to FMV. Although we deleted the addition of the tax to FMV, we inadvertently failed to make the necessary deduction from USP. We have made the necessary correction for these amended final results of review.

We have also reviewed the comments received from CEMEX. CEMEX points to 14 transactions originally reported as purchase price sales, and reclassified as ESP sales by the Department for the final results of review. CEMEX notes that the Department relied on "best information available" (BIA) to calculate the adjustments for these reclassified sales, and suggests that the Department made a clerical error in including adjustments that are "unaffected by the classification of sales as purchase price or ESP."

We have reviewed CEMEX's comment, and have not found a clerical error in our BIA approach to the 14 reclassified sales. As we stated in the final results of review, since we did not have adequate information on which to calculate sales-specific adjustments for these sales, we used as BIA a weighted-average of all ESP expenses reported in the original ESP response (see Gray Portland Cement and Clinker from Mexico; Final Results of Antidumping Duty Administrative Review, 58 FR 25808, (April 28, 1993)).

Amended Final Results of Review

We have corrected the ministerial errors noted above, and amended our final results of administrative review with respect to CEMEX. The amended weighted-average margin for CEMEX is 40.72 percent.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

On August 31, 1993, the Department issued final results of review for a subsequent period. Therefore, this amendment does not affect cash
Carbon Steel Wire Rod From Zimbabwe; Determination Not To Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of determination not to revoke countervailing duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the countervailing duty order on carbon steel wire rod from Zimbabwe.


FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Cameron Cardozo, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-0983 or 482-2786.

SUPPLEMENTARY INFORMATION:

Background

On August 3, 1993, the Department of Commerce ("the Department") published in the Federal Register (58 FR 41243) its intent to revoke the countervailing duty order on carbon steel wire rod from Zimbabwe (51 FR 29292, August 15, 1986). Under 19 CFR 355.25(d)(4)(ii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no domestic interested party objects to revocation or no interested party requests an administrative review by the last day of the fifth anniversary month.

On August 30, 1993, Atlantic Steel Co., Armaco Inc., Georgetown Steel Corporation, North Star Steel Texas, Inc., and Co-Steel Raritan, petitioners, domestic producers, and interested parties in this proceeding, objected to our intent to revoke the order. Because the requirements of 19 CFR 355.25(d)(4)(ii) have not been met, we will not revoke the order.

This notice is in accordance with 19 CFR 355.25(d).


Joseph A. Spetrini;
Deputy Assistant Secretary for Compliance.

[FR Doc. 93-23374 Filed 9-22-93; 8:45 am]
BILLING CODE 3510-05-P

Market Development Cooperator Program

AGENCY: International Trade Administration (ITA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce has selected seven organizations to participate in the Department’s Market Development Cooperator Program (MDCP) pilot round. Each of the seven participants are trade associations or nonprofit industry organizations. The MDCP is designed to assist these organizations, working together with ITA under a cooperative agreement, to develop and expand foreign markets for U.S. nonagricultural goods and services.

FOR FURTHER INFORMATION CONTACT: Jerry Morse, Director, Resource Management and Planning Staff, Trade Development, room 3211, HCHB, Washington, DC 20230 (202) 482-3197.

SUPPLEMENTARY INFORMATION:

Program Authority


MDCP Award Winners

On January 13, 1993, 58 FR 4153, the Department announced the availability of funds under the MDCP cooperative agreement program and its intention to select trade associations or nonprofit industry organizations as participants in the program. The goal of the MDCP is to identify promising foreign market opportunities for U.S. exports and to introduce U.S. goods, processes and services to foreign buyers.

The following organizations have been selected to receive awards:

American Electronics Association
Association for Manufacturing Technology
Automotive Parts and Accessories
Association
Institute of the Americas and Environmental Technology Export Council
Massachusetts Port Authority
Packaging Machinery Manufacturers Institute


Jerry Morse,
Director, Resource Management and Planning Staff, Trade Development.

[FR Doc. 93–23254 Filed 9–22–93; 8:45 am]
BILLING CODE 3510–05–P

National Institute of Standards and Technology

Malcolm Baldrige National Quality Award’s Panel of Judges

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given that the Panel of Judges of the Malcolm Baldrige National Quality Award will meet on Tuesday, October 12, 1993, from 8:30 a.m. to 5:30 p.m.; on Wednesday, October 13, 1993, from 8 a.m. to 5:30 p.m.; and on Thursday, October 14, 1993, from 8 a.m. to 5 p.m. The Panel of judges is composed of nine members prominent in the field of quality management and appointed by the Director of the National Institute of Standards and Technology.

DATES: The meeting will convene October 12, 1993, at 8:30 a.m. and adjourn at 5 p.m. on October 14, 1993. The meeting will be closed on October 12 from 10:30 a.m. to 5:30 p.m., and on October 13 from 8 a.m. to 5:30 p.m. and October 14 from 8:30 a.m. to 5 p.m. The meeting will be open to the public on October 12 from 8:30 a.m. to 10:30 a.m.

ADDRESS: The meeting will be held at the National Institute of Standards and Technology, Administration Building, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT: Dr. Curt W. Reimann, Director for Quality Programs, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975-2036.

SUPPLEMENTARY INFORMATION: The purpose of the meeting on October 12–14, 1993, is to review site visit reports and to process related reports on the 1993 process and will involve review of individual proposals. The discussion on October 12–14, 1993, beginning at 10:30 a.m. on October 12, 1993, and ending at 5 p.m. on October 14, 1993, will be closed. The purpose of the meeting on October 12, 1993, from 8:30 a.m.–10:30 a.m. is to review the August 10–11, 1993 minutes; begin planning for 1994 with discussions on Examiner software, technology transfer, Examiner selection
process, and the application guidelines; new business; review of action items; and plan the agenda for the April 1994 meeting.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on March 27, 1992, that the meeting of the Panel of Judges will be closed pursuant to Section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, as amended by section 5(c) of the Government in the Sunshine Act. Public Law 94-409. The meeting, which involves examination of records and discussion of Award applicant data, may be closed to the public in accordance with section 552b(c)(4) of title 5, United States Code, since the meeting is likely to disclose trade secrets and commercial or financial information obtained from a person which is privileged or confidential.

Dated: September 17, 1993.

Arati Prabhakar, Director.

[FR Doc. 93-23371 Filed 9-22-93; 8:45 am] BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

[I.D. 091793C]

Mid-Atlantic Fishery Management Council; Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) Demersal Species Committee (DSC), will meet on September 28, 1993, at the Holiday Inn/Philadelphia Stadium, 10th Street and Packer Avenue, Philadelphia, PA; telephone: (215) 755-9500. The DSC meeting will begin at 2 p.m. on September 28. The Council will begin its regular session on September 29 at 8 a.m. with adjournment at about 3 p.m., at which time there will be a Coastal Migratory Committee meeting.

On September 30, the Council will meet at 8 a.m. and adjourn at approximately 12 noon. In addition to hearing committee reports, the Council will review and adopt the 1994 recommendations for summer flounder management, and adopt the Draft Weakfish Scoping Document for public meetings. The meeting may be lengthened or shortened based on the progress of the agenda. The Council may also have one or two closed session (not open to the public) to discuss personnel and/or other national security matters.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Joanna Dougherty at least five days prior to the meeting dates, telephone (302) 674-2331.

FOR FURTHER INFORMATION CONTACT: John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (302) 674-2331.

Dated: September 17, 1993.


[FR Doc. 93-23288 Filed 9-22-93; 8:45 am] BILLING CODE 3510-22-P

[I.D. 091793B]

New England Fishery Management Council; Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council will hold a public meeting on September 22-23, 1993, at the Shawmut Inn, Turbot's Creek Road, Kennebunkport, ME; telephone: 207-967-3931. The meeting will begin at 10 a.m. on September 22 and at 8:30 a.m. on September 23.

On September 22, the meeting will begin with introductions and announcements, followed by recommendations from the Lobster Oversight Committee regarding management measures to be included in the public hearing document for Amendment #5 to the Lobster Fishery Management Plan. During the afternoon session on September 22 the Council will hear reports from: The Council Chairman, the Executive Director, the National Marine Fisheries Service Regional Director, the Northeast Fisheries Science Center liaison, and representatives from the Department of State, the Coast Guard, the Fish and Wildlife Service, and the Atlantic States Marine Fisheries Commission.

On September 23 during the morning, a discussion will be devoted to Council positions on reauthorization of the Magnuson Act, including highly migratory species management. The Large Pelagics Committee will report on its recommendations for Atlantic shark, swordfish and bluefin tuna management measures, Council representation at the International Commission for the Conservation of Atlantic Tunas meetings, and possible changes in the management process for highly migratory species. The Marine Mammal and Endangered Species Committee will discuss progress on measures to reduce bycatch of harbor porpoise in the Gulf of Maine sink gillnet fishery. To follow up on action taken at the last Council meeting, the Council will discuss potential management strategies for controlling an emerging fishery for small whiting. The Atlantic Sea Scallop Committee will briefly update the Council on the details associated with the submission of Amendment #4 to the Sea Scallop Plan.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906; telephone: (617) 231-0422.

Dated: September 17, 1993.


[FR Doc. 93-23289 Filed 9-22-93; 8:45 am] BILLING CODE 3510-22-P

[I.D. 091693A]

Permits; Foreign Fishing

In accordance with a memorandum of understanding with the Secretary of State, the National Marine Fisheries Service, on behalf of the Secretary of State, publishes for public review and comment a summary of applications received by the Secretary of State requesting permits for foreign fishing vessels to operate in the Exclusive Economic Zone (EEZ) in 1993 under provisions of the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 et seq.). This notice announces that the Russian Federation has submitted an application requesting authorization for the large stern trawlers KHOLOMORY, VERKHOVINA and VERKHOYANY, and the tanker VIDNOE, to conduct cargo transport and bunkering operations in the Northwest Atlantic Ocean area of the EEZ. Send comments on this application to: NOAA—National Marine Fisheries Service, Office of Fisheries Conservation and Management, 1315 East West Highway, Silver Spring, Maryland 20910, and/or, to one or both of the Regional Fishery Management Councils listed below:
COMMITEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Wool and Man-Made Fiber Textile Products Produced or Manufactured in China

September 17, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 17, 1993.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-6703. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

The current limits for Categories 435 and 634 are being increased by application of swing, reducing the limit for Category 647 to account for the increases.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories in terms of HTS numbers is available in the Schedule of the United States (see Federal Register notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 62304, published on December 30, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Rita D. Hayes, Chairman, Committee for the Implementation of Textile Agreements.

September 17, 1993.

Committee for the Implementation of Textile Agreements.

Comissioner of Customs, Department of the Treasury, Washington, DC 20229.

Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on September 17, 1993, you are directed to amend further the directive dated December 23, 1992 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the People’s Republic of China:

<table>
<thead>
<tr>
<th>Category</th>
<th>Adjusted twelve-month limit</th>
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<tr>
<td>435</td>
<td>24,128 dozen</td>
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<td>634</td>
<td>571,156 dozen</td>
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<tr>
<td>647</td>
<td>1,411,437 dozen</td>
</tr>
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The limits have not been adjusted to account for any imports exported after December 31, 1992.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,
Chairman, Committee for the Implementation of Textile Agreements.

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the United Arab Emirates

September 17, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 17, 1993.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

The limits have not been adjusted to account for any imports exported after December 31, 1992.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,
Chairman, Committee for the Implementation of Textile Agreements.

September 17, 1993.

Committee for the Implementation of Textile Agreements.

Commissioner of Customs, Department of the Treasury, Washington, DC 20229.

Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

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Sincerely,

Rita D. Hayes,
Chairman, Committee for the Implementation of Textile Agreements.

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the United Arab Emirates

September 17, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 17, 1993.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-5850. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

The limits have not been adjusted to account for any imports exported after December 31, 1992.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,
Chairman, Committee for the Implementation of Textile Agreements.

September 17, 1993.

Committee for the Implementation of Textile Agreements.

Commissioner of Customs, Department of the Treasury, Washington, DC 20229.

Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

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The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,
Chairman, Committee for the Implementation of Textile Agreements.
The current limit for Categories 334/634 is being increased for swing, reducing the limit for Category 352 to account for the increase.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 53887, published on November 13, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Rita D. Hayes,
Chairman, Committee for the Implementation of Textile Agreements.
Committee for the Implementation of Textile Agreements
September 17, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on February 23, 1984, as amended, by the Chairman, Committee for the Implementation of Textile Agreements.

That directive establishes an export licensing system for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products produced or manufactured in the People’s Republic of China.

September 16, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs providing for the use of a new export visa stamp.

EFFECTIVE DATE: November 1, 1993.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

Beginning on November 1, 1993, the Government of the People’s Republic of China will begin issuing a new export visa stamp for shipments of textile products, produced or manufactured in China and exported from China on or after November 1, 1993. There will be a one month grace period from November 1, 1993 to November 30, 1993, during which goods exported from China may be accompanied by either the old or the new export visa stamp. Goods exported from China on or after December 1, 1993 must be accompanied by the new export visa stamp.


Rita D. Hayes,
Chairman, Committee for the Implementation of Textile Agreements.
Committee for the Implementation of Textile Agreements
September 16, 1993.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on February 23, 1984, as amended, by the Chairman, Committee for the Implementation of Textile Agreements.

That directive establishes an export licensing system for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the People’s Republic of China.

Effective on November 1, 1993, you are directed to amend further the directive dated February 23, 1984 to provide for the use of a new export visa stamp issued by the Government of the People’s Republic of China to accompany shipments of textile products, produced or manufactured in China and exported from China on and after November 1, 1993.

Goods exported from China from November 1, 1993 to November 30, 1993 may be accompanied by either the old or the new export visa stamp. Goods exported from China on or after December 1, 1993 must be accompanied by the new export visa stamp.

A facsimile of the visa stamp is enclosed with this letter.

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by the new export visa stamp shall be denied entry.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Rita D. Hayes,
Chairman, Committee for the Implementation of Textile Agreements.

BILLING CODE 3510-DR-F
Facsimile of New Visa Stamp

[FR Doc. 93-23369 Filed 9-22-93; 8:45 am]
BILLING CODE 3510-DR-C
DEPARTMENT OF DEFENSE

General Services Administration

National Aeronautics and Space Administration

List of Approved OMB Clearance Requests With Extended Expiration Dates

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of approved information collection requests and current expiration dates.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501), the Federal Acquisition Regulation (FAR) Secretariat has obtained Office of Management and Budget (OMB) clearance of information collection requirements contained in the FAR. In lieu of reissuing Standard and Optional Forms to reflect extended OMB approval dates, and to reduce costs of reissuing forms, we are publishing this document to give notice of all information collection requests and their current expiration dates. FAR users should make appropriate pen-and-ink changes on any listed forms containing expiration dates that differ from the dates published in this notice.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, FAR Secretariat, General Services Administration, (202) 501-4755.

OBTAINING COPIES: Interested parties may obtain copies of this document or OMB application packages from the General Services Administration, FAR Secretariat (VRS), room 4035, Washington, DC 20405, telephone (202) 501-4755. Please cite the OMB control number and associated FAR case number in all requests for OMB clearance packages.

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Dated: September 14, 1993.
Albert A. Vicchiolla, Director, Office of Federal Acquisition Policy, General Services Administration.

[FR Doc. 93-23312 Filed 9-22-93; 8:45 am] BILLING CODE 6520-34-M

Department of the Army

Availability of Inventions for Non-Exclusive, Exclusive, or Partially Exclusive Licensing

AGENCY: U.S. Army Communications-Electronics Command, DOD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 announcement is made of the availability of the following inventions for non-exclusive, exclusive, or partially exclusive licensing. All of the listed inventions will be assigned to the United States of America as represented by the Secretary of the Army, Washington, DC. These inventions are as yet unpatented and may not be patentable. They relate in general to spread spectrum multiplexed noise codes and methods to eliminate interference among them, and to antenna systems and signal marking techniques.

By utilizing these multiplexed noise codes, simplex and duplex wireless data transmission may be accomplished with no interference. Further, these codes may be used in multiple access transmission area.

These inventions, in large part, relate to a series of patents already licensed to a series of patents already licensed to a series of patents already licensed to a series of patents already licensed.

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-A Unique End Fire Linear Array Antenna.
-High Data Rate H.F. Transmission System.
-An ECCM Technique for Countering Pulse Noise Jamming.
-A General Vector Transform Theory.
-Multiple Rate Orthogonal CDMA System.
-An Optimal Intercept Receiver for Detecting Time Hopping Signals.

Under the authority of section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Pub. L. 99-502) and section 207 of title 35, United States Code, the Department of the Army as represented by the Communications-Electronics Command for the improvement of the U.S. patents listed below in a non-exclusive, exclusive, or partially exclusive manner to any party interested in manufacturing, using, and/or selling devices or processes covered by these patents.

ADRESSES: Commander, United States Army Communications-Electronics Command, ATTN: AMSEL-LG-L, Fort Monmouth, New Jersey 07703-5010.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Zelenka, (908) 532-4112. Kenneth L. Denton, Army Federal Register Liaison Officer.

[FR Doc. 93-23347 Filed 9-22-93; 8:45 am] BILLING CODE 6520-03-M

DEPARTMENT OF EDUCATION

National Board of the Fund for the Improvement of Postsecondary Education; Meeting

AGENCY: National Board of the Fund for the Improvement of Postsecondary Education, Education.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIMES: October 9, 1993 from 4 p.m. to 6 p.m. (open), and from 7 p.m. to 9 p.m. (closed).

ADRESSES: The Omni Shoreham Hotel, 2500 Calvert Street, NW., Washington, DC 20008.

FOR FURTHER INFORMATION CONTACT: Charles Karelis, Director, Fund for the Improvement of Postsecondary Education, 7th & D Streets, SW., Washington, DC 20202. Telephone: (202) 708-5750.

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education (National Board) is established under section 1003 of the Higher Education Act of 1965, as amended (20 U.S.C. 1155a-1). The National Board of the Fund is authorized to recommend to the Director of the Fund and the Assistant Secretary for Postsecondary Education priorities for funding and approval or disapproval of grants submitted to the Fund.

On October 9, 1993 from 4 p.m. to 6 p.m. the Board will meet in open session. The proposed agenda for the open portion of the meeting will include a review of FIPSE's operating principles, FIPSE's reauthorization and budget, an overview of the Comprehensive Program, Community Service Program, US--EC Collaboration, Projects in Science and the Humanities Program, and an orientation for new Board members.

On October 9, 1993 from 7 p.m. to 9 p.m., the meeting will be closed to the public for purpose of reviewing and discussing grant applications submitted to the Fund under the Innovative Projects for Community Service Program. This portion of the meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix 2) and under exemptions (4) and (5) of the Government in the Sunshine Act (Pub. L. 94-409), 5 U.S.C. 552(c)(4) and (6). The review and discussions of the applications may disclose sensitive information about applicants, to the extent that the applications are public for purpose of reviewing and discussing grant applications submitted to the Fund under the Innovative Projects for Community Service Program.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

Records are kept of all Board proceedings, and are available for public inspection at the Office of the Fund for the Improvement of Postsecondary Education, room 3100, Regional Office.
DEPARTMENT OF ENERGY
Office of Energy Research
Fusion Energy Advisory Committee; Reestablishment

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act and in accordance with title 41 of the Code of Federal Regulations, §101–6.1015, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Fusion Energy Advisory Committee has been reestablished for a two-year period beginning in April 1993. The Committee will provide advice to the Director, Office of Energy Research, on the Fusion Energy Program.

The reestablishment of the Fusion Energy Advisory Committee has been determined to be essential to the conduct of the Department of Energy business and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy by law. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act, the Department of Energy Organization Act (Pub. L. 95–91), and rules and regulations issued in implementation of those Acts.

Further information regarding this Advisory Committee can be obtained from Rachel Murphy at (202) 586–3279.

Issued in Washington, DC, on September 19, 1993.

Marcia L. Morris,
Deputy Advisory Committee Management Officer.
[FR Doc. 93–23340 Filed 9–22–93; 8:45 am]
BILLING CODE 4000–01–M

Grant Award for Environmental Restoration Program for Technical Review and Services for Lawrence Livermore National Laboratory Main Site and Site 300; Noncompetitive Award

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: Pursuant to the DOE Financial Assistance Rules, 10 CFR 600.7(b), the U.S. Department of Energy, San Francisco Operations Office, announces that it plans to make a noncompetitive grant award of technical reviews and services for the Environmental Restoration Programs at the Lawrence Livermore National Laboratory Main Site and Site 300. The term of the award will cover the period beginning October 1, 1987, and end on September 30, 1993. The total grant award is $819,479.40.


FOR FURTHER INFORMATION CONTACT: Sadie Kiel of the DOE San Francisco Operations Office, Contracts Management Division, at telephone number (510) 637–1884.

SUPPLEMENTARY INFORMATION: The proposed grant award primarily supports the management and operation of the environmental restoration programs at Lawrence Livermore National Laboratory Main Site and Site 300. The overall objectives and goals of the work are to perform timely technical reviews and substantive comments on reports and studies; identification and explanation of unique State requirements; field investigations and cleanup activities and support; and to assist DOE in conducting public participation activities.

Eligibility for this grant award is being limited to the State of California Environmental Protection Agency, Department of Toxic Substances Control, because Lawrence Livermore National Laboratory Main Site and Site 300 are located in the State of California, and the State has sole authority within its borders.

Dated: September 1, 1993.

Joan Macrusky,
Chief, ER/DP/EM Branch, Contracts Management Division.
[FR Doc. 93–23339 Filed 9–22–93; 8:45 am]
BILLING CODE 4450–01–M

Federal Energy Regulatory Commission

[Notice of noncompetitive financial assistance award which authorizes a financial assistance award to be made noncompetitively if the activity to be funded is necessary to the satisfactory completion of, or is a continuation or renewal of, an activity presently being funded by DOE or another federal agency, and for which competition for support would have a significant adverse effect on continuity or completion of the activity, AL gives notice of its plans to award a three-year grant to the Georgia Institute of Technology for a proposal entitled “Effect of Pulsations on Black Liquor Gasification.” The total estimated cost to DOE is $451,533. Cost Sharing to the Georgia Institute of Technology is estimated to be $163,492. The distribution and availability of funds is subject to budget limitations. The public purpose to be served by this award is to develop the fundamental knowledge that will optimize the application of pulse combustion in paper making in general and black liquor/slag gassification in particular. The research is a continuation of work performed by the Georgia Institute of Technology under DOE contract DE–AS04–85AL31881. DOE is sponsoring such projects under the Advanced Industrial Concepts Division. DATES: This will be a three-year grant starting in 1993.


Richard A. Marquez,
Assistant Manager for Management and Administration.
[FR Doc. 93–23338 Filed 9–22–93; 8:45 am]
BILLING CODE 4450–01–M

Noncompetitive Financial Assistance Award to Georgia Institute of Technology

AGENCY: Department of Energy (DOE), Albuquerque Operations Office (AL).

ACTION: Notice of program interest.

SUMMARY: Based upon a determination pursuant to 10 CFR 600.7(b)(2)(ii)(A),
made that the submittal constitutes a complete filing.

According to the applicant, the topping-cycle cogeneration facility will be located near the City of Bartow, in Polk County, Florida, and will consist of two combustion turbine generators, two unfired heat recovery boilers and an extraction/condensing steam turbine generator. Steam recovered from the steam turbine will be used by Orange Co. of Florida, Inc. for citrus juice processing. The electric power production capacity of the facility will be approximately 103 MW. The primary energy source will be natural gas. Construction of the facility is expected to commence in December 1993.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 250 North Capitol Street, NE, Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed within 30 days after the date of publication of this notice in the Federal Register and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell, Secretary.

[FR Doc. 93-23773 Filed 9-22-93; 8:45 am]
BILLING CODE 0717-01-4-

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Tristar Gas Co
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07-31-93

ST93-5007
Northern Border Pipeline Co.
Bow Valley Energy Marketing
07-30-93
G-S
51,000
Y
I
07-21-93
03-31-95

1 Notice of transactions does not constitute a determination that filings comply with Commission regulations in accordance with Order No. 436 (Final Rule and Notice requesting supplemental comments, 50 FR 42.372, 10/14/85).
2 Estimated maximum daily volumes includes volumes reported by the filing company in MMBTU, MCF and DT.
3 Affiliation of Reporting Company to entities involved in the transaction. A "Y" indicates affiliation, an "A" indicates marketing affiliation, and a "N" indicates no affiliation.

September 17, 1993.

The Railroad Commission of Texas (Texas) determined that the Wilcox Upper Hinnant Sand Formation (Upper Hinnant), underlying portions of Jim Hogg, Webb, and Zapata Counties, Texas, qualifies as a tight formation under section 10(c)(5) of the Natural Gas Policy Act of 1978 (NGPA). For the reasons discussed below, the Commission issues this notice preliminarily finding that the determination is not supported by substantial evidence.

Texas' Determination

On April 12, 1993, the Commission received Texas' determination that a portion of the Upper Hinnant, underlying approximately 6,729 acres in parts of Jim Hogg, Webb, and Zapata Counties, Texas, qualifies as a tight formation under section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA). The recommended interval is as much as 2,600' thick and involves four distinct Upper Hinnant fields. The four fields are the Glen, South (Wilcox 9,200') Field, Berry R. Cox (Wilcox 5th Hinnant) Field, Aviators, South (9,400') Field, and the Aviators, South (9,900') Field.

Texas determined that the entire Upper Hinnant interval qualifies by averaging the well data from the four distinct fields to derive a permeability and pre-stimulation flow rate value for the entire Upper Hinnant interval. However, the permeability and flow rate values for the shallowest field, the Glen, South (Wilcox 9,200') Field, exceed both the 0.1 millidarcy (md) guideline for in situ permeability to gas and the applicable maximum allowable stabilized pre-stimulation flow rate guideline for natural gas. The data for the other Upper Hinnant sands indicates that they have significantly lower permeabilities and pre-stimulation flow rates and meet the Commission's guidelines. Appendix A shows the relevant well data for each field.

Staff's Tolling Letter and Texas' Response

On May 27, 1993, Commission staff tolled the 49-day review period for the subject determination, noting that the data in the record shows that the Wilcox 9,200' sand interval does not meet the guidelines. Staff requested Texas to explain why it believed that the Wilcox 9,200' sand meets the Commission's guidelines for tight formation designation.

Texas filed the applicant's response on August 3, 1993. The applicant, XCL-Texas, Inc. (XCL), argues that a field-by-field analysis of the Upper Hinnant is not required by § 271.703 of the Commission's regulations and should have no bearing on whether a formation is considered to be tight. XCL further argues that, when the Commission required jurisdictional agencies to use the arithmetic mean to determine average permeability in Order No. 539, the Commission contemplated using the average permeability for a given formation, and that permeability values for specific wells are relevant only to the extent they contribute to the arithmetic average.

Discussion

Section 271.703(c)(2)(II) of the natural gas flow rate of wells completed for production in the formation must not exceed the applicable maximum allowable flow rate set forth in the table of rates in that section of the regulations. In the Interim Rule which promulgated guidelines for designating tight formations, the Commission stated that:

Jurisdictional agencies should limit their recommendations to those geographical areas of a formation, and those strata, that meet the guidelines.\(^1\)

In addition, in its Final Rule (Order No. 99),\(^2\) the Commission stated that jurisdictional agencies would conduct investigations to identify tight formations that meet the guidelines and then recommend those specific formations or portions thereof for designation. Thus, it is clear that if available permeability and flow rate data indicate that a distinct portion of a formation does not meet the guidelines, that portion must be excluded from the jurisdictional agency's determination.

The wells in the recommended area produce from each field separately, and Texas classifies each field (i.e., each different Upper Hinnant reservoir) separately. Moreover, all of the data from the wells completed in the Wilcox 9,200' sand interval portion of the Upper Hinnant show that the Wilcox 9,200' sand interval exceeds the Commission's permeability and flow rate guidelines. Therefore, the record does not show that all of the Upper Hinnant interval meets the guidelines for tight formation designation.

Under § 275.202(a) of the regulations, the Commission may make a preliminary finding, before a determination becomes final, that the

determination is not supported by substantial evidence in the record. Based on the foregoing facts, the Commission hereby makes a preliminary finding that Texas’ determination for the Wilcox Upper Hinnant Sand Formation is not supported by substantial evidence in the record upon which it was made. Texas or the applicant may, within 30 days from the date of this preliminary finding, submit written comments and request an informal conference with the Commission pursuant to § 275.202(f) of the regulations. A final Commission order will be issued within 120 days after the issuance of this preliminary finding.

By direction of the Commission. Lois D. Cashell, Secretary.

Appendix

Texas-134 Permeability and Pre-stimulation Flow Rate Well Data (Subject Fields Sorted According to Depth)

| Field: Glen, South (Wilcox 9,200') |
|-----------------------------------|---|---|---|---|---|---|---|
| Frank Armstrong #2; PBU test permeability—0.186 md; completed: 6/28/83; pre-stim. flow rate—956 Mcfd. |
| Elia G. Gonzalez #1; permeability data—none; completed: 2/16/83; pre-stim. flow rate—990 Mcfd. |

| Field: Aviators, South (9,400') |
|---------------------------------|---|---|---|---|---|---|---|
| Stroman Armstrong 924 #3U; PBU test permeability—0.062 md; completed: 9/14/87; pre-stim. flow rate—87 Mcfd. |

| Field: Aviators, South (9,900') |
|---------------------------------|---|---|---|---|---|---|---|
| Stroman Armstrong 924 #2; permeability data—none; completed: 11/18/86; pre-stim. flow rate—223 Mcfd. |
| Stroman Armstrong 924 #4L; permeability data—none; completed: 10/06/87; pre-stim. flow rate—18 Mcfd. |

| Field: Aviators, South (9,900') |
|---------------------------------|---|---|---|---|---|---|---|
| Stroman Armstrong 924 #2; permeability data—none; completed: 11/18/86; pre-stim. flow rate—223 Mcfd. |

*Texas is advised that issuance of this preliminary finding does not preclude it from amending its determination to designate the three deeper fields as a tight formation.

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**[Project No. 11254-001 Washington]**

**Lewis Basin Limited Partnership; Surrender of Preliminary Permit**

September 17, 1993.

Take notice that Lewis Basin 2 Limited Partnership, Permittee for the Siouxon Creek Project No. 11254, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 11254 was issued June 29, 1992, and would have expired May 31, 1995. The project would have been located on Siouxon Creek, in Clark County, Washington.

The Permittee filed the request on September 2, 1993, and the preliminary permit for Project No. 11254 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Lois D. Cashell, Secretary.

[FR Doc. 93-23272 Filed 9-22-93; 8:45 am]

**[Project No. 11195-003 Washington]**

**Sunset Falls Limited Partnership; Surrender of Preliminary Permit**

September 17, 1993.

Take notice that Sunset Falls Limited Partnership, Permittee for the Sunset Falls Water Power Project No. 11195, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 11195 was issued June 29, 1992, and would have expired May 31, 1995. The project would have been partially located in Mt. Baker-Snoqualmie National Forest, on the South Fork Skykomish River, in Snohomish County, Washington.

The Permittee filed the request on September 2, 1993, and the preliminary permit for Project No. 11195 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Lois D. Cashell, Secretary.

[FR Doc. 93-23275 Filed 9-22-93; 8:45 am]

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**[Docket No. TM94-1-1-000]**

**Alabama-Tennessee Natural Gas Co.; Proposed Change In FERC Gas Tariff**

September 17, 1993.

Take notice that on September 13, 1993, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet with a proposed effective date of October 1, 1993:

Second Revised Sheet No. 4

Alabama-Tennessee states that the purpose of this filing is to reflect a $0.0003 per dekatherm increase in Alabama-Tennessee’s rates under its Annual Charge Adjustment (ACA) clause that results from a corresponding increase in the annual charge assessed Alabama-Tennessee by the Commission. Alabama-Tennessee requests a waiver of § 154.82 of the Commission’s Regulations so that this tariff sheet might be made effective on less than 30 days notice and requests any other waiver that may be required in order to accept and approve this filing as submitted.

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional sales and transportation customers and affected state regulatory commissions. 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 Rule 211 or Rule 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211 and 385.214 (1993)). All such motions or protests should be filed on or before September 24, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protesters parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell, Secretary.

[FR Doc. 93-23275 Filed 9-22-93; 8:45 am]
Koch Gateway Pipeline Co.; Filing of Revised Tariff Sheets

September 17, 1993.

Take notice that on September 14, 1993, Koch Gateway Pipeline Company (KGPC)\(^1\) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Substitute Forty-First Revised Tariff Sheet Nos. 4 and 5, and Original Volume No. 1A, Substitute Ninth Revised Sheet Nos. 6 and 7, with a proposed effective date of October 1, 1993.

Substitute Fourth Revised Sheet No. 4

East Tennessee states that the purpose of the instant filing is to correct typographical errors contained in tariff sheets originally filed under these Docket Nos. on August 31, 1993. Substitute Forty-First Revised Sheet Nos. 4 and 5 of First Revised Volume No. 1 adjust rounding which result in Rate Schedule SMS rates $0.001 lower than those filed August 31, 1993. Revise Sheet Nos. 6 and 7 of Original Volume No. 1A filed August 31, 1993 erroneously reflected adjustments pursuant to Section 24 of East Tennessee’s General Terms and Conditions. Substitute Ninth Revised Sheet Nos. 6 and 7 contain no reference to Section 24 adjustments and reflect a $.0112 reduction to the Firm Commodity Rates After Current Adjustments filed August 31, 1993.

East Tennessee states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §385.211 of the Commission’s regulations. All such protests should be filed on or before September 24, 1993. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

Koch Gateway Pipeline Co.; Request Under Blanket Authorization

September 17, 1993.

Take notice that on September 15, 1993, Koch Gateway Pipeline Company (Gateway), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP93–727–000 a request pursuant to §§157.205 and 157.211(a)(2) of the regulations under the Natural Gas Act for authorization to construct and install an eight-inch tap to enable Gateway to provide a delivery point under its blanket certificate authorization to facilitate deliveries to Enron Storage located in Ascension Parish, Louisiana, on behalf of Koch Gas Services (KGS). Gateway makes such request, all as more fully set forth in its pleading in this docket which is on file with the Commission and open to public inspection, under United’s blanket certificate issued in Docket No. CP82–430–000 pursuant to section 7 of the Natural Gas Act.

Gateway states that upon execution of an interruptible transportation agreement it would be authorized to provide natural gas transportation service to KGS. Gateway further states that the service provided to KGS would be interruptible and would therefore have no impact on United’s curtailment plan.

Gateway further states it would install the tap and facilities in compliance with 18 CFR, part 157, subpart F, and that the proposed activities would not affect Gateway’s ability to serve its other existing customers.

Any person or the Commission’s staff may, within 45 days after issuance of the instant notice by the Commission, file a request pursuant to Rule 214 of the Commission’s Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to §157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,
Secretary.

Midwest Gas Storage Co.; Initial Tariff Filing

September 17, 1993.

Take notice that on September 14, 1993, Midwest Gas Storage Company (Midwest), 13100 Southwest Highway, Palos Park, Illinois, filed in Docket No. CP90–454–002

(1) Transmitting Midwest’s initial FERC Gas Storage Tariff (including FSS and ISS Rate Schedules and pro forma service agreements and general terms and conditions in accordance with §154.62 of the Commissions; (2) Noting the changes made in the pro forma tariff and rates appended to Docket Nos. TQ94–1–2–001 and TM94–1–2–001)
Midwest’s original certificate application to comply with the Commission’s aforementioned orders granting Midwest its certificate in 1991, 55 FERC ¶ 61,140, and 57 FERC ¶ 61,249;

(3) Describing the final results of Midwest’s initial open season in 1990 and subsequent marking efforts to date; and

(4) Identifying those additional changes to the original pro forma tariff needed to comply with Order No. 636;

Midwest requests a waiver of the electronic bulletin board (EBB) requirement required by Order No. 636 due to the small size of the project, especially in the first year of the three-year phase-in; the limited number of initial shippers; and exigencies involved with completing construction and starting service in the Fall of 1993. Specifically, Midwest requests a temporary waiver of the requirement that it maintain an EBB until April 1, 1994. It is indicated that, by delaying the EBB requirement until then, the Commission will be allowing Midwest to focus on getting its facility up and running and will permit Midwest to develop an EBB in compliance with both Order No. 636 and Docket No. RM93-4, thus avoiding duplicative work and unnecessary costs.

Midwest proposes an October 15, 1993, effective date for the tariff filing. Any person desiring to be heard or protest the subject 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 §§ 385.211 and 385.214 of the Commission’s Rules of Practice and Procedure: 18 CFR 385.211 and 385.214. All such motions and protests should be filed on or before September 24, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and available for public inspection. Lois D. Cashell, Secretary.

[FR Doc. 93–23289 Filed 9–22–93; 8:45 am] BILLING CODE 6717–01–M

(Docket No. RS92–36–003)

Mobile Bay Pipeline Co.; Petition for Waiver

September 17, 1993.

Take notice that on September 3, 1993, Mobile Bay Pipeline Company (Mobile Bay), P.O. Box 1478, Houston, Texas 77251–1478, filed a Notice of Petition for Waiver of certain Part 284 reporting requirements. Specifically, Mobile Bay requests a waiver of:

18 CFR 284.106(a), (b), (c), (d) and (g), 18 CFR 284.222 and 18 CFR 284.223 (d), (e) and (f), to the extent necessary to implement non-permanent capacity release transactions on Mobile Bay’s system without the necessity of filing initial reports, subsequent reports, annual reports, notifications of termination and storage reports reflecting such capacity release transactions; and,

18 CFR 284.106(a)(3)(iv), to the extent necessary to allow Mobile Bay to add or delete receipt and delivery points without the necessity of filing subsequent reports under 18 CFR 284.106(b).

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 8, 1993, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission’s Rules of Practice and Procedure, 18 CFR 385.211 or 385.214, and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission’s Rules.

Lois D. Cashell, Secretary.

[FR Doc. 93–23281 Filed 9–22–93; 8:45 am] BILLING CODE 6717–01–M

(Docket No. CP93–723–000)

Northwest Pipeline Corp., Request Under Blanket Authorization

September 17, 1993.

Take notice that on September 14, 1993, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP93–723–000 a request pursuant to § 157.205 of the Commission’s Regulations to partially abandon existing facilities and to construct and operate replacement facilities at the Duvall-Cottage Lake Meter Station in King County, Washington to better accommodate its existing firm delivery obligations to Washington Natural Gas Company (Washington Natural), a local distribution company, under Northwest’s blanket certificate issued in Docket No. CP92–433–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest proposes to upgrade the Duvall-Cottage Lake Meter Station in King County, Washington by replacing the internal ports of the two existing two-inch full port regulators to convert them to two-inch large port regulators and to replace the 250,000 Btu per hour line heater with a 750,000 Btu per hour line heater to increase the maximum design delivery capacity of the station from 11,668 MMBtu per day to approximately 16,036 MMBtu per day at 150 psig. Northwest states that the estimated cost of replacing the facilities is $28,770, including the cost of removing the retired facilities.

Northwest indicates that since the proposed upgrades are necessary to enable Northwest to deliver up to its current firm obligations to Washington Natural at this point, Northwest would not require any cost reimbursement from Washington Natural.

Northwest states that no significant impact on Northwest’s peak day or annual deliveries is projected from the proposed facility replacements or the proposed operating capacity increase. Northwest’s tariff does not prohibit the upgrading of delivery point facilities and any volumes delivered to the Duvall-Cottage Lake delivery point would be within the authorized entitlements of any shipper.

Any person or the Commission’s staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission’s Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If any protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed...
for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,
Secretary.
[FR Doc. 93-23270 Filed 9-22-93; 8:45 am]
BILLING CODE 6717-01-M

[Dock No. RP93-194-000]

Southern California Utility Power Pool and Imperial Irrigation District v. Southern California Gas Co.; Notice of Complaint

September 17, 1993.
Take notice that on September 10, 1993, Southern California Utility Power Pool (SCUPP) and the Imperial Irrigation District (IID) respectfully submit a complaint against Southern California Gas Company (SoCalGas).

SCUPP/IID states that SoCalGas, a local distribution company regulated by the Public Utilities Commission of the State of California (CPUC), is billing an interconnection charge to interstate shippers of natural gas. SCUPP/IID argues that SoCalGas' interconnection charge is a burden on interstate commerce, is in violation of the Natural Gas Act, and is preempted by the authority of the Commission.

SCUPP/IID states that the interconnection charge which SoCalGas attempts to impose on interstate shippers has not been reviewed or approved by the Commission, and it is not within the authority of the CPUC to impose such a charge on interstate shippers.

SCUPP/IID accordingly request the Commission to issue an order requiring SoCalGas to immediately cease and desist from the assessment and collection of the interconnection charge from interstate shippers, and to refund all such charges unlawfully collected.

Any person desiring to be heard or to protest said complaint should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE,, Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214, 385.211. All such motions or protests should be filed on or before October 18, 1993. 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. Answers to this complaint shall be due on or before October 18, 1993.

Lois D. Cashell, Secretary.
[FR Doc. 93-23292 Filed 9-22-93; 8:45 am]
BILLING CODE 6717-01-M

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS
[Week of August 20 through August 27, 1993]

<table>
<thead>
<tr>
<th>Date</th>
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<th>Case No.</th>
<th>Type of submission</th>
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<tbody>
<tr>
<td>Aug. 5, 1993</td>
<td>Magoffin County Schools, Paris, TN</td>
<td>RR272-113</td>
<td>Request for modification/rescission in the crude oil refund proceeding. If granted: The July 30, 1993 Dismissal Letter (RF272-78351) issued to Magoffin County Schools would be modified regarding the firm's Application for Refund submitted in the crude oil refund proceeding.</td>
</tr>
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REFUND APPLICATIONS RECEIVED
[Week of August 20 to August 27, 1993]

<table>
<thead>
<tr>
<th>Date received</th>
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<tr>
<td>Aug. 18, 1993</td>
<td>Joe's Shell</td>
<td>RF315-</td>
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<td>10280</td>
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</table>
Issuance of Decisions and Orders During the Week of August 16 through August 20, 1993

During the week of August 16 through August 20, 1993 the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Interlocutory Order

Sandia National Laboratories, L & M Technologies, Inc., 8/20/93, LWZ-0021, LWZ-0022

Sandia National Laboratories (Sandia) and L & M Technologies, Inc. (L & M) filed Motions to Dismiss on August 11 and 17, 1993, respectively. In their Motions, Sandia and L & M sought the dismissal of the underlying complaint and hearing request filed by Ronald A. Sorri (Sorri) under the Department of Energy's Contractor Employee Protection Program. Sorri's was the first hearing request filed by the Office of Hearings and Appeals (OHA) under the DOE's new Contractor Employee Protection Program, codified as 10 CFR part 708. Both Sandia and L & M, in their Motions to Dismiss argued that the Sorri complaint is time barred because it was not filed "within 60 days after the alleged discriminatory act occurred or within 60 days after the complainant knew, or reasonably should have known, of the alleged discriminatory act, whichever is later" pursuant to 10 CFR 708.6(d). In considering the two Motions to Dismiss, the OHA found that the acceptance of Sorri's complaint was a reasonable exercise of discretionary authority under part 708 by the Director of the Office of Contractor Employee Protection. The OHA further found that there was no evidence that the policy underlying the 60-day time limit was contravened by the acceptance of the complaint, or that either Sandia or L & M was prejudiced by any brief delay which may have occurred between "the alleged discriminatory act" and the filing of Sorri's complaint. Accordingly, the Motions to Dismiss were denied.

Refund Applications

Farmers Union Elevator, 8/16/93, RR272-109

The DOE issued a Decision and Order denying the Motion for Reconsideration filed by Energy Refunds, Inc. (ERI), in the Subpart V crude oil refund proceeding on behalf of Farmers Union Elevator (Farmers). On June 4, 1993, the DOE issued a Decision and Order barring ERI from any further representation of applicants before this Office in any capacity. See Energy Refunds, Inc., 23 DOE ¶ 85,076 (1993). Therefore, the DOE determined that ERI had no standing to file a Motion for Reconsideration on behalf of Farmers. Accordingly, ERI's request was denied.

Farmers Union Elevator, 8/20/93, RR272-110

The DOE issued a Decision and Order granting the Motion for Reconsideration filed by Mid-Kansas Cooperative Association (Mid-Kansas) in the Subpart V crude oil refund proceeding on behalf of Farmers Union Elevator (Farmers). On June 8, 1993, the DOE issued a Decision and Order denying Farmers a refund because the firm had identified itself as a petroleum retailer and had not provided information necessary to establish that it was injured by the alleged overcharges. In its Motion, Mid-Kansas, the firm into which Farmers was merged in 1990, provided documentary evidence that Farmer's had been a cooperative during the refund period. As cooperatives may rely upon the end-user presumption of injury, the OHA determined that Mid-Kansas should receive a refund of $3,996. Mid-Kansas certified that it would pass through the refund received to its members.

Texaco Inc./Farmland Industries, Inc., 8/18/93, RF321-13275

The DOE issued a Decision and Order granting an Application for Refund filed by Farmland Industries, Inc. (Farmland) in the Texaco Inc. special refund proceeding. As an agricultural
cooperative, the DOE determined that for the purposes of the Texaco proceeding, Farmland should be treated as an end-user with respect to its sales to cooperative owner-members and as a reseller with respect to its sales to the general public. Farmland certified that it would distribute the refund to its members and submit plans regarding member notification and fund disbursement. Farmland also certified that during the consent order period 99 percent of its propane sales and 86 percent of its motor gasoline sales were to cooperative members. The DOE approved a full volumetric refund for the 44,076,805 gallons of Texaco product that Farmland sold to its members and a fifty percent volumetric refund for the 679,973 gallons of Texaco product it sold to non-members. Accordingly, the DOE granted Farmland a refund of $66,763 ($48,857 principal plus $17,906 interest) based on purchases of 44,755,878 gallons of Texaco propane and motor gasoline.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Artistic Pools Inc. Et al .................................................. RF304-14005 08/16/93
Atlantic Richfield Company/Frank's Arco Et al ................ RF304-55, RF304-2028, RF304-2030 08/18/93
Atlantic Richfield Company/Lewis Gulf Service Station, Carl's Service, Inc., Adelphi Arco ........ RF272-94620 08/20/93
Atlantic Richfield Company/Townline Arco Et al .......... RF304-13840 08/20/93
Bagdad Roller Mills, Inc. Et al ........................................ RF272-90653 08/20/93
Beacon Oil Company/Calif-Fresno Oil Co. .................... RF272-90056 08/17/93
Brown-Pavletich Lumber Co. Et al ................................. RF272-83340 08/16/93
City of Detroit ................................................................. RF272-63668 08/17/93
City of Lipscomb .............................................................. RF500-20526 08/20/93
Gulf Oil Corporation/ City Park Gulf Et al ...................... RF300-20909 08/18/93
Gulf Oil Corporation/Liberty Gulf Et al ............................ RF300-28 08/18/93
Gulf Oil Corporation/Michigan Bell Telephone ................ RF300-17784 08/18/93
Gulf Oil Corporation/ Pennant Aviation, Inc. Et al ........ RF300-15019 08/17/93
Huber Heights City Schools Et al ................................. RF300-82406 08/17/93
Johnston Construction Co., Inc. ...................................... RC272-212 08/16/93
Quintana Energy Corp./Monsanto Company .................... RF304-13855 08/20/93
Tazewell County, Illinois Et al ......................................... RF304-2233 08/19/93
Texaco Inc./Downtown Texaco, Inc. Et al ........................ RF321-17731 08/20/93
Texaco Inc./El's Texaco Service Center ............................ RF321-17731 08/20/93
Texaco Inc./Gateway Transportation Co., Inc., Gateway Transportation Serv. Inc ................................ RF321-17731 08/20/93
Texaco Inc./John Wong Texaco Et al ............................... RF321-17080 08/20/93
Texaco Inc./Kileen Texaco Et al ...................................... RF321-2233 08/19/93
Texaco Inc./William Bros. Texaco, Perkins' Tire & Service RF321-1978 08/16/93
Wells Cargo, Inc .............................................................. RC272-207 08/16/93
Wells Cargo, Inc .............................................................. RC272-207 08/16/93

Dismissals

The following submissions were dismissed:

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<td>Beres Texaco at 1827</td>
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<td>Bob's Texaco</td>
<td>RF321-18820</td>
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<td>Step-n-Fetchet</td>
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<td>Texaco #15</td>
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<td>Texaco #7</td>
<td>RF321-1336</td>
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<tr>
<td>Texaco Car Care Center</td>
<td>RF321-17730</td>
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<td>Timesaver Food Store</td>
<td>RF321-17738</td>
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<tr>
<td>Top Notch Texaco</td>
<td>RF321-5926</td>
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<td>Town of Foxborough</td>
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<td>Town of Spring Lake</td>
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<td>Village of Cahokia</td>
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<td>Wyoming Texaco</td>
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<td>Young's Texaco</td>
<td>RF321-17704</td>
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</table>

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available.
in Energy Management: Federal Energy Guidelines, a commercially published
loose leaf reporter system.


George B. Brenzny,
Director, Office of Hearings and Appeals.

Issuance of Decisions and Orders During the Week of July 26 Through July 30, 1993

During the week of July 26 through July 30, 1993, the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Petition for Special Redress California, 7/27/93, LEG-0005

The DOE issued a Decision and Order denying a Petition for Special Redress filed by the State of California. In its Petition, California requested that it be permitted to use $300,000 in Stripper Well funds for the construction of a child care center near a commuter rail station, a program which had twice been rejected by the Deputy Assistant Secretary, Energy Efficiency and Renewable Energy, as inconsistent with the terms of the Stripper Well Settlement Agreement. The Office of Hearings and Appeals (OHA) found that the State had failed to demonstrate that the child care proposal either (a) fell within the categories of programs explicitly permitted by the Settlement Agreement or (b) adhered to the equitable guidelines outlined for new or unique programs. Consequently, California's Petition for Special Redress was denied.

Refund Applications Aransas Pass Independent School District, 7/30/93, RR272-107

The DOE issues a Decision and Order concerning a Motion for Reconsideration filed in the Subpart V crude oil special refund proceeding being disbursed by the DOE under 10 CFR part 205. Aransas Pass Independent School District claimed that it had responded to an OHA request for information, even though OHA had not received the information. The DOE determined that the Motion was meritorious and granted a refund of $89.

Murphy Oil Corporation/Energy Cooperative, Inc., 7/27/93, RF309-1424

The DOE issued a Decision and Order granting an Application for Refund filed in the Murphy Oil Corporation special refund proceeding by Jay Steinberg on behalf of Energy Cooperative, Inc. (ECI). Mr. Steinberg is the court-appointed Trustee in Bankruptcy for ECI, a former cooperative that is presently a Chapter 7 Debtor. OHA procedures require cooperatives to pass through the benefits of any refund to their members. In this case, the OHA found that, although ECI is in bankruptcy and is not operating, refunds to it will benefit its members either by increasing the value of the members' claims against ECI or by decreasing the members' obligations to the cooperative. In accordance with this finding, and in accordance with OHA precedents regarding bankruptcy estates, ECI was granted a refund of $14,482, comprised of $9,621 in principal and $4,861 in accrued interest.

Texaco Inc./Gammill Oil Company G&B Texaco, 7/30/93, RF321-6324, RF321-6325

The DOE issued a Decision and Order in the Texaco Inc. refund proceeding concerning two Applications for Refund. One application was filed by Gammill Oil Company, Inc., a Texaco jobber, and the second by G&B Texaco, a retail outlet that was supplied by Gammill. The DOE granted the refund application filed by Gammill Oil Company. The application filed by G&B Texaco was denied, however, because the present owners did not own the retail outlet during the refund period. The retail outlet had been owned by the previous owners who did not own the retail outlet. Consequently, the OHA found that, since no creditor had demonstrated a clear right to the refund attributable to the corporation, that refund should be paid to Carberry, its sole shareholder. Accordingly, the DOE granted Carberry's Motion for Reconsideration.

Texaco, Inc./Way Oil Company, 7/30/93, RF321-18376

The DOE issued an Order granting a refund to Way Oil Company in Texaco Inc./Way Oil Company, Case No. RF321-18376 (July 30, 1993). The DOE determined that a December 19, 1991 settlement agreement between Robert E. Way and Way Oil Company concerning Way Oil Company's eligibility for a refund was equitable and in accord with DOE precedents. The DOE also determined that Way Oil Company had provided sufficient documentation to support its claim. Accordingly, Way Oil Company was granted a refund of $1,739 ($1,276 principal plus $463 interest).

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.
## Dismissals

The following dismissals were decided:

<table>
<thead>
<tr>
<th>Name</th>
<th>Case No.</th>
<th>Name</th>
<th>Case No.</th>
</tr>
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<tbody>
<tr>
<td><strong>Albuquerque Tribune</strong></td>
<td>LFA-02007</td>
<td>Dominick's Finer Foods, Inc.</td>
<td>RF272-92777</td>
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<td>E.A. Swansen Company</td>
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<td>Emery County</td>
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<td><strong>C.H. Barco Contracting Co</strong></td>
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<td>Evanglades Sugar Refinery</td>
<td>RF272-91251</td>
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<td>Fuel Oil Supply</td>
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<td><strong>Cherokee Hig. &amp; Rigng. Inc.</strong></td>
<td>RF272-85171</td>
<td>Gooding County</td>
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<td>GTE Service Corp</td>
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<td>Huffman Texaco</td>
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<td>RF272-82600</td>
<td>K Way Equipment Co</td>
<td>RF321-91219</td>
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<td>M &amp; R Texaco</td>
<td>RF321-10564</td>
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<td>Magoffin County</td>
<td>RF272-79351</td>
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<td>Merchants Fast Motor Lines</td>
<td>RF272-80118</td>
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<td><strong>Enron Corp/Amoco Corporation</strong></td>
<td>RF272-92140</td>
<td>Napoleon City Schools</td>
<td>RF272-92183</td>
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<td><strong>Fileris Transportation Co. et al</strong></td>
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<td>Reality Plantation</td>
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<td>Relays, Inc</td>
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<td><strong>Harvard Wood &amp; Sons</strong></td>
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<td><strong>Teays Valley Local School District</strong></td>
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<td><strong>Township of Edison</strong></td>
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<td><strong>Jefferson School District</strong></td>
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<td><strong>Wadena School District #819</strong></td>
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<td><strong>Joslin Community School District</strong></td>
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<td><strong>Walton Distribution Service</strong></td>
<td>RF272-91328</td>
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<td><strong>Kentucky County Schools</strong></td>
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<td><strong>Wayne County, Indiana</strong></td>
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<td><strong>Kewanee School District</strong></td>
<td>RF272-92140</td>
<td><strong>Webster County Schools</strong></td>
<td>RF272-79334</td>
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</tbody>
</table>

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the
hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

George B. Breznay,
Director, Office of Hearings and Appeals.

[FR Doc. 93-23342 Filed 9-22-93; 8:45 am]
BILLING CODE 6450-01-P

Issuance of Decisions and Orders During the Week of June 21 Through June 25, 1993

During the week of June 21 through June 25, 1993, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals
John T. Allen, 6/25/93, LFA-0294

John T. Allen filed an Appeal from a partial denial by the Bonneville Power Administration (BPA) of a Request for Information that he submitted under the Freedom of Information Act (FOIA). Allen requested copies of proposals submitted to BPA for an ongoing procurement action in which no contract had been awarded. In considering the Appeal, DOE found that release of the proposals, was prohibited by the Procurement Integrity Act (PIA), since the procurement action was still at the pre-award stage. DOE further found that PIA was a withholding statute for considering the Appeal, the DOE found that because the definition of"contract" in the Federal Acquisition Regulations (FAR) includes purchase orders, or other documents falling under the FAR definition would be responsive to Flor's request. Accordingly, the matter was remanded to DOE/AL with instructions to issue a supplemental determination either releasing all responsive documents not already released to Flor, or explaining with reference to one or more of the FOIA exemptions its reasons for withholding any of the information requested.

Refund Applications
Texaco Inc./J.B. McBride-Distributor, Inc., RF321-13415

The DOE issued a Decision and Order granting an Application for Refund filed by National Lubricating Products, Inc. (NL) in the Texaco Inc. special refund proceeding. NL sought a refund equal to its full allocable share based on its purchases of Texaco motor gasoline and middle distillates. In support of its claim of injury above the medium-range presumption level, the firm submitted information showing the status of its cumulative banked gasoline and middle distillate costs at the ending of the respective "banking" regulation periods and a competitive disadvantage analysis for its Texaco purchases of each grade of motor gasoline and middle distillates. The data submitted showed that NL had accumulated sufficient banks to justify a full volumetric refund, and that NL may have experienced a substantial competitive disadvantage as a result of its Texaco purchases. However, the information also indicated that the firm was not injured in its motor gasoline purchases in November and December 1973 and March 1977 until the date of incorporation, February 25, 1974. J.B. McBride Distributor, Inc. was awarded a refund of $114,879 ($84,360 principal and $30,519 interest).

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Dismissals

The following submissions were dismissed:

<table>
<thead>
<tr>
<th>Name</th>
<th>Case No.</th>
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<tr>
<td>A. Williams &amp; Sons, Inc</td>
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<td>Alsp-Hazigm-Oaklyn School District 126</td>
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<td>Aviation of New Orleans, Inc</td>
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<td>Bob &amp; Dru's Texaco</td>
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<td>Carbolande Elementary School District 95</td>
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<td>Grand Prix Oil Corporation</td>
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Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.


George B. Breznay,
Director, Office of Hearings and Appeals.

Issuance of Decisions and Orders During the Week of June 14 Through June 18, 1993

During the week of June 14 through June 18, 1993, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Jon Berg, 6/14/93, LFA-0293

Jon Berg filed an Appeal from a determination issued by the Director of the Office of Coal, Nuclear, and Alternate Fuels of the DOE's Energy Information Administration (EIA) in response to a Request for Information submitted under the Freedom of Information Act (FOIA). The EIA had withheld portions of three documents under Exemptions 4 and 6 of the FOIA. In considering the Appeal, the DOE found that a new determination was necessary. With respect to the application of Exemption 4, the DOE specified the findings that the agency must make. With respect to the
application for Exemption 6, the DOE specified the private and public interests in material concerning the agency's consideration of whether an employee had a conflict of interest. The
Appeal was granted in part, denied in part, and remanded to the EIA for a new determination in accordance with the guidance set forth in the Decision and Order.

Refund Applications


The DOE issued a Decision and Order denying an Application for Refund filed by Blu-Gas, Service, Inc. (Blu-Gas) in the Shell Oil Company special refund proceeding. The DOE determined that Blu-Gas failed to show that it purchased Shell products during the Shell consent order period. In addition, the DOE determined that six applications previously filed by Blu-Gas in the following special refund proceedings should be rescinded: Atlantic Richfield Company, Getty Oil Company, Conoco, Inc., Mobil Oil Corporation, Tenneco Company, and Suburban Propane Gas Corporation. After reexamining each of these applications, the DOE determined that Blu-Gas failed to present any evidence to prove that the product it purchased from its direct supplier originated from any of the respective firms and therefore, Blu-Gas received erroneous refunds totaling $19,599. Mr. Clarence Cardoza as the former 51 percent shareholder of Blu-Gas and Mr. Dwayne A. Cardoza as the former 49 percent shareholder of Blu-Gas were ordered to refund the erroneous payments to the DOE.

Shell Oil Company/Dove Creek Shell; Bob Hampton; Sedlak Shell, 6/14/93, RF315-66; RF315-145; RF315-1605

The DOE issued a Decision and Order granting three Applications for Refund filed in the Shell Oil Company special refund proceeding by indirect purchasers of Shell petroleum products. The refunds granted in this Decision and Order totaled $2,687 ($1,800 in principal and $887 in interest). Texaco Inc./Bridgeport Texaco, 6/14/93, RR321-131

The DOE issued a Decision and Order concerning a Motion for Reconsideration filed by Steven Phipps, the owner of Bridgeport Texaco. The DOE had previously denied an Application for Refund filed on Mr. Phipps' behalf by a filing service, Energy Refunds, Inc. (ERI). The previous application was denied because neither Mr. Phipps nor ERI had responded to a request for documentation of the date that Mr. Phipps commenced business. In considering the Motion for Reconsideration, the DOE found that the denial of the previous application was primarily the result of ERI not responding to DOE's information request in a timely manner. The DOE concluded that the applicant should not be penalized for the failings of his representative. Consequently, the DOE granted the Motion for Reconsideration and approved a refund.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Atlantic Richfield Company/Husky Oil Co, Inc; Husky Oil Co, Inc RF304-13300 06/18/93
Atlantic Richfield Company/Husky Oil Co, Inc RF304-13300 06/18/93
Husky Oil Co, Inc RF304-13301
Atlantic Richfield Company/Olney Oil & Burner RF304-13919 06/14/93
Atlantic Richfield Company/Salaria Tire Center et al RF304-13828 06/16/93
Baxley Oil Company et al RF272-92485 06/15/93
C.T. Hertzsch, Inc RC272-202 06/15/93
Clark Oil & Refining Corp/Don Foster Oil Co RF342-5 06/15/93
Grimm Oil Company RF342-36
Center Fuel Co RF342-281
Crescent Refining & Oil Co/Holy Sugar Corp et al RF347-1 06/16/93
Darden Rehabilitation Center et al RF272-92900 06/15/93
Euron Corp/G.A. Eddy & Sons, Inc RF340-14 06/15/93
First Paratransit Corp RF272-203 06/16/93
Gulf Oil Corporation/Duke Automatic Gas Co RF300-21744 06/15/93
Murphy Oil Corp/East Side Oil Co RF309-1184 06/15/93
Northern Local School District RF272-83516 06/14/93
Angeliela Central School RF272-83558
R.S. Rife, Jr et al RF272-92832 06/15/93
Sherwood Gas & Oil Company et al RF272-93289 06/15/93
St. Mary Parish et al RF272-87010 06/18/93
St. Rita's Catholic Church et al RF272-92701 06/15/93
Texaco Inc./Bayles Texaco RF321-128 06/14/93
Texaco Inc/Bentworth School District et al RF321-6276 06/16/93
Texaco Inc/Ellis Implement Co, Inc et al RF321-15411 06/16/93
Texaco Inc/Hooker Chemical & Plastic Corp et al RF321-14260 06/16/93
Texaco Inc/Lake Forest Texaco et al RF321-11274 06/18/93
Texaco Inc/Main Brothers Oil Co, Inc RF321-11668 06/18/93
Texaco Inc/Nielsen's L-20 Texaco et al RF321-15624 06/18/93
Texaco Inc/O'Neal Oil Co, Inc et al RF321-6799 06/14/93
Town of Smithtown RF272-83444 06/14/93

Dismissals

The following submissions were dismissed:

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<td>Borough of Monroeville... RF272-63548</td>
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<td>Bye's Gulf Service... RF300-15865</td>
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<td>City of Manistique... RF272-85113</td>
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</table>
ENVIRONMENTAL PROTECTION AGENCY

FRL-4732-2

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

Dated: September 17, 1993.

Paul Lepsey,
Director, Regulatory Management Division.
[FR Doc. 93-23205 Filed 9-22-93; 8:45 am]
BILLING CODE 6560-50-F

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation
Title: New Source Performance Standards (NSPS) for Hot Mix Asphalt Facilities (subpart I)--Information Requirements (EPA ICR No. 1127.04; OMB No. 2060-0083). This is a request for renewal of a currently approved information collection.

Abstract: The owner or operator of hot mix asphalt facilities must provide EPA, or the delegated State regulatory authority, with one-time notifications of: date of construction, reconstruction or modification, anticipated and actual dates of startup and performance test initiation and results. The owner or operator must maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility as well as the nature and cause of the malfunction (if known) and corrective measures taken.

EPA or the delegated state uses the notifications to determine when a source is subject to the standard.

Burden Statement: The burden for this collection of information is estimated to average 42.6 hours per response for reporting and 1.5 hours per recordkeeper annually. This estimate includes the time needed to review instructions, develop a recall plan, create and gather data, and review and store the information.

Respondents: Owners or operators of Hot Mix Asphalt Facilities.

Estimated No. of Respondents: 60.

Estimated No. of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 4,341.

Frequency of Collection: Initial reporting only.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to: Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223Y), 401 M Street, SW., Washington, DC 20460.

and

Mr. Chris Wolz, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503.
Public recordkeeping is estimated to burden associated with this program is being used.

The EPA will use the information to maintain oversight of the program. The EPA will store the information on alternative or innovative technologies on an EPA database that is available for use by State or other delegated authorities.

The EPA is in the process of phasing out the construction grants program and the subsequent State delegation, and the burden associated with this program is expected to decline over the next three years. The EPA will be replacing this program with the State Revolving Loan Fund (SRLF) Program as established under Title VI of the Clean Water Act.

Burden Statement: Public reporting burden for this collection of information is estimated to average 47.5 hours per response including time for reviewing the requirements, gathering and compiling the data needed, completing and reviewing the information, and submitting the information to the EPA. Public recordkeeping is estimated to average 20 hours per recordkeeper including time to process, store and maintain information.

Respondents: State or other delegated authorities.

Estimated Number of Respondents: 97 reporters, 37 recordkeepers.

Estimated Number of Responses per Respondent: 3.

Frequency of Collection: Annually, or on occasion.

Estimated Total Annual Burden on Respondents: 15,218 hours.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to: Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223Y), 401 M Street, SW, Washington, DC 20460.

and Mr. Chris Wolz, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW, Washington, DC 20503.

Dated: September 17, 1993.
Paul Lapsley,
Director, Regulatory Management Division.

Estimated Total Annual Burden on Respondents: 1,462.

Frequency of Collection: Initial reporting only.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to: Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223Y), 401 M Street, SW, Washington, DC 20460.

and Mr. Chris Wolz, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW, Washington, DC 20503.

Dated: September 17, 1993.
Paul Lapsley,
Director, Regulatory Management Division.

PUBLIC WATER SYSTEM SUPERVISION PROGRAM; PROGRAM REVISION FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of decision and opportunity for hearing.

SUMMARY: Notice is hereby given that the Commonwealth of the Northern Mariana Islands (CNMI) is revising its approved Public Water System Supervision Program. CNMI has adopted: (1) Drinking water regulations for eight volatile organic chemicals that correspond to the National Primary Drinking Water Regulations for eight volatile organic chemicals promulgated by EPA on July 8, 1987 (52 FR 25580) and corrected on July 1, 1988 (53 FR 25108); and (2) public notice regulations that correspond to the revised EPA public notice requirements promulgated on October 28, 1987 (52 FR 41534). EPA has determined that these two sets of state program revisions are no less stringent than the corresponding federal regulations. Therefore, EPA has tentatively decided to approve these state program revisions.

All interested parties are invited to request a public hearing. A request for a public hearing must be submitted by October 25, 1993 to the Regional Administrator at the address shown below. Substantial requests for a hearing may be denied by the Regional Administrator. If no timely and appropriate request for a hearing is received and the Regional Administrator...
does not elect to hold a hearing on his/hers own motion, this determination shall become effective October 25, 1993.

Any request for a public hearing shall include the following:
(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing;
(2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and
(3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADRESSES: All documents relating to this determination are available for inspection between the hours of 8:30 a.m. and 4 p.m., Monday through Friday, at the following offices: Division of Environmental Quality, Commonwealth of the Northern Mariana Islands, P.O. Box 1304, Saipan, MP 96950; and EPA, Region IX, Water Management Division, Water Supply Section, 250 South Market Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Jim Branch, EPA, Region IX, at the San Francisco address given above or by telephone at (415) 744-1601.

(Sec. 1413 of the Safe Drinking Water Act as amended (1986); and 40 CFR 142.10 of the National Primary Drinking Water Regulations)

Nora L. McGee,
Acting Regional Administrator.

[FRL-4735-1]

Montana; Partial Program Adequacy Determination of State Municipal Solid Waste Permit Program

AGENCY: Environmental Protection Agency (Region VIII).

ACTION: Notice of tentative determination on partial program application of the State of Montana for partial program adequacy determination; public hearing and public comment period.

SUMMARY: Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs) which may receive hazardous household waste or conditionally exempt small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR part 258). RCRA section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate “permit” programs for MSWLFs, but does not mandate issuance of a rule for such determinations. EPA has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR) that will provide procedures by which EPA will approve, or partially approve, State/Tribal landfill permit programs. The Agency intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgulation of the STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal permit programs provide for interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in States/Tribes with approved permit programs can use the site-specific flexibility provided by part 258 to the extent the State/Tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the Federal landfill criteria will apply to all permitted and unpermitted MSWLF facilities.

The State of Montana applied for a partial determination of adequacy under section 4005 of RCRA. EPA reviewed Montana's MSWLF application and made a tentative determination of adequacy for those portions of the State's MSWLF program that are adequate to assure compliance with the revised MSWLF Criteria. These portions are described later in this notice. The State has drafted revisions to the remainder of its permit program. EPA has determined that the State's revised requirements, if fully adopted and effective before EPA makes a final determination, would be adequate to ensure compliance with all but one element of the Federal Criteria. The State of Montana's application for partial program adequacy determination is available for public review and comment (see the "ADRESSES" section). Although RCRA does not require EPA to hold a public hearing on a determination to approve any State/Tribe's MSWLF program, the EPA has tentatively scheduled a public hearing on this determination. If a sufficient number of people express interest in participating in a hearing by writing the EPA Montana Office or calling the contact person (see the "FOR FURTHER INFORMATION CONTACT" section) by October 25, 1993, the Region will hold a hearing on the date given in the "DATES" section. The Region will notify all persons who submit comments on this notice if it decides to hold the hearing. In addition, anyone who wishes to learn whether the hearing will be held may call the contact person listed below.

DATES: All comments on the State of Montana's application for a determination of adequacy must be received by EPA by the close of business on November 15, 1993. The public hearing is tentatively scheduled for November 15, 1993, in room 489 of the Federal Building located at 301 South Park, Helena, Montana at 7 pm. Should a hearing be held, EPA may limit oral testimony to five minutes per speaker, depending on the number of commenters. Commenters presenting oral testimony must also submit their comments in writing by the close of the public hearing at 9 pm. The hearing may adjourn earlier than 9 pm if all of the speakers deliver their comments before that hour. Staff of the Montana Department of Health and Environmental Sciences will participate in the public hearing held by EPA on this subject.

ADRESSES: A copy of the State of Montana's application for program adequacy determination is available from 8 am to 5 pm at the following address for inspection and copying: EPA Region VIII Montana Office, Federal Building, room 102, 301 South Park, Helena, Montana 59626. Written comments should be sent to EPA Montana Office, Drawer 10096, Federal Building, 301 South Park, Helena, Montana 59626; Attn: Stephanie Wallace, mail code (8MO).

FOR FURTHER INFORMATION CONTACT: Stephanie Wallace (8MO), EPA Region VIII Montana Office, Drawer 10096, Federal Building, 301 South Park, Helena, Montana 59626, phone (406) 449-5414.

SUPPLEMENTARY INFORMATION:

A. Background

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA),
requires States to develop permitting programs to ensure that MSWLFs comply with the Federal Criteria under part 258. Subtitle D also requires in section 4005 that EPA determine the adequacy of State/Tribal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the Agency has drafted the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA intends to propose in STIR to allow partial approvals if: (1) The Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring compliance with part 258; (2) changes to a limited narrow part(s) of the State/Tribal permit program are needed to meet these requirements; and (3) provisions not included in the partially approved portions of the State/Tribal permit program are a clearly identifiable and separable subset of part 258. These requirements, if promulgated, will address the potential problems posed by the dual State/Tribal and Federal programs that will come into effect in October 1993 in those States/Tribes that only have partial approvals of their MSWLF programs. On that date, Federal rules covering any portion of a State/Tribe's program that has not received EPA approval will become enforceable. Owners and operators of MSWLFs subject to such dual programs must be able to understand which requirements apply and comply with them. In addition, the pieces of the Federal program that are in effect must mesh well enough with the approved portions of the State/Tribal program to leave no significant gaps in regulatory control of MSWLFs. Partial approval would allow the Agency to approve those portions of the State/Tribal permit program that meet the requirements and provide the State/Tribe time to make necessary changes to the remaining portions of the program. As a result, owners/operators will be able to work with the State/Tribal permitting agency to take advantage of the Criteria's flexibility for those portions of the program which have been approved.

As provided in the October 9, 1991, municipal landfill rule, EPA's national subtitle D standards will take effect in October 1993 in any State/Tribe that lacks an approved program. Consequently, any remaining portions of the Federal Criteria which are not included in an approved State/Tribal program by October 1993 would apply directly to the owner/operator. On July 28, 1993, EPA proposed to modify the effective date of the landfill criteria for certain classifications of landfills (50 FR 45698). Thus for certain small landfills, the Federal landfill criteria may not be effective until April 9, 1994, instead of October 9, 1993. EPA intends to publish the final ruling on the effective date extension prior to October 9, 1993. The exact classifications of landfills and final extent of the effective date extension will depend on comments received in response to the proposal.

EPA intends to approve portions of State/Tribal MSWLF permit programs prior to the promulgation of the STIR. EPA interprets the requirements for States or Tribes to develop "adequate" programs for permits or other forms of prior approval to impose several minimum requirements: First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State/Tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, EPA believes that the State/Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether a State/Tribe has submitted an "adequate" program based on the interpretation outlined above. EPA plans to provide more specific criteria for this evaluation when it proposes the State/Tribal Implementation Rule. EPA expects States/Tribes to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program.

EPA also requests States/Tribes seeking partial program approval to provide a schedule for the submittal of all remaining portions of their MSWLF permit programs. EPA notes that it intends to propose to make submission of a schedule mandatory in STIR.

B. State of Montana

On June 23, 1993, the State of Montana submitted an application for partial program adequacy determination. EPA reviewed Montana's application and tentatively determined that the following portions of Montana's Subtitle D program will ensure compliance with the revised Federal Criteria.

1. General criteria governing scope and applicability, definitions, and consideration of other Federal laws (40 CFR 258.1 through 258.3).
2. Location restrictions (40 CFR 258.10 through 258.16).
3. Operating criteria (40 CFR 258.20 through 258.29).
5. Ground water monitoring and corrective action (40 CFR 258.50; 258.51; 258.53(a); 258.53(b) except for establishment of background on reanalysis, 258.53(c); 258.53(d) except for flow rate determination, and 258.53(e) through (i); 258.54(a) except for 258.54(a)(1) and 258.54(a)(2)(i)-(iv), 258.54(b) except for changes in the frequency of monitoring and establishment of background on reanalysis, and 258.54(c); 258.55(a), 258.55(b) except for establishment of background on reanalysis, 258.55(c), 258.55(d) except for repeat sampling requirement in 258.55(d)(2), and 258.55(e) through (j); 258.56; 258.57; and 258.58).
6. Closure and post-closure care (40 CFR 258.60 and 258.61).
7. Financial assurance (40 CFR 258.70 through 258.73 and 258.74 except for 258.74(b)).

Montana needs to revise aspects of its permit program to ensure compliance with the following provisions of the Federal Criteria:

1. Definitions: (40 CFR 258.2) definition of sludge.
2. Location restrictions: (40 CFR 258.11(b)(1) definition of floodplain.
3. Ground water monitoring requirements: (40 CFR 258.53(b) field filtering requirements and 258.53(d) flow rate determination; detection monitoring program (40 CFR 258.54(a)(1), 258.54(a)(2)(i) through (iv), and 258.54(b) changes in frequency of monitoring and requirements for establishment of background on reanalysis); and assessment monitoring program (40 CFR 258.55(b) establishment of background on reanalysis, and 258.55(d)(2) repeat sampling requirements).

The Montana Department of Health and Environmental Sciences is expected to finalize additional changes to the Administrative Rules of Montana before the conclusion of the 45 day comment period established in this Federal Register notice. These changes are expected to address all of the aspects of the State program needing revision, with the exception of the Federal requirement at 40 CFR 258.53(b) that ground water samples not be field filtered.

The State of Montana has adopted a local government guarantee for local
governments to provide financial assurance for MSWLF closure, post-closure care and corrective action. EPA is in the process of developing a Federal local government guarantee for inclusion in 40 CFR 258.74(b). Until the Federal guarantee is finalized, EPA is not approving or disapproving the State's waiver.

If the State completes its proposed regulatory changes within the 45 day comment period provided in this Federal Register notice, EPA is proposing approval for all aspects of the Montana program, except for the provisions of 40 CFR 258.53(b) and 40 CFR 258.74(h). If the State does not take the above actions, EPA's partial program approval will not include the program elements listed above as requiring revision or the State's local government financial assurance guarantee.

Today's proposal to approve the Montana MSWLF permitting program does not extend to "Indian Country," as defined in 18 U.S.C. 1151, including the following Indian Reservations in the State of Montana:

1. Blackfeet;
2. Crow;
3. Flathead;
4. Fort Belknap;
5. Fort Peck;
6. Northern Cheyenne; and
7. Rocky Boys.

Before EPA would be able to approve the State of Montana MSWLF permitting program for any portion of "Indian Country," the State would have to provide an appropriate analysis of the State's jurisdiction to enforce in these areas. In order for a State (or Tribe) to satisfy this requirement, it must demonstrate to EPA's satisfaction that it has authority either pursuant to explicit Congressional authorization or applicable principles of Federal Indian Law to enforce its laws against existing and potential pollution sources within any geographical area for which it seeks program approval. EPA has reason to believe that agreement exists with regard to the State's jurisdiction over "Indian Country," and EPA is not satisfied that Montana has, at this time, made the requisite showing of its authority with respect to such lands.

In withholding program approval for these areas, EPA is not making a determination that the State either has inadequate jurisdiction or lacks such jurisdiction. Should the State of Montana choose to submit analysis with regard to its jurisdiction over all or part of "Indian Country" in the state, it may do so without prejudice.

EPA's future evaluation of whether to approve the Montana program for "Indian Country," to include Indian reservation lands, will be governed by EPA's judgement as to whether the State has demonstrated adequate authority to justify such approval, based upon its understanding of the relevant principles of Federal Indian law and sound administrative practice. The State may wish to consider EPA's discussion of the related issue of Tribal jurisdiction found in the preamble to the Indian Water Quality Standards Regulation (see 56 FR 64876, December 12, 1991).

Until EPA approves a State or Tribal MSWLF permitting program for any part of "Indian Country" in Montana, the requirements of 40 CFR part 258 will, after the effective date, automatically apply to that area. Thereafter, the requirements of 40 CFR part 258 will apply to all owner/operators of MSWLFs located in any part of "Indian Country" that is not covered by an approved State or Tribal MSWLF permitting program. EPA is not, however, proposing at this time to determine that there is no adequate permit program in place in Indian Country in Montana, for purposes of section 4005(c)(2)(A) of RCRA.

Although EPA does not require EPA to hold a public hearing on a determination to approve any State/Tribe's MSWLF program, the EPA has tentatively scheduled a public hearing on this determination. If a sufficient number of people express interest in participating in a hearing by writing the EPA or calling the contact person given above within thirty days of the date of publication of this notice, the EPA will hold a hearing on November 15, 1993, in room 489 of the Federal Building located at 301 South Park, Helena, Montana, at 7 pm.

EPA will consider all public comments on its tentative determination which are received during the public comment period and during any public hearing held. Issues raised by those comments may be the basis for a determination of inadequacy for the State of Montana's program. EPA will make a final decision on whether or not to approve Montana's program and will give notice of it in the Federal Register. The notice will include a summary of the reasons for the final determination and a response to all major comments.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of section 7002 of RCRA to enforce the Federal MSWLF criteria in 40 CFR part 258 independent of any State/Tribal enforcement program. As EPA explains in the preamble to the final MSWLF criteria, EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This notice, therefore, does not require a regulatory flexibility analysis.

Authority: This notice is issued under the authority of section 4005 of the Solid Waste Disposal Act as amended; 42 U.S.C. 6946.


Jack W. McGraw,
Acting Regional Administrator.

[FR Doc. 93-23308 Filed 9-22-93; 8:45 am]
BILLING CODE 6560-50-F

[FRL-4734-3]

Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended by the Superfund Amendments and Reauthorization Act; Intersil, Inc./Siemens Components, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act ("CERCLA"), notice is hereby given that a proposed administrative cost recovery settlement concerning the Intersil, Inc./Siemens Components, Inc. site located in Cupertino, California was executed by the Agency on September 10, 1993. The proposed settlement resolves an EPA claim under section 107 of CERCLA against Intersil, Inc. and Siemens Components, Inc. The proposed settlement was entered into under the authority granted EPA in section 122(b) of CERCLA, and requires Intersil, Inc. and Siemens Components, Inc. to pay $285,562.56 to the Hazardous Substances Superfund. For thirty (30) days following the date of
publication of this notice, the Agency will receive written comments relating to the settlement. The Agency’s response to any comments received will be available for public inspection at: Sunnyvale Public Library, 665 West Olive Avenue, Sunnyvale, California; and at the U.S. Environmental Protection Agency, 75 Hawthorne Street, 16th Floor, San Francisco, CA 94105 (Attention: Steven Armsey, Regional Hearing Clerk, RC–1). DATES: Comments must be submitted on or before October 25, 1993.

ADDRESS: The proposed settlement and additional background information relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency at the address provided above. A copy of the proposed settlement may be obtained from Steven Armsey, U.S. EPA Regional Hearing Clerk (RC–1), 75 Hawthorne Street, San Francisco, CA 94105. Comments regarding the proposed settlement should be addressed to Steven Armsey, U.S. EPA Regional Hearing Clerk (RC–1), 75 Hawthorne Street, Sunnyvale, California 94086. Docket No. CWA–IX–FY93–47 filed on September 9, 1993. Comments, protests, and rebuttal comments must be filed on or before October 25, 1993.


Jeff Zelikson,
Director, Hazardous Waste Management Division.

[FR Doc. 93–23309 Filed 9–22–93; 8:45 am]
BILLING CODE 6560–50–M

[FRL–4734–4]

Notice of Proposed Assessment of Clean Water Act Class II Administrative Penalty to Windowmaster Products and Opportunity to Comment

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative penalty assessment and opportunity to comment.

SUMMARY: EPA is providing notice of proposed administrative penalty assessment for alleged violations of the Clean Water Act. EPA is also providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. section 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue these orders after the commencement of either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessments pursuant to 33 U.S.C. section 1319(g)(4)(a).

Class II proceedings are conducted under EPA’s Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation and Suspension of Permits, 40 CFR part 22. The procedures through which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the Procedures by which a Respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II order is thirty days after publication of this notice.

On the date identified below, EPA commenced the following Class II proceeding for the assessment of penalties:

In the Matter of Windowmaster Products, located at 1111 Pioneer Way, El Cajon, California; EPA Docket No. CWA–IX–FY93–47 filed on September 9, 1993. With Mr. Steven Armsey, Regional Hearing Clerk, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California 94105. (415) 744–1389; proposed penalty of $35,400 for failure to comply with the categorical pretreatment standards and requirements for existing source metal finishers (40 CFR part 433).

FOR FURTHER INFORMATION CONTACT: Persons wishing to receive a copy of EPA’s Consolidated Rules, review the complaint or other documents filed in this proceeding, comment upon a proposed assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above. The administrative record for this proceeding is located in the EPA Regional Office identified above, and the file will be open for public inspection during normal business hours. All information submitted by the respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in these proceedings prior to thirty (30) days after the date of publication of this notice.


Harry Seraydarian,
Director, Water Management Division.

[FR Doc. 93–23310 Filed 9–22–93; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice Concerning Issuance of Powers of Attorney

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Public notice.

SUMMARY: In order to facilitate the discharge of its responsibilities as a conservator and liquidator of insured depository institutions, the Federal Deposit Insurance Corporation (FDIC) publishes the following notice. The publication of this notice is intended to comply with Title 16, Section 20 of the Oklahoma Statutes (15 U.S.C. 1821) which, in part, declares Federal agencies that publish notices in the Federal Register concerning their promulgation of powers of attorney, to be exempt from the statutory requirement of having to record such powers of attorney in every county in which the agencies wish to effect the conveyance or release of interests in land.

Notice

Pursuant to Section 11 of the Federal Deposit Insurance (FDI) Act (12 U.S.C. 1821), as amended by Section 212 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), the FDIC is empowered to act as conservator or receiver of any state or federally chartered depository institution which it insures. Furthermore, under Section 11A of the FDI Act (12 U.S.C. 1821a), as enacted under Section 215 of FIRREA, the FDIC is also appointed to manage the FSLIC Resolution Fund. Upon appointment as a conservator or receiver, the FDIC by operation of law becomes successor in title to the assets of the depository institutions on behalf of which it is appointed. As Manager of the FSLIC Resolution Fund, the FDIC became successor in title to both the corporate assets formerly owned by the now defunct Federal Savings and Loan Insurance Corporation (FSLIC), as well as to the assets of the depository institutions for which the FSLIC was appointed receiver prior to January 1, 1989. In addition, pursuant to Section 13(c) of the FDI Act (12 U.S.C. 1823(c)), the FDIC also acquires legal title in its corporate capacity to assets acquired in furtherance of providing monetary assistance to prevent the closing of insured depository institutions or to expedite the acquisition by assuming depository institutions of assets and liabilities from closed depository institutions of which the FDIC is receiver.
In order to facilitate the conservation and liquidation of assets held by the FDIC in its aforementioned capacities, the FDIC has provided powers of attorney to selected employees of its Addison (Texas) Consolidated Office. These employees include: Sharon K. Allen, Donald Backer, Kevin Bearde, Terry Bourland, Paulette Brooks, Dale Bryant, Jerry D. Bumbalough, Dan Campbell, Esther Castaner, Arthur Cook, Patricia Cook, Luis T. Duran, James V. Forrestal, Scott H. Gammill, Glen Giesen, Kathryn G. Heiser, Gary M. Holloway, Debbbie Jackson, Donna LaRue, Vernon Lynd, Raymond K. Mouser, Cleda Owens, Victor M. Robert, Paxton Sandidge, Robert C. Schoppe, David Stell, R. Steve Stockton, Curtis D. Taylor, J. Scott Taylor, Melanie Thompson, Mark Warren, Karen E. Woodside and Douglas Woodward.

Each employee to whom a power of attorney has been issued is authorized and empowered to: sign, seal and deliver as the act and deed of the FDIC any instrument in writing, and to do every other thing necessary and proper for the collection and recovery of any and all monies and properties of every kind and nature whatsoever for and on behalf of the FDIC; foreclose any mortgage or other lien on either real or personal property, wherever located; do and perform any act necessary for the use, liquidation or collection of acquired assets held in the name of the FDIC; and sign, seal, acknowledge and deliver any and all documents as may be necessary to settle any action(s) or claim(s) asserted against the FDIC, either in its Receivership or Corporate capacity, or as Manager of the FSLIC Resolution Fund.

Dated: September 17, 1993.
Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FRC Doc. 93-23268 Filed 9-22-93; 8:45 am]
BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed: India, Pakistan, Bangladesh, Ceylon and Burma Outward Freight Conference

Synopsis:
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, 800 North Capitol Street, NW., 9th Floor.

The Agreement provides for

* The Bangladesh Isthmian Line.
* Waterman Isthmian Line.
* The Bangladesh Shipping Corporation.

Synopsis: The proposed amendment eliminates the requirement for a security deposit.

Agreement No.: 202-011375-011
Title: Trans-Atlantic Agreement.
Parties:
Atlantic Container Line AB.
Cho Yang Shipping Co. Ltd.
Sea-Land Service, Inc.
A.P. Moller-Maersk Line.
Nedloyd Lijnen BV.
Hapag Lloyd AG.
Mediterranean Shipping Co.

Synopsis: The proposed amendment reduces the minimum cargo commitment contract requirements from 250 TEUs to 200 TEUs. The parties have requested a shortened review period.

Agreement No.: 224-200798
Title: The Port Authority of New York & New Jersey/Mitsui O.S.K. Line Incentive Agreement.
Parties:
The Port Authority of New York & New Jersey ("Port").
Mitsui O.S.K. Lines ("Mitsui").

Synopsis: The Agreement provides for the Port to pay Mitsui a container incentive of $20.00 for each import container and $40.00 for each export container loaded or unloaded from a vessel at the Port's marine terminals during calendar year 1993, provided each container is shipped by rail to or from points more than 260 miles from the Port.

Agreement No.: 224-200799
Title: The Port Authority of New York & New Jersey/Puerto Rico Marine Management, Inc. Incentive Agreement.
Parties:
The Port Authority of New York & New Jersey ("Port").
Puerto Rico Marine Management, Inc. ("PRMMI").

Synopsis: The Agreement provides for the Port to pay PRMMI a container incentive of $20.00 for each import container and $40.00 for each export container loaded or unloaded from a vessel at the Port's marine terminals during calendar year 1993, provided each container is shipped by rail to or from points more than 260 miles from the Port.
from points more than 260 miles from
the Port.

Dated: September 17, 1993.

By Order of the Federal Maritime
Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 93-23293 Filed 9-22-93; 8:45 am]
BILLING CODE 6720-01-M

Ocean Freight Forwarder License
Revocations

Notice is hereby given that the following
ocean freight forwarder licenses have been revoked by the
Federal Maritime Commission pursuant to section 19 of the
Shipping Act of 1984 (46 U.S.C. app. 1718) and the
regulations of the Commission pertaining to the licensing of
ocean freight forwarders, 46 CFR part 510.

License Number: 3364.
Name: Shipping Connection International, Inc.
Address: 407 S. Dixie Highway, Ste. 2,
Lake Worth, FL 33460.
Date Revoked: July 28, 1993.
Reason: Surrendered license voluntarily.

License Number: 3234.
Name: Alps International Customs Broking and Forwarding, Incorporated.
Address: 1105 Grandview Drive, So.
San Francisco, CA 94080.
Date Revoked: August 13, 1993.
Reason: Surrendered license voluntarily.

Bryant L. VanBrakle,
Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 93-23261 Filed 9-22-93; 8:45 am]
BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Centura Banks, Inc., 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 § 225.23 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 October 18, 1993.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:


2. Credit International Bancshares, Ltd., Washington, D.C.; to acquire 100 percent of the voting shares of Sequoia National Bank, MD, Bethesda, Maryland, successor by conversion to Sequoia Federal Savings Bank.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55401:

1. Red River Financial Services, Inc., Halstad, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Red River State Bank, Halstad, Minnesota.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. The First National Bank Holding Company, Longmont, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Longmont, Longmont, Colorado.

2. Leader First Bancorp, Inc., Marlow, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank in Marlow, Marlow, Oklahoma.

D. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Bridgeport Bancshares, Inc., Dover, Delaware, and Bridgeport Financial Corporation, Bridgeport, Texas, to become bank holding companies by acquiring 100 percent of the voting shares of Bridgeport Bancshares, Inc., Dover, Delaware, and The First National Bank of Bridgeport, Bridgeport, Texas.
Bank, FSB, Pikeville, Kentucky, in operating a savings association pursuant to § 225.25(b)(6) of the Board’s Regulation Y.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Deposit Guaranty Corp., Jackson, Mississippi; to engage de novo through its subsidiary, Commercial National Corporation, Shreveport, Louisiana, in data processing activities pursuant to § 225.25(b)(7) of the Board’s Regulation Y. These activities will be conducted throughout the State of Louisiana.

2. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Huxley Bancorp, Huxley, Iowa; to engage de novo in making and servicing loans through the participation in a 75-day overline with an unaffiliated bank pursuant to § 225.25(b)(1) of the Board’s Regulation Y.


Jennifer J. Johnson, Associate Secretary of the Board.

[FR Doc. 93-23299 Filed 9-22-93; 8:45 am]
BILLING CODE 6210-01-F

McKinstry, Inc, et al.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board’s Regulation Y (12 CFR 225.14) for the Board’s approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board’s approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can “reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.” Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 18, 1993.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:


In connection with this application, Applicants also propose to acquire McKinstry-Campbell Insurance Agency, Inc., Julesburg, Colorado, and thereby engage in selling general insurance in a town of less than 5,000 pursuant to § 225.25(b)(8)(iii)(A) of the Board’s Regulation Y. These activities will be conducted in Sedgwick County, Colorado.


Jennifer J. Johnson, Associate Secretary of the Board.

[FR Doc. 93-23300 Filed 9-22-93; 8:45 am]
BILLING CODE 6210-01-F

SBI Voting Trust, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The applicants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 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 October 13, 1993.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. SBI Voting Trust, Bethesda, Maryland; to acquire 25 percent of the voting shares of Credit International Bancshares, Ltd., Washington, D.C., and thereby indirectly acquire Federal Capital Bank, National Association, Washington, D.C.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Thomas M. Higgins, III, and Paget Gates Higgins, Kansas City, Kansas; to acquire an additional 12.72 percent of the voting shares of Twin City Corporation, Kansas City, Kansas, for a total of 34.7 percent, and thereby indirectly acquire The Twin City State Bank, Kansas City, Kansas.

2. Russell L. and Jean F. Ruthman, Fort Morgan, Colorado; to acquire an additional 5.55 percent, for a total of 28.70 percent; Mark Anthony Achziger, Brush, Colorado, and Harry H. Achziger, Fort Morgan, Colorado, tenants in common, to acquire 5.34 percent for a total of 25.65 percent; and E. Edwin and Karen Gerkin, Fort Morgan, Colorado, to acquire an additional 2.10 percent for a total of 10.10 percent of the voting shares of Morgan Capital Corporation, Fort Morgan, Colorado, and thereby indirectly acquire Fort Morgan State Bank, Fort Morgan, Colorado.

C. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Robert Emery Skov, El Paso, Texas, and William Donald Skov, Fabens, Texas; to each acquire an additional 3.14 percent of the voting shares of First Fabens Bancorporation, Inc.,Fabens, Texas, for a total of 12.31 percent, and thereby indirectly acquire First National Bank of Fabens, Fabens, Texas.
FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

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<tr>
<th>Name of acquiring person, name of acquired person, name of acquired entity</th>
<th>PMN No.</th>
<th>Date terminated</th>
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<td>President and Fellows of Harvard College, WorldStar International Incorporated, WorldStar International incorporated</td>
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</table>

FOR FURTHER INFORMATION CONTACT:
Sandra M. Pesy or Renee A. Horton,
SUPPLEMENTARY INFORMATION: ATSDR is required to conduct public health assessments of all sites, including Federal facilities, that are proposed for listing or are listed on the NPL. In addition, section 104(i)(6)(B) of CERCLA, as amended, and section 3019(c) of RCRA (42 U.S.C. 9639a(c)), authorize ATSDR to perform public health assessments of releases or facilities in response to requests from the public.

Section 211 of SARA (10 U.S.C. 2704) directs the Department of Defense and ATSDR to enter into Memoranda of Understanding with ATSDR to arrange for the transfer of funds to support ATSDR health-related activities that include public health assessments. All Federal agencies are liable for and thus required to pay for the cost of ATSDR activities under sections 104(i)(6)(A) and 120 of CERCLA (42 U.S.C. 9604(i)(17), 9607 and 9620). Pursuant to these CERCLA provisions, the Department of Energy has entered into a Memorandum of Understanding with ATSDR to arrange for the transfer of funds to support ATSDR health-related activities that include public health assessments.

The EPA periodically updates the NPL by proposing that sites be added to the listing. Current resources at ATSDR are inadequate to presently initiate public health assessments at each of the Federal facilities listed on the NPL. ATSDR has developed an interim Site Ranking Scheme to determine relative priorities for conducting public health assessments at Department of Defense and Department of Energy facilities that are proposed for listing or are proposed for listing or are listed on the NPL. During the site visits, the health assessors collect available data and information that: Documents the nature and extent of contamination; identifies health issues of concern to the community; and provides insight into the health status of the community. A site may score between zero and 140 points with the interim Site Ranking Scheme. The higher the score, the greater the relative hazard. For purposes of ranking the Department of Defense and Department of Energy facilities, the 140 point scale was divided into five Site Ranking Categories. The Site Ranking Categories and their respective ranges are: Category A—140–80; Category B—79–55; Category C—54–35; Category D—34–20; Category E—19–0.

The Site Ranking Categories should not be confused with the Public Health Hazard Categories presented in the ATSDR Public Health Assessment Guidance Manual (published on May 26, 1992, at 57 FR 21987 and available as document number PB92–147164 from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, telephone 703/487–4650). A site is assigned to a Public Health Hazard Category only after ATSDR has prepared a working draft of a public health assessment for the site and subject it for a review by ATSDR's Health Activities Recommendation Panel (HARP). HARP reviews the findings in the public health assessment and then determines what follow-up actions are indicated. ATSDR may have community health concerns, and limited field observations, environmental sampling data, and health outcome data when it evaluates a site with the interim Site Ranking Scheme. The interim Site Ranking Scheme is not intended to take the place of a public health assessment. It is intended as a management planning tool only. Assignment of a site to a particular Site Ranking Category is a preliminary assignment that may change when additional data or information for the site are available and the public health assessment is completed. As examples, ATSDR is aware that additional data or information may become available for the Rocky Flats Plant, Colorado and the Savannah River Site, South Carolina that may change the priority for action at those sites. ATSDR has ranked 115 Department of Defense and Department of Energy facilities as proposed for listing or are listed on the NPL. The interim Site Ranking Scheme was established to assign priorities to sites for which ATSDR has received requests from the public for public health assessments under the authority of section 104(i)(6)(B) of CERCLA, as amended, and section 3019(c) of RCRA, as amended. However, ATSDR intends to use it to evaluate all sites requiring public health assessments.
facilities that are either included on the NPL through Update 12 or are the subject of a request from the public for a public health assessment. The facilities listed below are grouped in Site Ranking Categories according to the priority for public health assessment. The scoring range for each category is also presented. Sites within each category are listed in order of priority from high priority to low priority.

**Site Ranking Category A—Range 140–80**
- Hanford-100 Area; Richland, Washington
- Hanford-200 Area; Richland, Washington
- Hanford-300 Area; Richland, Washington

**Site Ranking Category B—Range 79–55**
- McClellan Air Force Base; Sacramento, California
- Mound Plant; Miamisburg, Ohio
- Tinker Air Force Base; Midwest City, Oklahoma
- Feed Materials Production Center; Fernald, Ohio
- Fort Ord; Marina, California
- Camp Lejeune Military Reservation; Jacksonville, North Carolina
- Otis Air National Guard Base; Falmouth, Massachusetts
- Hill Air Force Base; Ogden, Utah
- Air Force Plant #4; Fort Worth, Texas
- Aberdeen Proving Ground—Edgewood Area; Aberdeen, Maryland
- Los Alamos National Laboratory; Los Alamos, New Mexico
- Griffiss Air Force Base; Rome, New York
- Letterkenny Army Depot—Southeast Area; Chambersburg, Pennsylvania
- Maywood Interim Storage Site; Maywood, New Jersey
- Oak Ridge Reservation; Oak Ridge, Tennessee
- El Toro Marine Corps Air Station; Santa Ana, California
- Fort Walton; Fairbanks, Alaska
- McCord Air Force Base; Tacoma, Washington
- Dover Air Force Base; Dover, Delaware
- Fort Devens—Sudbury Training Annex; Middlesex County, Massachusetts
- Fort Lewis Landfill #5; Tacoma, Washington
- Fort Lewis Logistics Center; Tacoma, Washington
- Pease Air Force Base; Portsmouth, New Hampshire
- Air Force Plant PJKS; Waterton, Colorado
- Tobyhanna Army Depot; Tobyhanna, Pennsylvania
- Cornhusker Army Ammunition Plant; Grand Island, Nebraska
- Aberdeen Proving Ground—Michaelsville Landfill; Aberdeen, Maryland
- Fairchild Air Force Base; Spokane, Washington
- Jacksonville Naval Air Station; Jacksonville, Florida
- March Air Force Base; Riverside County, California
- Marine Corps Logistics Base—Barstow; Barstow, California
- Monticello Mill Tallings; Monticello, Utah
- Defense Depot Ogden; Ogden, Utah
- Hanford-1100 Area; Richland, Washington
- Weldon Springs Quarry, Plant, and Pits (Former Ordnance Works); St. Charles Co, Missouri
- Eielson Air Force Base; Fairbanks, Alaska

**Site Ranking Category C—Range 54–35**
- Norton Air Force Base; San Bernardino, California
- Plattsburgh Air Force Base; Plattsburgh, New York
- Lawrence Livermore Laboratory—Main Site; Livermore, California
- Marine Corps Logistics Base—Albany; Albany, Georgia
- Mather Air Force Base; Sacramento, California
- Naval Education Training Center; Newport, Rhode Island
- Picatinny Arsenal; Rockaway Township, New Jersey
- Robins Air Force Base; Warner Robins, Georgia
- Joliet Army Ammunition Plant (Manufacturing); Joliet, Illinois
- Hunters Point Annex; San Francisco, California
- Letterkenny Army Depot—Property Disposal Area; Chambersburg, Pennsylvania
- Fort Riley; Junction City, Kansas
- Rocky Flats Plant; Golden, Colorado
- Anniston Army Depot; Bynum, Alabama
- Edwards Air Force Base; Kern County, California
- Fort Devens; Ayer, Massachusetts
- Hamilton Island Landfill; North Bonneville, Washington Weldon
- Spring Former Army Ordnance Works; Weldon Spring, Missouri
- Loring Air Force Base; Limestone, Maine
- Milan Army Ammunition Plant; Milan, Tennessee
- Pantex Plant; Amarillo, Texas
- Travis Air Force Base; Fairfield, California
- Bangor Submarine Base; Bangor, Washington
- Bangor Ordnance Disposal; Bangor, Washington
- Louisiana Army Ammunition Plant; Bossier and Webster Parishes, Louisiana
- Naval Air Station Whidbey Island—Ault Field; Oak Harbor, Washington
- Lake City Army Ammunition Plant; Independence, Missouri
- Brookhaven National Laboratory; Upton, New York
- Naval Industrial Reserve Ordnance Plant; Fridelity, Minnesota
- Savannah Army Depot; Savannah, Illinois
- Naval Weapons Station Concord; Concord, California
- Naval Air Warfare Center Lakehurst; Lakehurst, New Jersey
- Naval Construction Battalion Center; Davisville, Rhode Island
- Lone Star Army Ammunition Plant; Bowie County, Texas
- Riverbank Army Ammunition Plant; Riverbank, California
- Yuma Marine Corps Air Station; Yuma, Arizona
- Camp Pendleton Marine Corps Base; San Diego, California
- George Air Force Base; Victorville, California
- Sacramento Army Depot; Sacramento, California
- Savannah River Site; Aiken, South Carolina
- W.R. Grace/Wayne Interim Storage Site; Wayne, New Jersey
- Joliet Army Ammunition Plant; Joliet, Illinois
- Naval Undersea Warfare Engineering Station; Keyport, Washington
- Pensacola Naval Air Station; Pensacola, Florida
- Naval Air Station Cecil Field; Jacksonville, Florida
- Schofield Barracks; Honolulu County, Hawaii
- Wright-Patterson Air Force Base; Dayton, Ohio
- Castle Air Force Base; Merced, California
- Naval Air Station Moffett Field; Sunnyvale, California
- Mountain Home Air Force Base; Mountain Home, Idaho
- Naval Security Group Activity Sabana Seca; Sabana Seca, Puerto Rico
- Naval Weapons Station Earle; Colts Neck, New Jersey
- Bonneville Power Administration-Ross Complex; Vancouver, Washington
- Fort Dix (sanitary landfill); Pemberton Township, New Jersey
- Iowa Army Ammunition Plant; Middletown, Iowa

**Site Ranking Category D—Range 34–20**
- Defense Supply Center West—Sharpe; Sharpe, California
- Defense General Supply Center; Richmond, Virginia
- FAA Technical Center; Pomona, New Jersey
- Homestead Air Force Base; Homestead, Florida
- Naval Air Development Center; Warminster, Pennsylvania
Food and Drug Administration  
[Docket No. 93N-0317]

Albuquerque Substance Abuse Clinic; Proposal to Revoke Approval of a Narcotic Addiction Treatment Program; Opportunity for a Hearing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is proposing to revoke approval of an “Application for Approval of Use of Methadone in a Treatment Program” (Form FDA-2632) held by Albuquerque Substance Abuse Clinic, Inc. (ASAC). The grounds for the proposed revocation are that the three FDA inspections of the program revealed recurring, egregious violations of the Federal methadone regulations, and the sponsor has failed to adequately demonstrate the ability or willingness to correct and prevent the violations.

DATES: Requests for hearing are to be submitted by October 25, 1993; data and information in support of the hearing requests are to be submitted by November 22, 1993.

ADRESSES: Requests for hearing, supporting data, and other comments in response to this notice should be identified with Docket No. 93N-0317 and sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FURTHER INFORMATION CONTACT: Gerald Hajarian, Center for Drug Evaluation and Research (HFD-342), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-1029.

SUPPLEMENTARY INFORMATION:
I. Background

On June 21, 1988, FDA granted ASAC approval to operate a narcotic addiction treatment program. Such programs are governed by the rules, standards, and procedures set forth in §291.505 (21 CFR 291.505). FDA conducted three inspections of ASAC to determine whether the program was adhering to the regulation.

FDA’s initial inspection on April 2 through April 5, 1991, revealed significant violations of the narcotic addiction treatment regulation in the areas of admission evaluations, counseling, initial and periodic treatment plans, attendance schedules, medical orders, and urinalyses.

The specific violations were as follows:
1. Admission evaluation records for 3 of 11 patients failed to include a physical examination (§291.505(d)(3)(i)).
2. The initial dose for one patient exceeded 30 milligrams (mg) (§291.505(d)(6)(ii)(A)).
3. The program physician failed to sign or countersign the admission medical history records in all 10 patient records reviewed to signify his review of and concurrence with the history (§291.505(d)(3)(iii)).
4. Initial treatment plans in all 13 patient records reviewed failed to detail the patients’ requirements for education, vocational rehabilitation, and employment; and the medical, psychosocial, economic, legal, or other supportive services that are needed (§291.505(d)(3)(iv)(A)).
5. Initial treatment plans in all 13 patient records reviewed were not countersigned by the supervisory counselor or other appropriate personnel so designated by the program physician (§291.505(d)(3)(iv)(C)).
6. The program physician or the primary counselor failed to prepare periodic treatment plans as required by §291.505(d)(3)(iv)(A) in 10 of 10 patient records reviewed.
7. The program physician failed to sign or countersign medical order changes for 9 of 10 patient records reviewed (§291.505(d)(4)(iii)(D)).
8. The program physician or designated staff member failed to record the rationale for the decision to reduce the attendance schedule in 8 of 10 patient records reviewed (§291.505(d)(6)(iv)(A)).
9. The program physician failed to determine whether 8 of 10 patients reviewed were responsible in handling methadone by considering the eight criteria before reducing their attendance schedule (§291.505(d)(6)(iv)(B)(1) through (d)(6)(iv)(B)(d)).
10. The program physician or designated staff member failed to record the rationale for an exception to a mandatory attendance schedule for six of six patients reviewed (§291.505(d)(6)(vi)(B)).
11. The person responsible for the program failed to ensure that at least eight random urinalyses were performed on each patient during the first year in maintenance treatment and at least quarterly random urinalyses were performed during each subsequent year. Urinalyses were not performed at least monthly on all six patients reviewed on a once a week attendance schedule (§291.505(d)(2)(ii)).
12. There is no evidence that individuals described as counselors are well-trained and qualified by virtue of education, training, or experience to assess the psychosocial and sociological...
background of patients to determine appropriate treatment plans (§ 291.505(d)(3)(iii)(A)).

The inspection also revealed the personnel’s lack of knowledge of the narcotic addiction treatment regulation. At the conclusion of the inspection, the FDA investigator presented a list of observations (Form FDA-483), and discussed the inspectional findings with the sponsor and staff. The program sponsor promised corrections within 3 months.


FDA’s second inspection on January 15 through January 24, 1992, revealed recurring, serious violations in the areas of attendance schedules, recordkeeping, and egregious violations in the areas of admission evaluations, counseling, initial and periodic treatment plans, attendance schedules, medical orders, and urinalyses. Medical and counseling support continued to be minimal. At the conclusion of the inspection, the FDA investigator presented a list of observations (Form FDA-483), and discussed the inspectional findings with the sponsor and staff.

The FDA investigator reviewed and evaluated records for 20 patients. The specific violations were as follows:

1. Out of 20 patient records reviewed, 12 patients were placed on a once every 2 weeks attendance schedule (13 take-out doses of methadone) without any rationale for an exception to a mandatory schedule or without FDA’s approval of an exemption (§ 291.505(d)(6)(vi) and (d)(11)).

2. Patients were routinely placed on reduced attendance schedules without meeting time in treatment requirements, without a rationale for reducing attendance schedules, and without FDA’s approval of an exemption (§ 291.505(d)(6)(iv), (d)(6)(v), and (d)(11)).

3. All 20 patient records reviewed were completely blank or incomplete (§ 291.505(d)(13)).

4. Records for five of six new patients admitted after the sponsor’s June 28, 1991, corrective action plan lacked documentation of a 1-year history of addiction and current physiologic dependence on a narcotic drug (§ 291.505(f)(1)(i)(A)).

5. Of the 20 patient records reviewed, most failed to include an initial treatment plan and none included periodic treatment plan evaluations at least once each 90 days during the first year of treatment and then at least twice a year thereafter (§ 291.505(d)(3)(i) and (d)(3)(v)).

6. The medical director failed to ensure that the program was in compliance with all applicable laws and regulations regarding medical treatment of narcotic addiction (§ 291.505(d)(4)(ii)(A)).

7. The medical director failed to ensure that evidence of current physiologic dependence and a 1-year addiction history, or exceptions to criteria for admission were documented in patient records before the initial dose of methadone was administered (§ 291.505(d)(4)(ii)(B)).

8. The medical director failed to ensure that a medical evaluation including a medical history had been taken, and physical examination had been done before the initial dose of methadone was administered (§ 291.505(d)(4)(ii)(B)).

9. The medical director failed to ensure that appropriate laboratory studies had been performed and reviewed (§ 291.505(d)(4)(ii)(C)).

10. The medical director failed to ensure that all medical orders including initial medication orders, medication order changes, changes in the frequency of take-home medication, and orders for additional take-home medication for an emergency situation were signed or countersigned (§ 291.505(d)(4)(ii)(D)).

11. The medical director failed to ensure that justification was recorded in patient records for reducing the frequency of clinic visits for observed drug ingesting and for providing additional take-home medication under exceptional circumstances (§ 291.505(d)(4)(ii)(F)).

12. The program failed to ensure that at least eight random tests or analyses were performed on each patient during the first year in maintenance treatment, at least quarterly random tests or analyses were performed on each patient for each subsequent year, and random tests or analyses were performed monthly on each patient who received a 6-day supply of take-home medication (§ 291.505(d)(2)(i)).

13. The program failed to place patients who were receiving a 6-day supply of take-home medication on probation for 3 months after these patients’ urinalyses were positive for morphine-like drugs (§ 291.505(d)(6)(v)(B)(2)).

FDA issued a warning letter on March 23, 1992, requesting a meeting with the sponsor at FDA’s Denver District Office to discuss the violations and a proposal for a corrective action plan. The meeting was held on April 23, 1992, with the sponsor and her administrative assistant. The sponsor was warned that revocation of the program’s approval may be recommended if a followup inspection revealed recurring violations. The sponsor contended that the program was in compliance.

FDA’s third and most recent inspection of September 2 through September 11, 1992, revealed recurring and egregious violations in the areas of attendance schedules, recordkeeping, admission evaluations, initial and periodic treatment plans, medical orders, and urinalyses. Ten patient records were reviewed. All 10 patients were admitted after the April 23, 1992, meeting with the sponsor. However, the program could not locate records for two patients.

At the conclusion of the inspection, the FDA investigator presented a list of observations (Form FDA-483) and discussed the inspectional findings with the sponsor and staff. Management admitted that no corrections were made after the January 1992 inspection. The specific violations were as follows:

1. The medical director failed to ensure that the program was in compliance with all applicable laws and regulations regarding medical treatment of narcotic addiction (§ 291.505(d)(4)(ii)(A)).

2. The medical director failed to ensure that evidence of current physiologic dependence and a 1-year addiction history, or exceptions to criteria for admission were documented in patient records before the initial dose of methadone was administered (§ 291.505(d)(4)(ii)(B)).

3. The medical director failed to ensure that a medical evaluation including a medical history had been taken, and physical examination had been done before the initial dose of methadone was administered (§ 291.505(d)(4)(ii)(B)).

4. The medical director failed to ensure that appropriate laboratory studies had been performed and reviewed (§ 291.505(d)(4)(ii)(C)).

5. The program failed to maintain an adequate record system that documents and monitors patient care. Patient files reviewed contained incomplete or in some cases completely blank records (§ 291.505(d)(13)(ii)).

6. The program failed to ensure that accurate dispensing records are maintained for all patients showing dates and quantity of the medication dispensed (§ 291.505(d)(13)(ii)).

7. Patients were placed on a once every 2 weeks attendance schedule (13 take-out doses of methadone) without any rationale for an exception to a mandatory schedule or without FDA’s approval of an exemption (§ 291.505(d)(6)(vi) and (d)(11)).
nine included periodic treatment plan evaluations at least one each 90 days during the first year of treatment and then at least twice a year thereafter (§ 291.505(d)(3)(iv) and (d)(3)(v)).

9. Patients are routinely placed on reduced attendance schedules without meeting time in treatment requirements, without a rationale for reducing attendance schedules, and without FDA’s approval of an exemption (§ 291.505(d)(4)(iv), (d)(6)(v), and (d)(11)).

10. The medical director failed to ensure that all medical orders including medication orders, medication order changes, changes in frequency of take-home medication, and orders for additional take-home medication for an emergency situation were signed or countersigned (§ 291.505(d)(4)(iii)(D)).

11. The medical director failed to ensure that justification was recorded in patient records for reducing the frequency of clinic visits for observed drug ingesting and for providing additional take-home medication under exceptional circumstances (§ 291.505(d)(4)(iii)(F)).

12. The program failed to place patients who were receiving a 6-day supply of take-home medication on probation for 3 months after these patients’ urinalyses were positive for morphine-like drugs (§ 291.505(d)(4)(vii)(A)(2)).

13. The program failed to require that maintenance patients be administered methadone at the clinic for at least 6 days per week during the first 3 months of treatment. The program was observed to be closed Sundays, frequently on weekdays, and most Saturdays. For example, the program was closed on Monday, August 15, 1992; Monday, August 17, 1992; Tuesday, August 18, 1992; Saturday, August 29, 1992; and Saturday, September 5, 1992 (§ 291.505(d)(4)(v)(A)(1)).

14. The program sponsor failed to maintain the confidentiality of a patient in accordance with 42 CFR part 2. It was noted that a patient’s name was posted on the outside door of the clinic on August 25, 1992 (§ 291.505(g)).

FDA issued a letter on October 27, 1992, listing the violations observed during the three inspections and proposing to revoke the program’s approval. In accordance with § 291.505(h)(2), FDA gave the program an opportunity to appear at an informal conference to explain why the program approval should not be revoked.

On November 10, 1992, the sponsor notified FDA by telephone that she was unable to attend an informal conference because of medical problems and that she was transferring sponsorship to another program employee. On November 19, 1992, the new sponsor submitted an amended Form FDA-2632, “Application for Approval of Use of Methadone in a Treatment Program,” reflecting the sponsor change.

FDA issued a followup letter to the new sponsor on November 24, 1992, explaining her responsibility for complying with FDA’s October 27, 1992, notice of proposed revocation. The informal conference was scheduled for March 24, 1993, in the Office of the Director, Office of Compliance, Center for Drug Evaluation and Research. Although the sponsor twice confirmed her intention to attend the conference, FDA was informed by telephone 1 hour prior to the appointed time that she would not attend.

II. Conclusion, Findings, and Proposed Action

As discussed above, three inspections of ASAC conducted by FDA on April 2 through April 5, 1991, January 15 through January 24, 1992, and September 2 through September 11, 1992, revealed recurring and egregious violations of the Federal methadone regulation, which sets forth the standards for use of narcotic drugs for medical treatment of narcotic addiction. The sponsor made promises to correct the violations in a June 28, 1991, letter and at the April 23, 1992, meeting at FDA’s Denver District Office. However, no corrections have occurred as evidenced during the September 1992 inspection, and patient care has further deteriorated.

Accordingly, as provided by § 291.505(h)(3), the Director, Center for Drug Evaluation and Research, proposed revocation of ASAC’s program approval to the Associate Commissioner for Regulatory Affairs. The Associate Commissioner for Regulatory Affairs has evaluated the available information and finds that the program sponsor has failed to submit adequate assurances justifying continued approval of the program.

III. Notice of Opportunity for Hearing

Notice is hereby given to the sponsor of the Narcotic Treatment Program listed above and to all other interested persons that the Associate Commissioner for Regulatory Affairs, under authority delegated to him (21 CFR 5.20) proposes to issue an order under § 291.505(h)(3) revoking approval of the “Application for Approval of Use of Methadone in a Treatment Program” (Form FDA-2632) held by Albuquerque Substance Abuse Clinic, Inc., 117 Quincy NE, Albuquerque, NM 87124, on the grounds stated above. In accordance with part 314 (21 CFR part 314), the sponsor is hereby given an opportunity for a hearing to show why approval should not be revoked.

The sponsor who decides to seek a hearing shall file: (1) on or before October 25, 1993, a written notice of appearance and request for hearing, and (2) on or before October 25, 1993, information and analyses relied on to demonstrate that there is a genuine issue of material fact to justify a hearing. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, submissions of data, information, and analyses to justify a hearing, other comments, and the granting or denial of a hearing are contained in § 314.200.

The failure of the applicant to file a timely written notice of appearance and request for hearing, as required by § 314.200, constitutes an election by that person not to use the opportunity for a hearing concerning the action proposed, and a waiver of any contentions concerning the legal status of that person’s narcotic addiction treatment program.

A request for a hearing may not rest upon mere allegations or denials, but must present specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that there is no genuine and substantial issue of fact which precludes the revocation of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person who requests the hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice of opportunity for hearing are to be filed in six copies. Except for data and information prohibited from public disclosure under 42 CFR part 2, the submissions may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.


Ronald G. Chesemore,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 93-23259 Filed 9-22-93; 8:45 am]
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-00-3638; FR-3300-N-03]

Notice of Funding Availability (NOFA) and Program Guidelines for Moving to Opportunity for Fair Housing Demonstration Program for Fiscal Year 1993; Extension of Deadline

AGENCY: Office of Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice, extension of the deadline.

SUMMARY: This Notice announces an extension of the deadline for applications for the Notice of Funding Availability for FY 1993, and Notice of Program Guidelines for the Moving to Opportunity for Fair Housing Demonstration Program to November 15, 1992.

DATES: November 15, 1993.

ADDRESSES: Applications must be received in room 4220, HUD Building, 451 Seventh Street, SW., Washington, DC 20410, by 3 p.m., EDT on November 15, 1993. A copy of the joint application must also be submitted to the appropriate HUD Field Office.

Application forms (HUD-52515) may be obtained from the local HUD Field Office.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benech, Director, Operations Branch, Rental Assistance Division, Office of Assistant Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 706-0477. Hearing-impaired or speech-impaired individuals may call HUD's TDD number (202) 708-4594. (These numbers are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: This Notice announces an extension of the deadline for applications for the NOFA for the Moving to Opportunity for Fair Housing Demonstration Program to November 15, 1993. All other information concerning the NOFA may be found in the original NOFA published in the Federal Register on August 16, 1993, 16 FR 43458.

Dated: September 17, 1993.

Joseph Shudlinder,
Assistant Secretary for Public and Indian Housing.

[FRR Doc. 93-33656 Filed 9-22-93; 5:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Recovery Plan for Three Utah Reed-Mustards; Clay Reed-Mustard (Schoenocrambe argilaeaceae), Barneby Reed-Mustard (Schoenocrambe barnebyi), and Shrubby Reed-Mustard (Schoenocrambe suffrutescens) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for three Utah reed-mustards: clay reed-mustard (Schoenocrambe argilaeaceae), Barneby reed-mustard (Schoenocrambe barnebyi), and shrubby reed-mustard (Schoenocrambe suffrutescens). These plants occur in desert shrublands in Emery, Wayne, and Uintah Counties in eastern Utah. The Service solicits review and comment from the public on this draft recovery plan.

DATES: Comments on the draft recovery plan must be received on or before November 22, 1993, to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor, Ecological Services, U.S. Fish and Wildlife Service, 2060 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104. Written comments and materials regarding this draft recovery plan should be sent to the Field Supervisor at the Salt Lake City address given above. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John L. England, Botanist (see ADDRESSES above), at telephone (801) 975-3630.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Fish and Wildlife Service's (Service) endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal Agencies also will take these comments into account in the course of implementing approved recovery plans.

The clay reed-mustard (Schoenocrambe argilaeaceae), Barneby reed-mustard (Schoenocrambe barnebyi), and shrubby reed-mustard (Schoenocrambe suffrutescens) are rare endemic species occurring on specific soil types in low elevations of the northern and western portions of the Colorado Plateau in Emery, Wayne, and Uintah Counties in eastern Utah.

Schoenocrambe argilaeaceae is a small sparsely leaved herbaceous plant about 6 to 12 inches tall with small pale lavender to whitish flowers. The species occurs in 3 populations, totaling about 6,000 plants, on lands administered by the Bureau of Land Management in southwestern Uintah County.

Schoenocrambe barnebyi is a sparsely leaved herbaceous plant (9-15 in.) with small light purple flowers. The Barneby reed-mustard occurs in 2 populations, totaling about 2,000 plants, on lands administered by the Bureau of Land Management and the National Park Service (in Capitol Reef National Park) in Emery and Wayne Counties.

Schoenocrambe suffrutescens is an herbaceous plant about 4 to 12 inches tall with small light yellow flowers. It is found in 3 populations, totaling about 5,000 plants, in desert shrublands with scattered Utah juniper and pine pine trees. The species occurs on public lands administered by the Bureau of Land Management and Department of Energy, on State of Utah land, on Ute Tribal lands, and on private lands in Uintah County.

Schoenocrambe suffrutescens was listed under the Act as an endangered species on October 6, 1987 (52 FR 37416), under the name toad-flax cress (Clausoceras suffrutescens). The name was changed to shrubby reed-mustard (Schoenocrambe suffrutescens) on January 14, 1992 (57 FR 1396). S.
argillacea was listed as threatened, and S. barnebyi was listed as endangered under the Act on January 14, 1992 (57 FR 1398). These species were listed due to their small population size and due to current or potential threats of habitat destruction from mineral and energy exploration and development, recreational activities, and/or building stone excavation. The goal of the recovery plan is to maintain viable populations to ensure the species' survival and to guide recovery actions to facilitate downlisting and delisting of the species. Recovery efforts will focus on preventing impacts to the species or its habitat from land-use activities; conducting habitat inventories and biological research, horticultural propagation, and establishment of additional stands; and establishing formal land management designations that provide long-term protection of the species and its habitat.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified in the DATES section above will be considered prior to approval of the recovery plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).


John L. Spinks, Jr.,
Deputy Regional Director.

[FR Doc. 93–23283 Filed 9–22–93; 8:45 am]
BILLING CODE 4310–55–M

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 2531, et seq.):

PRT–782744
Applicant: Enrique Segovia c/o, South Texas Fur Dressers, Victoria TX

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (Damaliscus dorcas dorcas) culled from the captive herd maintained by Mr. Van Zyl Lubbe, Philippolis, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT–782882
Applicant: Hugo Bueter, Maui, HI

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (Damaliscus dorcas dorcas) culled from the captive herd maintained by Mr. Frank Bowker, Thornkloof, Grahamstown, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT–782883
Applicant: Enrique Segovia c/o, South Texas Fur Dressers, Victoria TX

The applicant requests a permit to import one male bontebok (Damaliscus dorcas dorcas) culled from the captive herd maintained by Mr. Frank Bowker, "Thornkloof", Grahamstown, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT–777414
Applicant: Regional Environmental Consultants, San Diego, CA

The applicant requests a permit to take (survey) Least Bell's vireo (Vireo bellii pusillus) for the purpose of determining the presence or absence on certain lands in southern California.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication. Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281)

Dated: September 17, 1993.

Susan Jacobson,
Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 93–23262 Filed 9–22–93; 8:45 am]
BILLING CODE 4310–55–M

Geological Survey

Potential Sources of Digital Map Data

AGENCY: U.S. Geological Survey, DOI

ACTION: Notice.

SUMMARY: The U.S. Geological Survey (USGS) needs to obtain Digital Line Graphs (DLG), Digital Elevation Models (DEM), and Digital Orthoquads (DOQ) captured from or registered to USGS primary series topographic maps for entry into the National Digital Cartographic Data Base (NDCDB) as part of the public domain. The USGS recognizes the public benefit of obtaining DLG, DEM, and DOQ data prepared by State and local government agencies, public utilities, and private firms. The USGS seeks to identify other potential sources of digital map data for areas now lacking DLG, DEM, or DOQ coverage, and to explore the potential for obtaining the data through cooperative agreements. When it is in the Government's interest, and subject to the availability of appropriated funds, the USGS will assist qualified organizations in preparing digital map data to USGS standards for NDCDB archiving and public distribution in non-proprietary formats.

DATES: Program Announcement 8039 is expected to be available in October, 1993. Prospective applicants are requested to state in writing their interest.

ADDRESSES: Letters should be addressed to Nedra Stallone, Mail Stop 205A, Contracting Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive, Reston, VA 22092, (703) 648–7364.


SUPPLEMENTARY INFORMATION: This announcement does not solicit contract support for specific USGS digital mapping requirements, nor does it encourage speculative ventures by any potential cooperators. The intent is to identify accurate primary digital map data being prepared by non-Federal mapping organizations to support their own mapping needs, and to determine whether the data can be obtained in DLG, DEM, DOQ formats (or converted to these formats) through cooperative agreements. All data obtained under this initiative will be archived by USGS as part of the public domain.


The USGS may support technically acceptable proposals by providing one or a combination of the following: Funds, source materials, public domain software, data processing/validation, technical assistance, other materials and services. Assistance will be offered to the applicant(s) offering the greatest technical benefits at a fair and reasonable cost relative to the amount of
Bureau of Land Management

[909-40-41-5700; W-11584]  

Proposed Reinstatement of Terminated Oil and Gas Lease  

September 14, 1993.

Pursuant to the provisions of 30 U.S.C. 188(d), and 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW115941 for lands in Sweetwater County, Wyoming, was timely filed and was accompanied by all the required rents accruing from the date of termination.

The lessee has agreed to the amended lease terms for rental and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16 2/3 percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this Federal Register notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW115941 effective May 1, 1993, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,
Supervisory Land Law Examiner.

[FR Doc. 93-23325 Filed 9-22-93; 8:45 am]
BILING CODE 4310-22-M

Land Exchange Conveyance  
Documents and Order Providing for Opening of Lands Acquired in Exchange; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Under Section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716), the United States has issued exchange conveyance documents to the persons named below. In addition to providing official public notice of the exchange, this document contains an order which opens the lands received by the United States to the public land laws and the mineral leasing laws. Upon acceptance of title to the reconveyed private lands by the United States, the lands were automatically withdrawn from location and entry under the general mining laws for the preservation and protection of the Desert Tortoise Habitat Area.

EFFECTIVE DATE: October 25, 1993.

FOR FURTHER INFORMATION CONTACT: Duane Marti, BLM California State Office (CA-943.1), 2800 Cottage Way, room E-2845, Sacramento, California 95825; telephone number 916-978-4820.

SUPPLEMENTARY INFORMATION:

1. CACA 24839

(a). In an exchange made under the provisions of Section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716), the following described land has been conveyed from the United States to John G. Jolly and Sandra J. Jolly of Glendale, California: Mount Diablo Meridian: T. 32 S., R. 38 E., Sec. 14, W4/4S4/4SE4. The area described contains 20 acres in Kern County.
(b). In exchange for the land described in paragraph 1(a), the United States has acquired the following described land from John G. Jolly and Sandra J. Jolly of Glendale, California:

Mount Diablo Meridian
T. 31 S., R. 38 E.,
Sec. 16, N\e/4SE\w/4SW\v/4
The area described contains 10 acres in Kern County.

(c). The purpose of the exchange was to acquire non-Federal land which have high public values for the preservation and protection of the Desert Tortoise Habitat Area. The public interest was well served through completion of this exchange. The values of the Federal and private lands involved in this exchange were each appraised at $22,000.00.

2. CACA 27515

(a). In an exchange made under the provisions of Section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716), the following described land has been conveyed from the United States to Johan T. Farstad and Glenna J. Farstad of Sunbury, Ohio:

Mount Diablo Meridian
T. 32 S., R. 38 E.,
Sec. 14, NE\w/4NW\v/4NE\v/4
The area described contains 10 acres in Kern County.

(b). In exchange for the land described in paragraph 2(a), the United States has acquired the following described land from Johan T. Farstad and Glenna J. Farstad of Sunbury, Ohio:

Mount Diablo Meridian
T. 31 S., R. 38 E.,
Sec. 15, N\w/4SE\v/4SW\v/4
The area described contains 10 acres in Kern County.

(c). The purpose of the exchange was to acquire non-Federal land which have high public values for the preservation and protection of the Desert Tortoise Habitat Area. The public interest was well served through completion of this exchange. The values of the Federal and private lands involved in this exchange were each appraised at $11,000.00.

4. At 10 a.m. on October 25, 1993, the reconveyed private lands described above in paragraphs 1(b), 2(b), and 3(b) will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 25, 1993, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. At 10 a.m. on October 25, 1993, the reconveyed private lands described above in paragraphs 1(b), 2(b), and 3(b) will be opened to the operation of the general mining laws under Public Land Order No. 5694, which withdrew lands for the preservation and protection of the Desert Tortoise Habitat Area.

6. On September 1, 1993, title to the reconveyed private lands was accepted by the United States. On that date, the lands were automatically withdrawn from location and entry under the general mining laws under Public Land Order No. 5694, which withdrew lands for the preservation and protection of the Desert Tortoise Habitat Area.


Nancy J. Alex,
Chief, Lands Section.

[FR Doc. 93-23349 Filed 9-22-93; 8:45 am]
BILLING CODE 4310-4M

(b). In exchange for the land described in paragraph 3(a), the United States has acquired the following described land from Fred R. Reinsel and Veronika Reinsel of Los Angeles, California:

Mount Diablo Meridian
T. 31 S., R. 38 E.,
Sec. 21, SE\v/4SW\v/4SE\v/4
The area described contains 10 acres in Kern County.

The plat representing the dependent resurvey of portions of the subdivisional lines and the subdivision of section 18, and the survey of the center line of U.S. Highway No. 93 through a portion of section 18, and Lots 12, 13, and 15 in section 18, Township 23 North, Range 22 East, Boise Meridian, Idaho, Group No. 873, was accepted September 9, 1993.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above-described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 American Terrace, Boise, Idaho, 83706.


Duane E. Olsen,
Chief, Cadastral Surveyor for Idaho.

(FR Doc. 93-23349 Filed 9-22-93; 8:45 am)
BILLING CODE 4310-4M

[1D-942-03-4730-02]

Idaho: Filing of Plats of Survey

The plat of survey of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., September 16, 1993.

The plat representing the dependent resurvey of portions of the west...
boundary, the subdivisional lines and the subdivision of section 7, and a survey of Lot 6 in section 7, Township 46 North, Range 1 East, Boise Meridian, Idaho, Group No. 860, was accepted September 13, 1993.

This survey was executed to meet certain administrative needs of the U.S. Fish and Wildlife Service, to accommodate the Arkansas-Idaho Land Exchange Act of 1992.

All inquiries concerning the survey of the above-described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Duane E. Olsen,
Chief Cadastral Surveyor for Idaho.
[FR Doc. 93–23350 Filed 9–22–93; 8:45 am]
BILLING CODE 4310–66–M

[OR–942–00–4730–02; GP3–418]
Filing of Plats of Survey: Oregon/ Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

Williamette Meridian
Oregon
T. 39 S., R. 5 E., accepted August 4, 1993
T. 39 S., R. 1 W., accepted August 11, 1993
T. 22 S., R. 2 W., accepted August 13, 1993
T. 35 S., R. 7 W., accepted August 13, 1993
T. 30 S., R. 8 W., accepted August 3, 1993
Washington
T. 38 N., R. 1 E., accepted September 7, 1993
T. 40 N., R. 25 E., accepted September 9, 1993

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1300 NE., 44th Avenue, Portland, Oregon 97213, and will be available to the public as a matter of information only. Copies of the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey and subdivision.

FOR FURTHER INFORMATION CONTACT:
Bureau of Land Management, 1300 NE. 44th Avenue, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 14, 1993.
Robert D. DeViney, Jr.,
Acting Chief, Branch of Lands and Minerals Operations.
[FR Doc. 93–23314 Filed 9–22–93; 8:45 am]
BILLING CODE 4310–33–M

Minerals Management Service (MMS)

Outer Continental Shelf (OCS), Advisory Board Scientific Committee (SC); Plenary Session Meeting

This Notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law 92–463, 5 U.S.C., Appendix I and the Office of Management and Budget Circular A–63, Revised. The OCS Advisory Board SC will meet in plenary sessions on Wednesday, October 20, and Thursday, October 21, 1993, at the Marriott Suites at Worldgate, 13101 Worldgate Drive, Herndon, Virginia 22070, telephone (703) 709–0409.

The SC is an outside group of scientists which advises the Director, MMS, on the feasibility, appropriateness, and scientific value of the MMS’ OCS Environmental Studies Program.

Below is a schedule of meetings that will occur.

The SC will meet in plenary session on Wednesday, October 20, from 1 p.m. to 5 p.m.

The Committee will meet in subcommittees on Thursday, October 21, from 8 a.m. to 11:30 a.m. at the Atrium Building, 381 Elden Street, Herndon, Virginia.

Also on Thursday, October 21, the SC will meet in plenary session from 1 p.m. to 5 p.m. at the Marriott Suites and discussion will include the following subjects:

• Committee business and Resolutions.
• Environmental Studies Program Status Review.
• MMS Goals and Objectives.

The meetings are open to the public. Approximately 30 visitors can be accommodated on a first-come-first-served basis at the plenary session.

Approximately 30 visitors can be accommodated on a first-come-first-served basis at the plenary session. A copy of the agenda may be requested from the MMS by writing Ms. Phyllis Treichel at the address below.

Other inquiries concerning the SC meeting should be addressed to Dr. Ken Turgeon, Executive Secretary to the Scientific Committee, Minerals Management Service, 381 Elden Street, Mail Stop 4310, Herndon, Virginia 22070. He may be reached by telephone at (703) 787–1717.

Dated: September 13, 1993.
Thomas Gernhofer,
Associate Director for Offshore Minerals Management.
[FR Doc. 93–23318 Filed 9–22–93; 8:45 am]
BILLING CODE 4310–MR–M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau clearance officer at the phone number listed below.

Comments and suggestions on the requirements should be made directly to the Bureau clearance officer; and to the Office of Management and Budget, Paperwork Reduction Project (1029–0059), Washington, DC 20503, telephone 202–395–7340.

Title: State Reclamation Grants, Budget Information and Financial Reporting Form; OSM 49.

OMB Approval Number: 1029–0059.

Abstract: States and Indian tribes participating in the Abandoned Mine Land Reclamation Program are required to assist in the development of the annual submission of budget information by providing funding estimates required by sections 402(g)(2) and 405(b) of the Surface Mining Control and Reclamation Act of 1977. This information is used in the preparation of requests for appropriation of monies for reclamation grants.

Bureau form number: OSM 49.
Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. 35). Copies of the proposed collection of information and related form may be obtained by contacting the Bureau's clearance officer at the phone number listed below.

Comments and suggestions on the proposed collection of information and related provisions of the Paperwork Reduction Act (44 U.S.C. 35) should be made directly to the Bureau's clearance officer and to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503, telephone 202-395-7340.

Title: Subsidy Insurance Program Grants, 30 CFR part 887.

OMB Approval Number: Not yet assigned.

Abstract: States having an approved reclamation plan may establish and maintain a subsidy insurance program to insure private property against damages caused by land subsidization resulting from underground mining. States interested in requesting monies for the establishment, administration, and operation of State subsidy insurance programs must apply for grants to the Director, OSM, who will determine whether to approve or disapprove the applications.

Bureau Form Number: None.

Frequency: Annually.

Description of respondents: State regulatory authorities.

Estimated Completion Time: 40 hours.

Annual Responses: 20.

Annual Burden Hours: 800.

Bureau Clearance Officer: John A. Trelease, 202-343-1475.


John P. Mosesso,
Chief, Division of Technical Services.

[FR Doc. 93-23295 Filed 9-22-93; 8:45 am]

BILLING CODE 4510-05-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-658 (Preliminary)]

Class 150 Stainless Steel Threaded Pipe Fittings From Taiwan

Determination

On the basis of the record developed in the subject investigation, the Commission determines, pursuant to section 773(a) of the Tariff Act of 1930 (19 U.S.C. 1673(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Taiwan of class 150 stainless steel thread pipe fittings provided for in subheadings 7307.19.90, 7307.22.10, 7307.22.50, and 7307.29.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On August 2, 1993, a petition was filed with the Commission and the Department of Commerce by Alloy Stainless Products Company (ASP), Totowa, NJ; and Capitol Manufacturing Company (Capitol), Columbus, OH, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of class 150 stainless steel thread pipe fittings from Taiwan. Accordingly, on August 2, 1993, the Commission instituted antidumping investigation No. 731-TA-658 (Preliminary).

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register on August 6, 1993 (58 FR 42105). The conference was held in Washington, DC, on August 23, 1993, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on September 21, 1993. The views of the Commission are contained in USITC publication 2678 (September 1993), entitled "Class 150 Stainless Steel Threaded Pipe Fittings from Taiwan: Investigation No. 731-TA-658 (Preliminary)."


By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 93-23336 Filed 9-22-93; 8:45 am]

BILLING CODE 7020-DF-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1982; Cooperation for Open Systems International

Notice is hereby given that, on July 20, 1993, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1982, 15 U.S.C. 4301 et seq. ("the Act"), the Corporation for Open Systems International ("COS") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the changes are as follows:

Life Cycle Technology Corporation, Fairfax, VA; and the U.S. Department of Commerce, Washington, DC.
A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $15.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Myles E. Flint,
Acting Assistant Attorney General, Environment and Natural Resources Division.

BILLSING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act; United States v. Cole Muffler, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in United States v. Cole Muffler, Inc., Civil Action No. 91 CV 0545 was lodged on September 14, 1993 with the United States District Court for the Northern District of New York. Cole Muffler illegally tampered with 3,286 vehicle emission control devices over the course of approximately 3 years in violation of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. As a result of the tampering vehicle exhaust emissions have diminished the air quality and contributed to smog conditions in Syracuse, New York and other areas. The consent decree requires Cole Muffler to pay to the governments $238,000 in civil penalties, to replace free of charge catalytic converters improperly installed on vehicles, to establish procedures to avoid improper installation of catalytic converters, and to file quarterly reports with EPA for two years in order to ensure compliance with the Clean Air Act.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to United States v. Cole Muffler, Inc., DOJ Ref. #90-5-2-1-1569.

The proposed consent decree may be examined at the office of the United States Attorney, 100 South Clinton Street, Syracuse, New York 13261; and at the Consent Decree Library, 1120 G Street, NW., 4 Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $4.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Myles E. Flint,
Acting Assistant Attorney General, Environment and Natural Resources Division.

BILLSING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, and section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9622(d)(2), notice is hereby given that a proposed consent decree in United States v. Sharon Lynn, et al., Civil Action No. H 91-0955, was lodged on September 14, 1993 with the United States District Court for the Southern District of Texas. Pursuant to the Consent Decree, Defendants Sharon H. Lynn and Lynda Kenar, Co-Successor Administratrices for the Estate of Sol Lynn, will pay to the United States a portion of the net proceeds from the sale of property belonging to the Estate of Sol Lynn. The proceeds will be used by the United States for unreimbursed response costs relating to the Sol Lynn/Industrial Transformer Superfund Site in Houston, Texas.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environmental and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to United States v. Sharon Lynn, et al., DOJ Ref. #90-11-2-329A.

The proposed consent decree may be examined at the office of the United States Attorney, Southern District of Texas, 440 Louisiana, suite 900, Houston, Texas, 77002; the Region 6 Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas, 75202; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $4.00 (25 cents per page reproduction costs).
reproduction costs), payable to the Consent Decree Library.

**John C. Cruden,**
*Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[F.R. Doc. No. 93-23320 Filed 9-22-93; 8:45 am]

**BILLING CODE**  4110-01-M

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**A. Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act**

In accordance with Departmental policy notice is hereby given that a proposed consent decree in *United States v. National Presto Industries, et al.*, Civil Action No. 93-C-0610-Cm, was lodged on Sept. 10, 1993, with the United States District Court for the Western District of Wisconsin.

The complaint resolved by the proposed Decree sought past response costs under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607. Those costs were incurred by the United States in responding to the contamination of the Well Field. The Well Field, located in Eau Claire, Wisconsin is an NPL site, and the United States has spent in excess of $4 million in responding to the contamination of that Site. The Decree calls for payments of $3.9 million in past costs from alleged owners and/or operators a source that caused the contamination of the Well Field, National Presto Industries, Inc. and National Defense Corporation.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to United States v. National Presto Industries, et al., DOJ Ref. # 90-11-2-324A.

Th proposed consent decree may be examined at the Office of the United States Attorney, 660 W. Washington Ave., Madison Wisconsin 53703; the Region 5 Office of the Environmental Protection Agency, 77 W. Jackson Blvd., Chicago Illinois 60604; and at the Consent Decree Library, 1120 G Street NW., Washington, DC 20005 (202-624-0892). A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., Washington, DC 20005. In requesting a copy, please refer to the case referenced above and enclose a check in the amount of $5.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Myles E. Flint,**
*Acting Assistant Attorney General, Environment and Natural Resources Division.*

[F.R. Doc. No. 93-23353 Filed 9-22-93; 8:45 am]

**BILLING CODE**  4110-01-M

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**B. Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on September 9, 1993, a proposed Consent Decree in *United States v. Ottati & Goss, Inc. et al.*, Civil No. 89-225-L, and IMCERA Group, Inc. v. United States Environmental Protection Agency, et al, 89-400-D, was lodged with the United States District Court for the District of New Hampshire resolving these matters. The proposed Consent Decree concerns the response to the existence of hazardous substances at the Ottati & Goss/Great Lakes Container Corporation Site located in New Hampshire pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended and the Resource Conservation and Recovery Act.

Under the terms of the Consent Decree, IMCERA Group, Inc., on behalf of itself and 355 de minimis settling parties will reimburse the United States and the State of New Hampshire a total of $4 million for costs related to the GLCC portion of the Site. Two federal agencies, the Defense Reutilization and Marketing Service and the Portsmouth Naval Shipyard, who allegedly disposed of hazardous substances at the Site are contributing towards the settlement.

Under the terms of the Consent Decree, the claims against the Environmental Protection Agency and the other federal agencies will be dismissed with prejudice. The Environmental Protection Agency is not contributing financially to the settlement.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Seattle, WA 98104, and should refer to United States v. Ottati & Goss, Inc., DOJ Ref. # 90-7-1-79.

The proposed Consent Decree may be examined at the Region 1 Office of the Environmental Protection Agency, One Congress Street, Boston, Massachusetts.

**Myles E. Flint,**
*Acting Assistant Attorney General, Environment and Natural Resources Division.*

[F.R. Doc. No. 93-23320 Filed 9-22-93; 8:45 am]

**BILLING CODE**  4110-01-M

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**Antitrust Division**

**Notice Pursuant to the National Cooperative Research Act of 1984; InterOperable System Project Foundation**

Notice is hereby given that, on May 7, 1993, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 et seq. ("the Act"), the InterOperable System Project Foundation ("ISPF") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: Fisher Controls International, Inc., Clayton, MO; Yokogawa Electric Corporation, Tokyo, Japan; The Foxboro Company, Foxboro, MA; Asea Brown Boveri, Zurich, Switzerland; Rosemount Inc., Eden Prairie, MN; Kimray, Inc., Oklahoma City, OK; Limitorque Corp., Lynchburg, VA; Mettler-Toledo, Inc., Worthington, OH; Yokogawa Electronics Co., Ltd., Tokyo, Japan; Endress & Hauser GmbH & Co., Maulburg, Germany; KDG Mobyrd Ltd., Slough, England; Servomex Plc, E. Sussex, United Kingdom; Johnson Yokogawa Corp., Newman, GA; Siebe ECD, Loves Park, IL; KROHNE Messstechnik GmbH & Co. KG, Duisburg, Germany; K-Patents Oy, Vantaa, Finland; Valmet Automation Inc., Tampere, Finland; Analog Devices, Inc., Newbury, England; Measurement Technology Ltd., Luton, England; Neles-Jamesbury, Helsink, Finland; Graphitec Corp.,
Fujisawa #1 Plant, Fujisawa, Japan; Great Lakes Instruments, Milwaukee, WI; Brooks Instrument, Hatfield, PA; Leeds & Northrup, North Wales, PA; SatCon AB, Malmo, Sweden; VEGA Grieshaber KG, Schiltach, Germany; Magmetro International, Downers Grove, IL; Exac Corporation, San Jose, CA; Keystone Controls, Inc., Houston, TX; Rosemount Measurement Division, Chanhassen, MN; Siemens Industrial Automation, Inc., Alpharetta, GA.

The objective of ISPF is to develop an open and interoperable standard protocol for low-level digital communications in instrument systems for process control and other industrial applications ("Fieldbus"), thus permitting field devices of different manufacturers to be used within a system.

The members of ISPF, building on work initiated but not completed by the International Electrotechnical Commission and the Instrument Society of America, Standards and Practices Group 50 ("IEC/ISA SP 50") and on other communication technologies, intend to perform or sponsor the following types of projects: Work to develop and publish the Fieldbus specification; cooperate with members and third parties to develop hardware and software implementations of the ISPF specification; develop engineers’ test tools, tests of hardware and software implementations and other services and tools for Fieldbus; promote the exchange of information among all interested parties for further elaboration of technical specifications for Fieldbus; sponsor field tests and demonstrations for products using Fieldbus; and keep the public informed of the state of engineering implementation and further developments concerning Fieldbus.

ISPF will cooperate with its members in implementing Fieldbus solutions in specific products and license the use of the name "InterOperable Systems Project Foundation" on products meeting ISPF’s established interoperability specification. ISPF will license Fieldbus software (including source code) to both members and nonmembers. ISPF will cooperate with the continuing work of IEC/ISA SP 50.

Membership in ISPF will be open to any individual or entity that supports the objectives of the organization, subscribes to its bylaws, and pays the dues for such membership.

Joseph H. Widmar,
Director of Operations, Antitrust Division.

Notice Pursuant to the National Cooperative Research and Production Act of 1993; National Center for Manufacturing Sciences, Inc.

Notice is hereby given that, on August 12, 1993, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 et seq. ("the Act"), National Center for Manufacturing Sciences, Inc. ("NCMS") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, NCMS has added Amatrol, Inc., Jeffersonville, IN; American Propylaeas Corporation, Birmingham, MI; Apeiron, Inc., Bloomington, MN; Computer Tool & Die Systems, Inc., Ann Arbor, MI; Micro Engineering Solutions, Inc. dba Autodesk Mechanical Division of Autodesk, Inc., Novi, MI; Scientific Systems, Inc., State College, PA; Technology Assessment & Transfer, Inc., Annapolis, MD; TubalCain Company, Inc., Cincinnati, OH; Weed Instrument Company, Inc., Round Rock, TX; and Winsett Inc., Marinette, WI as active members; and University of Rochester Center for Optics Manufacturing, Rochester, NY as an affiliate member.

The following companies have been deleted from NCMS’ membership: A.I. Technology, Inc., Litton Industrial Automation Systems, Inc., and The Gleason Works.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the parties intend to file additional written notification disclosing all changes in membership. Information about participating in Project No. 93-02 may be obtained by contacting: Mr. James H. Higginbotham, Exxon Research and Engineering Company, P.O. Box 101, Florham Park, NJ 07932-0101.

Joseph H. Widmar,
Director of Operations, Antitrust Division.

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Petroleum Environmental Research Forum Project No. 93-02

Notice is hereby given that, on August 17, 1993, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 et seq. ("the Act"), participants in the Petroleum Environmental Research Forum Project No. 93-02 have filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Amoco Oil Company, Naperville, IL; Conoco, Ponca City, OK; Shell Development Company, Houston, TX; and BP Research, Cleveland, OH.

The objective of the research program is to perform biomedical remediation studies of soils contaminated with crude and aged hydrocarbons.

Membership in this group research project remains open, and the parties intend to file additional written notification disclosing all changes in membership. Information about participating in Project No. 93-02 may be obtained by contacting: Mr. James H. Higginbotham, Exxon Research and Engineering Company, P.O. Box 101, Florham Park, NJ 07932-0101.

Joseph H. Widmar,
Director of Operations, Antitrust Division.

[FR Doc. 93-23322 Filed 9-22-93; 8:45 am] BILLING CODE 4116-01-M

BILLING CODE 4116-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts, NEA.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) a request for clearance of the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this Information collection must be submitted by October 25, 1993.
ADDRESSES: Send comments to Mr. Steve Semenuk, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., room 3002, Washington, DC 20503; (202-395-7316). In addition, copies of such comments may be sent to Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401).

FOR FURTHER INFORMATION CONTACT: Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401).

SUPPLEMENTARY INFORMATION: The Endowment requests the review of a revision of a currently approved collection of information. This entry is issued by the Endowment and contains the following information:

- The title of the form;
- How often the required information must be reported;
- Who will be required or asked to report;
- What the form will be used for;
- An estimate of the number of responses;
- The average burden hours per response;
- An estimate of the total number of hours needed to prepare the form.

This information is necessary for the accurate, fair, and thorough consideration of competing proposals in the review process.

Estimated Number of Respondents: 566.

Average Burden Hours Per Response: 17.

Total Estimated Burden: 9,622.

Judith E. O'Brien,
Management Analyst, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 93-23280 Filed 9-22-93; 8:45 am]

BILLING CODE 7537-01-M

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts, NEA.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) a request for expedited clearance, by October 19, 1993, of the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted by October 13, 1993.

ADDRESSES: Send comments to Mr. Steve Semenuk, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., room 3002, Washington, DC 20503; (2020395-7316). In addition, copies of such comments may be sent to Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401).

FOR FURTHER INFORMATION CONTACT: Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401).

SUPPLEMENTARY INFORMATION: The Endowment requests the review of a revision of a currently approved collection of information. This entry is issued by the Endowment and contains the following information:

- The title of the form;
- How often the required information must be reported;
- Who will be required or asked to report;
- What the form will be used for;
- An estimate of the number of responses;
- The average burden hours per response;
- An estimate of the total number of hours needed to prepare the form.

This information is necessary for the accurate, fair, and thorough consideration of competing proposals in the review process.

Estimated Number of Respondents: 650.

Average Burden Hours Per Response: 20.

Total Estimated Burden: 12,737.

Judith E. O'Brien,
Management Analyst, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 93-23280 Filed 9-22-93; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (AORS) and Advisory Committee on Nuclear Waste (ACNW); Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the ACNW, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings that have been scheduled and meetings that have been postponed or cancelled since the last list of proposed meetings was published August 18, 1993 (58 FR 43918). Those meetings that are firmly scheduled have had, or will have, an individual notice published in the Federal Register approximately 15 days (or more) prior to the meeting. It is expected that sessions of ACRS and ACNW full Committee meetings designated by an asterisk (*) will be closed in whole or in part to the public.

The ACRS and ACNW full Committee meetings begin at 8:30 a.m. and the ACRS Subcommittee and ACNW Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during ACRS and ACNW full Committee meetings, and when ACRS Subcommittee and ACNW Working Group meetings will start will be published prior to each meeting.

Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the October 1993 ACRS and ACNW full Committee meetings can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committees (telephone: 301/492-4600 (recording) or 301/492-7288, Attn: Barbara Jo White) between 7:30 a.m. and 4:15 p.m., (EDT).

ACRS Subcommittee Meetings

Mechanical Components, October 5, 1993, Bethesda, MD. The Subcommittee will discuss the status of the ongoing NRC and industry activities associated with motor-operated valves, check
valves, butterfly valves, and other related matters.

Decay Heat Removal Systems, October 5, 1993, Bethesda, MD (12:30 p.m.). The Subcommittee will review the proposed rule to address resolution of Generic Safety Issue-23, “Reactor Coolant Pump Seal Failure.”

Improved Light Water Reactors, October 6, 1993, Bethesda, MD. The Subcommittee will begin its review of the NRC staff’s Safety Evaluation Report for the Electric Power Research Institute (EPRI) passive LWR Utility Requirements document. Planning and Procedures, October 6, 1993, Bethesda, MD (2 p.m.–4:30 p.m.). The Subcommittee will discuss proposed ACRS activities and related matters. Portions of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS and matters the release of which would represent a clearly unwarranted invasion of personal privacy.

Advanced Boiling Water Reactors, October 26–27, 1993, Bethesda, MD. The Subcommittee will begin its review of the NRC staff’s Final Safety Evaluation Report for the GE ABWR design.

Thermal Hydraulic Phenomena, October 28, 1993, Bethesda, MD. The Subcommittee will review selected aspects of the NRC-RES-sponsored ROSA-V confirmitory test program being conducted in support of the Westinghouse AP600 passive plant design certification effort. Specific review topics will include: Facility design modifications and additions, the test matrix, and instrumentation and controls. Also, the Subcommittee will discuss the status of the RES contract with Purdue University to perform integral thermal hydraulic testing in support of the GE SBWR passive plant design.


Safeguards and Security, November 3, 1993, Bethesda, MD. The Subcommittee will review the proposed SECY paper on Internal Threat and the Rulemaking Associated with Staff Recommendation for Protection Against Malevolent Use of Vehicles at Nuclear Power Plants and Safeguards requirements for the Advanced Boiling Water Reactors. Portions of this meeting may be closed to discuss safeguards information pursuant to 5 U.S.C. 552b(c)(5).

Planning and Procedures, November 3, 1993, Bethesda, MD (2 p.m.–4:30 p.m.). The Subcommittee will discuss proposed ACRS activities and related matters. Portions of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS and matters the release of which would represent a clearly unwarranted invasion of personal privacy.

Advanced Boiling Water Reactors, November 16–17, 1993, Bethesda, MD. The Subcommittee will review the status of and insights gained with regard to the Individual Plant Examination Program and how generic issues are resolved by use of the results of this Program.


Planning and Procedures, December 8, 1993, Bethesda, MD (4 p.m.–6 p.m.). The Subcommittee will discuss proposed ACRS activities and related matters. Portions of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS and matters the release of which would represent a clearly unwarranted invasion of personal privacy.

Advanced Boiling Water Reactors, January 25–26, 1994, Bethesda, MD. The Subcommittee will review any residual issues associated with the ABWR design and prepare a proposed ACRS report on ABWR issues for consideration by the full Committee.

ACRS Full Committee Meetings 402nd ACRS Meeting, October 7–8, 1993, Bethesda, MD. During this meeting, the Committee plans to consider the following:

A. Proposed Resolution of Generic Issue-23, “Reactor Coolant Pump Seal Failure”—Review and comment on the proposed rule to address the resolution of Generic Issue-23. Representatives of the NRC staff will participate. Representatives of the industry will participate, as appropriate.

B. EPRI Passive LWR Requirements Document—Review and comment on the NRC staff’s Safety Evaluation Report for the EPRI Utility Requirements Document for passive LWRs. Representatives of the NRC staff and industry will participate.

C. Resolution of Generic Issue 67.5.1, “Reassessment of SGTR Radiological Consequences”—Review and comment on the proposed resolution of Generic Issue 67.5.1 that addresses the validity of present techniques to calculate offsite radioactive dose releases from a design basis steam generator tube rupture. Representatives of the NRC staff will participate.

D. Proposed Final Amendments to 10 CFR Part 55—Review and comment on the proposed final amendments to 10 CFR part 55 regarding renewal of license and requalification requirements for licensed operators. Representatives of the NRC staff will participate. Representatives of the industry will participate, as appropriate.

E. Severe Accident/PRA Issues for the ABWR Design—Hear presentations by and hold discussions with representatives of the NRC staff and GE on the severe accident/PRA issues for the ABWR design. Develop comments and recommendations for inclusion in the final ACRS report on the final design approval for the ABWR.

F. Insights Gained from the NRC Staff Reassessment of the Fire Protection Program (tentative)—Hear a briefing by and hold discussions with representatives of the NRC staff on the lessons learned from the staff’s recent reassessment of the fire protection program.

G. Steam Generator Tube Rupture Event at Palo Verde Unit 2—Hear a briefing by and hold discussions with representatives of the NRC staff regarding the issues arising from the steam generator tube rupture event that occurred at Palo Verde Unit 2 on March 14, 1993. Representatives of the industry will participate, as appropriate.

H. Resolution of ACRS Comments and Recommendations—Discuss responses from the NRC Executive Director for Operations to recent ACRS comments and recommendations.

I. Report of the Planning and Procedures Subcommittee—Hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business.

J. ACRS Subcommittee Activities—Hear reports and hold discussions regarding the status of ACRS subcommittee activities, including reports from the Subcommittees on Thermal Hydraulic Phenomena, and
Computers in Nuclear Power Plant Operations.

K. Future Activities—Discuss anticipated and proposed Committee activities, and organizational matters, as appropriate.

L. Miscellaneous—Discuss matters and specific issues that were not completed during previous meetings as time and availability of information permit.

403rd ACRS Meeting, November 4–6, 1993, Bethesda, MD. Agenda to be announced.

404th ACRS Meeting, December 9–11, 1993, Bethesda, MD. Agenda to be announced.

405th ACRS Meeting, January 6–8, 1994, Bethesda, MD. Agenda to be announced.

ACNW Full Committee Meetings

57th ACNW Meeting, September 29–30, 1993, Bethesda, MD. During this meeting, the Committee plans to consider the following:

A. Continue discussions of matters related to implementation plans for future ACNW activities, including preparation of reports on ACNW protocols, topics for review, and resource requirements.

B. Continue discussion of matters related to the appointment of new members, and organizational and personnel matters related to the ACNW Members and ACNW staff. Portions of this session may be closed to public attendance pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACNW and matters the release of which would represent a clearly unwarranted invasion of personal privacy.

C. Discuss topics proposed for consideration during future ACNW meetings.

58th ACNW Meeting, October 27–28, 1993, Residence Inn, Las Vegas, NV. During this meeting, the Committee plans to consider the following:

A. Continue discussions of matters related to implementation plans for future ACNW activities, including preparation of reports on ACNW protocols, topics for review, and resource requirements.

B. Participate in a technical exchange with representatives of the Department of Energy’s Yucca Mountain Site Characterization Project Office.

C. Continue discussion of matters related to the appointment of new members, and organizational and personnel matters related to the ACNW Members and ACNW staff. Portions of this session may be closed to public attendance pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACNW and matters the release of which would represent a clearly unwarranted invasion of personal privacy.

D. Discuss topics proposed for consideration during future ACNW meetings.

59th ACNW Meeting, November 15–16, 1993, Holiday Inn, Bethesda, MD. Agenda to be announced.

60th ACNW Meeting, December 15–16, 1993, Bethesda, MD. Agenda to be announced.

ACNW Working Group Meetings

Characterization of the Unsaturated Zone Flow and Transport Properties, November 16, 1993, One White Flint North, Bethesda, MD. The Working Group will examine the relationships between precipitation, recharge, and flux through the unsaturated zone at the proposed Yucca Mountain site, and the adequacy of ongoing field studies to ascertain these relationships. Emphasis will be placed on the modeling of flow in the unsaturated zone, alternative conceptual models of fracture versus matrix flow, and conditions under which fracture flow can be shown to predominate. The Working Group will also focus on the recharge term in hydrogeologic models, alternative conceptual models for how and where regional recharge occurs, and the effect of assumptions about recharge on model results.

Low-Level Radioactive Waste Performance Assessment, December 14, 1993, Bethesda, MD. The Working Group will review the overall low-level waste performance assessment program, with emphasis on the status of the draft Branch Technical Position, and staff’s performance assessment capability. Issues to be examined include ongoing and planned activities, milestones and schedules, results of ongoing test case analyses, and role of NRC staff in evaluating Agreement States’ performance assessment programs.

NRC Staff Capabilities in Performance Assessment and Computer Modeling of High-Level Waste Disposal Facilities, December 17, 1993, Bethesda, MD. The ACNW will revisit this subject, which was discussed in an October 17, 1991 Working Group Meeting. Progress in the NRC’s Iterative Performance Assessment (PA) Program, the NRC staff’s completion of an expert elicitation exercise, and progress made in the execution of the NRC’s modular computer model will be subjects of interest to the Committee. This review will be performed periodically to determine the degree of in-house and contractor-supported PA capability, the coordination and integration between data analyst and computer modelers, revisions to the High-Level Radioactive Waste Management PA Strategy Plan, and future plans for PA development.

Dated: September 17, 1993.

John C. Hoyle, Advisory Committee Management Officer.

POSTAL RATE COMMISSION

[Docket No. A93–17]


In the Matter of: Morrison, Iowa 50657 (Jessie Cooley et al., Petitioners).

Issued: September 17, 1993.

Docket Number: A93–17.

Name of Affected Post Office: Morrison, Iowa 50657.

Name(s) of Petitioner(s): Jessie Cooley and others.

Type of Determination: Consolidation.

Date of Filing of Appeal Papers: September 6, 1993.

Categories of Issues Apparently Raised:

1. Effect on postal services (39 U.S.C. 404(b)(2)(C)).

2. Effect on the community (39 U.S.C. 404(b)(2)(A)).

3. Economic savings (39 U.S.C. 404(b)(2)(D)).

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition, in light of the 120-day decision schedule (39 U.S.C. 404(b)(5)), the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the petitioners. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

The Commission orders:

(A) The record in this appeal shall be closed on or before September 23, 1993. (B) The Secretary shall publish this Notice and Order and Procedural Schedule in the Federal Register.
Appendix

September 8, 1993—Filing of Petition
September 17, 1993—Notice and Order of Filing of Appeal
October 4, 1993—Last day of filing of petitions to intervene (see 39 CFR 3001.111(b))
October 14, 1993—Petitioners’ Participant Statement or Initial Brief (see 39 CFR 3001.115(a) and (b))
November 3, 1993—Postal Service Answering Brief (see 39 CFR 3001.115(c))
November 18, 1993—Petitioners’ Reply Brief should Petitioners choose to file one (see 39 CFR 3001.115(d))
November 26, 1993—Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings (see 39 CFR 3001.116)
January 5, 1994—Expiration of 120-day decisional schedule (see 39 U.S.C. 404(b)(5))

[FDR Doc. 93-23266 Filed 9-22-93; 8:45 am]
BILLING CODE 7110-FW-P

[U.S.C. 404(b)(5)], the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the petitioners. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

The Commission orders:
(A) The record in this appeal shall be filed on or before September 30, 1993.
(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.

Charles L. Clapp,
Secretary.

Appendix

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[FDR Doc. 93-23367 Filed 9-22-93; 8:45 am]
BILLING CODE 7110-FW-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-32910; File No. SR-BSE-93-6]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Boston Stock Exchange, Inc., Relating to Amendments to Chapter II, Section 15 of the BSE Rules—G.T.C. Order Confirmation

September 15, 1993.

On March 8, 1993, the Boston Stock Exchange, Inc. (“BSE” or “Exchange”) submitted to the Securities and Exchange Commission (“SEC” or “Commission”), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) and Rule 19b-4 thereunder,2 a proposed rule change to amend Chapter II, Section 15 of the BSE Rules regarding the confirmation of good-til-cancelled orders (“G.T.C. Orders”).3

Notice of the proposal appeared in the Federal Register on May 21, 1993.4 No comments were received on the proposal. This order approves the proposal.

Chapter II. Section 15 of the BSE’s Rules currently provides that G.T.C. orders must be confirmed or renewed with the specialist on the last business day of the confirmation period. The confirmation period is determined by the Exchange. The specialist is responsible for notifying the introducing broker, in writing, of all his G.T.C. orders prior to the expiration of the confirmation period. The Rule also provides that any member firm may request and receive confirmations no more frequently than once per month. G.T.C. orders that are properly confirmed or renewed in the manner of their original entry, except as to partial execution or reduction in shares, are entitled to retain the same order of precedence on the specialist’s book. The specialist currently is responsible for the proper entry of orders in the book. The Rule specifies that G.T.C. orders that are not confirmed or renewed are retained on the specialist’s book and if such open orders are executed according to their terms, the execution must be accepted by the entering firm.

The BSE proposes to amend Chapter II, Section 15 to provide that all orders entrusted to a specialist are eligible for execution for as long as they remain open, until cancelled by the entering firm or introducing floor broker. The amended Rule eliminates the specialist’s responsibility to notify the introducing floor broker of all G.T.C. orders so that such orders may be confirmed prior to the end of a set confirmation period. The amended Rule, however, would permit any entering firms or introducing floor brokers to confirm the status of any open order at any time. All open orders confirmed or renewed in the manner of .

2 A G.T.C. order is an order to buy or sell which remains in effect until it is either executed or cancelled. See BSE Rules of the Board of Governors, Chapter I, Section 3—Orders—Good ‘Til Cancelled Order (GTC) or Open Order.
their original entry, including partial executions or reductions in shares, would be entitled to retain the same executors or reductions in shares, their original entry, including partial immediate access to all of their open

According to the Exchange, due to the Exchange’s firm or introducing floor brokers will have to such open orders are executed

The Exchange states that the purpose of the proposed rule change is to bring the BSE’s current order confirmation rule into line with the technology of the Exchange’s BEACON System. According to the Exchange, due to BEACON capabilities, entering firms or introducing floor brokers have immediate access to all of their open orders and, therefore, have the ability to confirm the status of an open order at any time. The Exchange states that it seeks to place the onus of open order confirmation on the entering firms or introducing floor brokers rather than the specialist.

The BSE believes that the proposed rule is consistent with section 6(b)(5) of the Act in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers. The Exchange states that by placing the onus of open order confirmation on the entering firms and introducing floor brokers, the market will function more efficiently. The Exchange also states that under the rule change entering firms and introducing floor brokers have the ability to review their open orders on a real-time basis to confirm their accuracy, and, if necessary, to correct any errors.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with the requirements of section 6(b)(5) of the Act. Section 6(b)(5) requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest.

The Commission believes that these changes should further the purpose of section 6(b)(5) of the Act by increasing efficiency in the order confirmation process.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–BSE–93–6) is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McGarland,
Deputy Secretary.

[FR Doc. 93–23253 Filed 9–22–93; 8:45 am]

BILLING CODE 9990-01–M


Self-Regulatory Organizations;
National Securities Clearing Corp.;
Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Payment of Commissions of Non-Clearing Members

September 16, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), a notice is hereby given that on August 2, 1993, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–NSCC–93–09) as described in Items I, II, and III below, which items have been prepared primarily by NSCC, a self-regulatory organization ("SRO"). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change permits non-clearing members settling commissions through NSCC to elect to receive payments from NSCC through Automated Clearing House ("ACH") wire transfers.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning
the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC’s current Rules with respect to the settlement of commissions of non-clearing members provide that if any non-clearing member using NSCC to settle its commissions is entitled to receive payment from NSCC, NSCC will make payment by check. The proposed rule change will permit any such non-clearing member, if it desires, to receive payment from NSCC by means of ACH wire transfer.

The purpose of the proposed rule change is to reduce the need for delivery of physical instruments such as checks and thus increase efficiency in the clearance and settlement process. NSCC believes, therefore, that the proposed rule change is consistent with section 17A of the Act 2 in that it promotes more efficient and effective techniques for the clearance and settlement of securities transactions.

B. SRO’s Statement on Burden on Competition

NSCC does not perceive that the proposed rule change will have an impact on or impose a burden on competition.

C. SRO’s Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

NSCC has not solicited or received any comments on the proposed rule change. NSCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act 3 and subparagraph (e)(4) of Rule 19b-4 4 because the proposed effect changes an existing service of NSCC that (i) does not adversely affect the safeguarding of securities or funds in the custody or control of NSCC or for which it is responsible and (ii) does not significantly affect the respective rights or obligations of NSCC or persons using the services. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission’s Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR-NSCC-93-09 and should be submitted by October 14, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority. 5
Margaret H. McFarland,
Deputy Secretary.
[FR Doc. 93-23215 Filed 9-22-93; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-32912; File No. SR-NSCC-93-12]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to NSCC’s Mutual Fund Networking Position File Fee

September 16, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 1 notice is hereby given that on August 20, 1993, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-NSCC-93-12) as described in Items I, II, and III below, which Items have been prepared primarily by NSCC, a self-regulatory organization ("SRO"). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of a waiver by NSCC of $99 of the $100 Mutual Fund Networking Position File fee.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC has determined that the initially established fee structure for providing Mutual Fund Networking Position Files no longer is appropriate. The proposed rule change consists of a waiver of $99 of the $100 fee charged to NSCC members when NSCC provides Mutual Fund Networking Position Files to brokers. This waiver will continue while NSCC determines a more appropriate fee. It is expected that a revised fee will be filed by December 31, 1993.

NSCC believes that the proposed fee change provides for a more equitable allocation of fees among members. NSCC believes, therefore, that the proposed rule change is consistent with section 17A of the Act and the rules and regulations thereunder. 2

B. SRO’s Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have any impact on or impose a burden on competition.

C. SRO's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

NSCC has not solicited or received any comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act and subparagraph (e)(2) of Rule 19b-4 because the proposal changes a due, fee, or other change imposed by the SRO. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR--NSCC--93–12 and should be submitted by October 14, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.5

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 93-23263 Filed 9-22-93; 8:45 am]

BILLING CODE 9101-01-M

[Release No. 34-32909; File No. SR--NYSE--93–21]


September 15, 1993.

On April 26, 1993, the New York Stock Exchange, Inc. (“NYSE” or “Exchange”) submitted to the Securities and Exchange Commission (“SEC” or “Commission”), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act” or “Act”) 1 and Rule 19b-4 thereunder,2 a proposed rule change to streamline its listing procedures for debt securities. On June 14, 1993, the NYSE submitted Amendment No. 1 to the proposed rule change in order to clarify certain aspects thereof.3

The proposed rule change, together with Amendment No. 1, was published for comment in Securities Exchange Act Release No. 32486 (June 17, 1993), 58 FR 34116 (June 23, 1993). No comments were received on the proposal.

The NYSE’s Listed Company Manual presently contains two separate sets of procedures governing the listing of debt securities on that exchange.4 Issuers that do not have any securities listed on the NYSE are required to file an original listing application pursuant to Paragraph 702.00. In contrast, certain issuers of NYSE-listed securities can file a subsequent listing application pursuant to Paragraph 703.00 to list their debt on the Exchange.5

Under either paragraph, the steps that a company must take, and the time involved, in applying to list its debt securities on the NYSE are roughly comparable. As a guide to applicants, the Listed Company Manual provides “timetables”6 illustrating the typical chronology, as follows: Once the company has cleared eligibility, it files a formal listing application with the Exchange.7 At that time, or shortly thereafter, the company also submits those documents required to be filed in support of the application, depending on whether it is an original or a subsequent listing application. Certain supporting documents relating to the debt securities themselves are required in connection with every such listing application;8 in addition, issuers applying for an original listing must provide extensive information concerning, among other things, their organization, governance, capitalization, market value, etc.

6. See letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Diana Luka-Hopson, Branch Chief, Division of Market Regulation, SEC, dated June 11, 1993 (“Amendment No. 1”).
7. The NYSE has indicated that its proposed rule change would only affect the listing procedures for debt securities. The substantive listing standards would not be affected by this proposal. Telephone conversation between Fred Dziel, Director, Fixed Income Markets, NYSE, and Beth Stelker, Attorney, Division of Market Regulation, SEC, on May 12, 1993. For further discussion of NYSE listing standards for debt securities, see infra note 6.
8. See Paragraphs 702.02 and 703.01(B) of the Listed Company Manual.
9. To clear eligibility, the company must satisfy the substantive listing standards in Paragraph 702.00 of the Listed Company Manual. See infra note 6.
10. These standards require that the issuer have a minimum aggregate market value or principal amount of $5 million and that the issuer be in a position to cover all interest charges. The NYSE has not set minimum numerical standards for the distribution of debt securities. Instead, the NYSE evaluates each issue to determine whether the anticipated distribution is sufficient for trading on the Exchange. As noted above, supra note 4, the listing standards for debt securities would not be affected by this proposed rule change.
11. The NYSE recommends that the application be submitted several weeks (i.e., at least three weeks for an original listing; at least two for a subsequent one) before the issuer wishes the NYSE to take formal action upon its application. See Paragraphs 702.03 and 703.01(B) of the Listed Company Manual.
12. These include, but are not limited to, such documents as: the preliminary and final prospectus under the Securities Act of 1933 (“Securities Act”); the registration statement under the Exchange Act for those securities; the mortgage or indenture, including both draft and final copies thereof; specimen certificates; a notification of availability of eligible securities for trading, in which the transfer agent states that the supply of certificates is sufficient to meet the demand for transfer; distribution information, including an estimate of bondholders or, for “new” issues, details about participation in, sales by and termination of the selling group; an opinion of counsel regarding the legality of the company and of the issuance and listing of its securities; a listing agreement and listing fee agreement between the issuer and the NYSE, see Paragraphs 901.00 and 902.01 of the Listed Company Manual; and an indemnification agreement between those parties.
13. By way of background to the indemnification agreement requirement, Paragraph 501.06 of the Listed Company Manual requires that two officers of the issuer sign the bond certificates, manually or in facsimile form, in order to effectuate their execution. An authorized officer of the trustee or of the authenticating agent of the trustee must manually authenticate all debt securities that are to be issued to the trustee. Pursuant to Section 11A of the Exchange Act, a certificate of the trustee must manually authenticate all debt securities that are to be issued to the trustee. Pursuant to Section 11A of the Exchange Act, a certificate of the trustee must manually authenticate all debt securities that are to be issued to the trustee.
Nevertheless, the NYSE proposal would modify several of these requirements, in order to reduce duplication and provide debt listing applicants with greater flexibility. Thus an issuer would be required to submit copies of the final, but not the preliminary, prospectus for the debt securities proposed to be listed; and for issues outstanding for over a year, an issue term sheet could be substituted for that prospectus. To this end, only the final indenture would be filed in support of a listing application.

Companies with multiple debt issues, moreover, could satisfy that requirement by providing the NYSE with copies of the master indenture and of those provisions specific to each issue. In addition, the NYSE proposal would eliminate, in part or in whole, other supporting requirements. For instance, only companies applying to list a "new" issue (i.e., debt securities issued within the prior thirty days) would have to submit a notification of availability of eligible securities for trading and, upon the NYSE's request, a timetable of the offering. According to the NYSE, after thirty days such information should be "readily apparent."

Furthermore, issuers would no longer be required, as part of the debt listing process, to execute and/or furnish the following: distribution information, a listing agreement and listing fee agreement, an indemnification agreement, or general information about their organization, governance, capitalization, finances, etc. Finally, the NYSE proposal would discontinue its practice of publishing advance notice of a proposed debt listing in the Exchange's Weekly Bulletin.

By streamlining its procedures, the NYSE hopes to increase the number of debt listings and, consequently, the number of issues accessible to the Exchange's trading and disclosure systems. The NYSE states that the proposed rule change is consistent with the requirement under section 6(b)(5) that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Commission finds that the proposed rule change is consistent with the requirements of section 6(b)(5) that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, and, in general, to protect investors and the public interest.

For the reasons set forth below, the Commission agrees with the NYSE that the proposed rule change will simplify its debt listing procedures. After careful review of the text of the Listed Company Manual, the Commission has concluded that the Exchange's proposal will make the relevant provisions, especially paragraph 703.06, easier to understand. Moreover, the Commission believes that it will be less burdensome, as a practical matter, for applicants to follow the streamlined procedures. In this regard, the Commission notes that the NYSE proposal will reduce the number and type of documents a debt issuer must submit in support of its listing application, and will eliminate from the debt listing process certain steps that could be perceived as causing unnecessary delay.

In addition, the Commission believes that the proposed rule change could help to improve the price transparency of the bond market. The NYSE argues, and the Commission agrees, that streamlining the debt listing application...
process may encourage more companies to list their debt securities on the Exchange; thereby increasing the number of issues accessible to the NYSE's trading and disclosure systems. The Commission recognizes that, unlike certain other market centers, national securities exchanges, such as the NYSE, publicly disseminate current quote and trade data for listed debt securities. To the extent that the proposed rule change will reduce any disincentive to listing resulting from the NYSE's current procedures, more debt securities may be listed on the Exchange and subjected to real-time quote and trade reporting.

At the same time, the Commission does not believe that the proposed rule change will diminish significantly the protection that the debt listing process provides investors. The Commission wishes to emphasize that this proposal will not affect the NYSE's quantitative debt listing standards or reduce the effectiveness of its substantive review for listing debt issues. As for the Exchange listing procedures, the Commission analyzed the supporting document requirements in order to determine whether any material information that could be useful to investors, about the debt securities proposed to be listed or the issuer thereof, would be eliminated. Based on this review, the Commission is confident that adequate information will continue to be publicly available to inform investors about the quality of the issuer and of its debt securities. Specifically, the Commission found that most of NYSE's proposed revisions either change the form of a document or minimize paperwork that would be repetitive or otherwise readily apparent.

In those few circumstances where a step will be eliminated from the debt listing process, the Commission believes that the effect on investors will be minimal. For example, the NYSE has indicated that it typically has attached less importance to an issuer's estimate of the distribution of its debt securities than to other supporting documents. According to the NYSE, such distribution information is difficult to estimate and is not pertinent to the NYSE's quantitative listing standards.

Similarly, the Exchange has represented that it has never, in practice, required debt issuers to execute a listing agreement or a listing fee agreement. As for the indemnification agreement, the Commission agrees with the NYSE that, given the availability of other safeguards (including manual authentication of debt securities by the trustee) and of other legal remedies, elimination of the indemnity will not expose investors to a significantly greater risk of fraudulent certificates. Finally, the NYSE has represented that, after a debt listing is authorized, that fact will be acknowledged in its Weekly Bulletin. The Commission believes that practice should provide NYSE members and member organizations, as well as the investing public, with sufficient notice of those debt securities to be listed on the Exchange.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR-NYSE–93–21) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 93–23265 Filed 9–22–93; 8:45 am]
BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2679]

Indiana; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on September 10, 1993 I find that the Counties of Clay, Parke, Putnam, Vermilion, and Vigo in the State Indiana constitute a disaster area as a result of damages caused by severe storms and flooding August 16–17, 1993. Applications for loans for physical damage may be filed until the close of business on November 9, 1993, and for loans for economic injury until the close of business on June 10, 1994, at the address listed below: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, suite 300, Atlanta, Georgia 30308, or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Fountain, Greene, Hendricks, Montgomery, Morgan, Owen, Sullivan, and Warren in Indiana, and Clark, Edgar, and Vermilion Counties in Illinois.

The interest rates are:

<table>
<thead>
<tr>
<th>For Physical Damage:</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeowners with credit available elsewhere</td>
<td>8.000</td>
</tr>
<tr>
<td>Homeowners without credit available elsewhere</td>
<td>4.000</td>
</tr>
<tr>
<td>Businesses with credit available elsewhere</td>
<td>8.000</td>
</tr>
<tr>
<td>Businesses and non-profit organizations without credit available elsewhere</td>
<td>4.000</td>
</tr>
<tr>
<td>Others (including non-profit organizations) with credit available elsewhere</td>
<td>7.625</td>
</tr>
</tbody>
</table>

For Economic Injury:

| Businesses and small agricultural cooperatives without credit available elsewhere | 4.000 |

The number assigned to this disaster for physical damage is 267906 and for economic injury the numbers are 804600 for Indiana and 804700 for Illinois.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 15, 1993

Bernard Kulik,
Assistant Administrator for Disaster Assistance.

[FR Doc. 93–23376 Filed 9–22–93; 8:45 am]
BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2669; Amendment # 7]

Kansas; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with Notices from the Federal Emergency Management Agency, dated September 7 and 9, 1993, to include Chase, Hodgeman, Reno, and Smith Counties in the State of Kansas as a disaster area as a result of damages caused by flooding and severe storms beginning on
June 28, 1993 and continuing through August 26, 1993.

In addition, applications for economic injury loans from small businesses located in the contiguous county of Gray, Kansas may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have been previously declared.

All other information remains the same, i.e., the termination date for filing applications for physical damage is November 15, 1993, and for economic injury the deadline is April 25, 1994.

The economic injury number for Kansas is 793500.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)


Alfred E. Judd,
Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 93-23378 Filed 9-22-93; 8:45 am]
BILLING CODE 0205-01-M

[Declaration of Disaster Loan Area #2688; Amendment §]

South Dakota; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended effective September 7, 1993 to include Ziebach County in the State of South Dakota as a disaster area as a result of damages caused by severe storms, tornadoes, and flooding beginning on May 6, 1993 and continuing.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Haakon, Meade, Pennington, and Stanley in South Dakota may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary county and not listed herein have been previously.

All other information remains the same, i.e., the termination date for filing applications for physical damage is November 15, 1993 and for economic injury the deadline is April 19, 1994.

The economic injury number for South Dakota is 793800.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)


Alfred E. Judd,
Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 93-23377 Filed 9-22-93; 8:45 am]
BILLING CODE 0205-01-M

[Declaration of Disaster Loan Area #2658]

North Carolina; Declaration of Disaster Loan Area

As a result of the President’s major disaster declaration on September 10, 1993 I find that Dare County in the State of North Carolina constitutes a disaster area as a result of damages caused by Hurricane Emily which occurred on August 31, 1993. Applications for loans for physical damage may be filed until the close of business on November 8, 1993, and for loans for economic injury until the close of business on June 10, 1994, at the address listed below: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, Georgia 30308, or other locally announces locations. In addition, applications for economic injury loans for small businesses located in the contiguous counties of Currituck and Hyde in North Carolina may be filed until the specific date at the above location.

The interest rates are:

<table>
<thead>
<tr>
<th>For Physical Damage:</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeowners with credit available elsewhere</td>
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<td>8.000</td>
</tr>
<tr>
<td>Businesses and non-profit organizations without credit available elsewhere</td>
<td>4.000</td>
</tr>
</tbody>
</table>

The U.S. Small Business Administration Boston District Advisory Council will hold a public meeting at 10 a.m. on Monday, October 4, 1993, in the Board Room at the Bank of Boston, 100 Federal Street, Boston, Massachusetts, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Joseph D. Pellegrino, Director, U.S. Small Business Administration, 10 Causeway Street, room 265, Boston, Massachusetts 02222-1093, (617) 565-5560.


Dorothy A. Overal,
Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93-23379 Filed 9-22-93; 8:45 am]
BILLING CODE 0205-01-M

DEPARTMENT OF STATE

Office of Defense Trade Controls

[Public Notice 1971]

Munitions Exports Involving Industrias Cardoen Limitada, a/k/a INCAR, Carlos Cardoen, Jorge Burr, Franco Saffa, Swissco Management Group, Inc., Teledyne Wah Chang Albany, Ronald W. Griffin, and Edward A. Johnson

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that all existing licenses and other approvals, granted pursuant to section 38 of the Arms Export Control Act, that authorize the export or transfer by, for or to, Industrias Cardoen Limitada, a/k/a INCAR, Carlos Cardoen, Jorge Burr, Franco Saffa, Swissco Management Group, Inc., Teledyne Wah Chang Albany, Oregon, Ronald W. Griffin and Edward A. Johnson, and any of their subsidiaries or associated companies, of defense articles or defense services are suspended. In addition, it shall be the policy of the Department of State to deny all export license applications and other requests for approval involving, directly or indirectly, the above cited entities. (This suspension and denial decision does not include any other divisions of Teledyne Industries, Inc.) This action also precludes the use in connection with such entities of any exemptions from license or other approval included in the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120–130).

EFFECTIVE DATE: July 26, 1993.

FOR FURTHER INFORMATION CONTACT: Clyde G. Bryant, Jr., Chief, Compliance and Enforcement Branch, Office of Defense Trade Controls, Bureau of
SUPPLEMENTARY INFORMATION: A twenty-one (21) count indictment was returned on May 26, 1993, in the U.S. District Court, Southern District of Florida, charging Industrias Cardoen Limitada, a/k/a INCAR, Iquique, Chile; Carlos Cardoen (owner of Industrias Cardoen Limitada and Swissco Management Group, Inc.); Jorge Burr (employee of Industrias Cardoen Limitada); Franco Saffa (employee of Industrias Cardoen Limitada); Swissco Management Group, Inc., Florida, Teledyne Wah Chang Albany (TWCA), Oregon (a division of Teledyne Industries, Inc.); Ronald W. Griffin (employee of TWCA); and Edward A. Johnson (employee of TWCA); with conspiracy (18 U.S.C. § 371) to violate and violation of section 38 of the Arms Export Control Act (AECA) (22 U.S.C. 2778) and its implementing regulations, the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120–130). The indictment charges that the defendants conspired to conceal a scheme to illegally export United States-origin ordnance-grade zirconium to Chile, for use in cluster bombs and other munitions for Iraq, without having first received the requisite authorization. (United States v. Carlos Cardoen, et al., U.S. District Court, Southern District of Florida, Criminal Docket No. 93–241–CR.)

On July 26, 1993, the Department of State suspended all licenses and other written approvals (including all activities under manufacturing license and technical assistance agreements) concerning exports of defense articles and provision of defense services by, for or to the defendants and any of their subsidiaries or associated companies. Furthermore, the Department precluded the use in connection with the defendants of any exemptions from license or other approval included in the ITAR.

This action has been taken pursuant to sections 38 and 42 of the Arms Export Control Act (AECA) (22 U.S.C. 2778 & 2791) and 22 CFR 128.7(a)(4) and 126.7(a)(3) of the ITAR. It will remain in force until rescinded. Exceptions may be made to this policy on a case-by-case basis at the discretion of the Office of Defense Trade Controls. However, such an exception would be granted only after a full review of all circumstances, paying particular attention to the following factors: whether an exception is warranted by overriding foreign policy or national security interests; whether an exception would further law enforcement concerns; and whether other compelling circumstances exist which are consistent with the foreign policy or national security interests of the United States, and which do not conflict with law enforcement concerns.

As a result of a recent review of the policy involving indicted persons, a person (as defined at 22 CFR 120.1) named in an indictment for an AECA-related violation may submit a written request for reconsideration of the suspension of the decision on the request for reconsideration should be supported by evidence of remedial measures taken to prevent future violations of the AECA and/or the ITAR and other pertinent documented information showing that the person would not be a risk for future violations of the AECA and/or the ITAR.

The Office of Defense Trade Controls will evaluate the submission in consultation with the Departments of Treasury, Justice, and other necessary agencies. After a decision on the request for reconsideration has been rendered by the Assistant Secretary for Political-Military Affairs, the requester will be notified whether the exception has been granted.


Robert I. Galluci,
Assistant Secretary, Bureau of Political-Military Affairs, Department of State.

Office of the Legal Adviser

[Public Notice 1870; Delegation of Authority 206]

Authorization of Testimony and Production of Documents

By virtue of the authority vested in me by 22 CFR 172.4 and section 4 of the Act of May 26, 1949 (63 Stat. 111, 22 U.S.C. 2658), I hereby delegate to the Deputy Legal Advisers the authority conferred on the Legal Adviser and the Office of the Legal Adviser pursuant to 22 CFR 172.4 and 172.5 concerning approval of testimony and production of documents by Department of State employees. The Deputy Legal Advisers may redelegiate this authority to the Assistant Legal Advisers.

Notwithstanding the provisions of this delegation of authority, the Secretary of State or the Deputy Secretary of State may at any time exercise any function hereby delegated. This delegation of authority shall be published in the Federal Register.

Dated: September 1, 1993.

Warren Christopher,
Secretary of State.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Pilot and Aviation Maintenance Technician Shortage; Blue Ribbon Panel Advisory Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Blue Ribbon Panel Advisory Committee Termination.

SUMMARY: Notice is hereby given of the termination of the Pilot and Aviation
Maintenance Technician Shortage—Blue Ribbon Panel Advisory Committee. The committee was established to examine existing and future supply of pilots/aviation maintenance technicians for civil and military purposes and make recommendations for alleviating potential shortages. The committee held four public hearings, reviewed industry growth data from a historical perspective, and examined factors affecting the demand for pilots and aviation maintenance technicians today, and in the highly technical and complex aerospace system of the future, to reach its conclusions and recommendations. The committee was terminated after delivery of its findings to the Deputy Secretary of Transportation on July 14, and its continuation is no longer in the public interest in connection with the performance of the FAA by law.

FOR FURTHER INFORMATION CONTACT: Denise Miller, Special Assistant to the Secretary of Transportation on July 26, 1993.

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passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1988 Acura Legend that Honda Motor Company, Ltd. manufactured for importation into and sale in the United States and certified as conforming to all applicable Federal motor vehicle safety standards. The petitioner states that it has carefully compared the non-U.S.-certified 1988 Acura Legend with its U.S.-certified counterpart, and found that they are substantially similar with respect to most applicable Federal motor vehicle safety standards.

Specifically, the petitioner claims that the non-U.S.-certified 1988 Acura Legend is identical to its U.S.-certified counterpart and found that they are substantially similar with respect to most applicable Federal motor vehicle safety standards.

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organic fiber from which belts were made, glass beads, stone (carnelian) beads, stone (quartz) lip plugs;
(3) That the sites are recognized to be of high cultural significance (such as, but not limited to, Djenne and Guimbala of the Inland Niger Delta, Bougouni of the Upper Valley of the Niger River, the Bandiagara Escarpment (Cliff)); that the sites in the region of the Niger River Valley, Mali, represent a continuum of civilizations from the Neolithic period to the colonial occupation of the 18th century, lending archaeological significance to the region;
(4) That sites in the region of the Niger River Valley, Mali, and the Bandiagara Escarpment (Cliff) are in jeopardy from pillage, dismantling, dispersal, or fragmentation which is, or threatens to be, of crisis proportions; and
(5) That the application of an emergency import restriction on the aforementioned material would, on a temporary basis, in whole or in part, reduce the incentive for pillage by effectively restricting the role of the United States, a significant consumer of Malian artifacts, in the international marketplace.

Determination
Now, therefore, in accordance with the aforementioned authority vested in me, I hereby determine—
(1) That, pursuant to section 304(b) of the Act, 19 U.S.C. 2603(b), an emergency condition applies with respect to the archaeological material identified as coming from sites of high cultural significance in the region of the Niger River Valley, Mali, and the Bandiagara Escarpment (Cliff) of Mali; and

(2) That an import restriction, as set forth in section 307 of the Act, 19 U.S.C. 2606, be applied with respect to these archaeological materials.

Dated: August 18, 1993.

Penn Kemble,
Deputy Director, United States Information Agency.

[FR Doc. 93–23397 Filed 9–22–93; 8:45 am]
Sunshine Act Meetings

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).

FEDERAL COMMUNICATIONS COMMISSION
Deletion of Agenda Item From September 23rd Open Meeting

The following item has been deleted from the list of agenda items scheduled for consideration at the September 23, 1993, Open Meeting and previously listed in the Commission’s Notice of September 16, 1993.

Item No., Bureau, and Subject
6—Private Radio—Title: Co-Channel Protection Criteria for Part 90, Subpart S Stations Operating Above 800 MHz (PR Docket No. 93-60, RM-8028). Summary:

The Commission will consider adoption of a Report and Order concerning protection criteria and co-channel station separation distances for all 800/900 MHz stations operating under Subpart S of Part 90.

Note: The summaries listed in this notice are intended for the use of the public attending open Commission meetings. Information not summarized may also be considered at such meetings. Consequently these summaries should not be interpreted to limit the Commission’s authority to consider any relevant information.


William F. Caton,
Acting Secretary.

Federal Communications Commission.

FEDERAL ELECTION COMMISSION
DATE AND TIME: Tuesday, September 28, 1993 at 10:00 a.m.
PLACE: 999 E Street, N.W., Washington, D.C.
STATUS: This meeting will be closed to the public.
ITEMS TO BE DISCUSSED:
Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

PERSON TO CONTACT FOR INFORMATION:
Mr. Fred Eiland, Press Officer,
Telephone: (202) 219–4155.
Delores Hardy,
Administrative Assistant.


Jennifer J. Johnson
Associate Secretary of the Board.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
TIME AND DATE: 10:00 a.m., Wednesday, September 29, 1993.
STATUS: Closed

MATTERS TO BE CONSIDERED:
1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:
Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. 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.


Jennifer J. Johnson
Associate Secretary of the Board.
Part II

Department of Labor

Office of Secretary

Privacy Act of 1974; Publication of Notices of Systems of Records and Proposed Routine Uses
DEPARTMENT OF LABOR
Office of the Secretary

Privacy Act of 1974; Publication In Full of All Notices of Systems of Records Including Numerous New Systems; Publication of Proposed Routine Uses

AGENCY: Office of the Secretary, Labor.

ACTION: Notice; publication in full of all notices of systems of records, including numerous new systems; publication of proposed routine uses for all systems of records.

SUMMARY: This notice provides an accurate and complete text with administrative (non-substantive) changes of this agency's 138 systems of record, including 37 new systems, which are currently maintained under the Privacy Act of 1974. The notice also proposes new routine uses for all of the systems. This notice will add 37 new systems which are being published for the first time; amend 54 systems previously published; and delete three systems.

DATE: Persons wishing to comment on newly published systems and on the proposed routine uses may do so by November 22, 1993.

EFFECTIVE DATE: Unless there is a further notice in the Federal Register, the new systems of records and the proposed routine uses will become effective on December 13, 1993. The notices with the administrative (non-substantive) changes are effective on September 23, 1993.

ADDRESSES: Written comments may be sent or delivered to Robert A. Shapiro, Associate Solicitor, Office of the Solicitor, Division of Legislation and Legal Counsel, U.S. Department of Labor, Room N-2428, 200 Constitution Avenue, NW, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Miriam McD. Miller, Co-Counsel for Administrative Law, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, NW, Room N-2428, Washington, DC 20210; Telephone (202) 219-6188.

SUPPLEMENTARY INFORMATION: Pursuant to section three of the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)), the Department hereby publishes an updated notice for all of its 138 systems of records, including 37 new systems, currently maintained pursuant to the Privacy Act of 1974. Our last update appeared in the Federal Register on February 28, 1990 at 55 FR 7084. That notice was also a publication in full.

This notice also proposes new universal routine uses for all of the systems. However, the eleven paragraphs, containing the universal routine uses (those uses which apply to all systems), are essentially a refined version of those universal routine uses which were published on February 28, 1990, at pages 7089-7090 in Volume 55 of the Federal Register.

Besides these eleven paragraphs of universal routine uses, minor changes have been made to some of the specific routine uses which appear within the body of some of the systems.

This notice will add 37 new systems which are being published for the first time; it amends 54 systems previously published; and it deletes three systems.

The following is a listing of the significant additions, changes, and deletions to the various departmental systems of records. Those systems previously eliminated, or where no revisions were required to existing systems, will not appear within this Preamble (below).

Government-wide Systems by the Department of Labor

DOL/GOV'T-1
DOL/GOV'T-1, entitled "Office of Workers' Compensation Programs, Federal Employees' Compensation File," is the new name for DOL/ESA-13. Since this is a government-wide system, the new name is more appropriate and highlights that it is a government-wide system. In addition to being renamed, this system underwent substantial rewriting for the purpose of clarifying the different sections of the notice including the category for system location and the category for exemptions.

Routine uses: Includes a new paragraph clarifying that agencies may delegate their authority for access to records to a contractor that is performing the work which agency personnel would normally do; makes clearer that information can be released to prospective employer in a Department-sponsored or sanctioned return to work effort; clarifies that information can be released to health and welfare plans.

DOL/GOV'T-2
DOL/GOV'T-2, entitled "Job Corps Student Records," is the new name for DOL/ETA-14. Since this is a government-wide system, the new name is more appropriate and highlights that it is a government-wide system. The former name of the system was Job Corpsmember Records which is being changed to Job Corps Student Records. It also amends the system to include the collection and maintenance of drug testing information on each student.

Office of the Secretary (OSEC)

DOL/OSEC-1
"Supervisor's Records of Employees." The "Categories of Records in the System" is expanded to contain information related to supervisor's observations.

DOL/OSEC-4
"Credit Data on Individual Debtors." This system of records is being amended to reflect system location and office title changes, to add a system security classification, and, to clarify notification and record access procedures.

DOL/OSEC-5
"High Performance Work Place Tracking Database" is a new system to provide support to the Secretary of Labor's efforts to assemble the names and addresses of individuals from industry, labor, government, and academia who are involved in the development and management of high performance work organizations. It provides capabilities to develop and print sorted lists and mailing labels.

Office of the Assistant Secretary for Administration and Management (OASAM)

DOL/OASAM-1
"Attendance, Leave, and Payroll File." The Categories of records in this system has been expanded to include claims by the employee for overtime, for back wages and for waivers.

DOL/OASAM-5
"Rehabilitation and Counseling File." This system is amended to (1) add private sector treatment or rehabilitation sites to the list of locations where rehabilitation and counseling fields are stored, and (2) to delete in the Notification Procedure section, "Employee Assistance Program Coordinator" so as to better identify the individuals who arrange for counseling or treatment.

DOL/OASAM-7
"Employee Medical Records." This system is amended with regard to location of the system, categories of individuals and records in the system, authority citation, purpose, retention and disposal regulations, record source categories, and expansion of the routine uses. Under the DOL drug testing program, all test results for DOL
employees shall be retained and filed in OPM/GOVT 10, "Employee Medical File System Records." All test results for outside applicants shall be retained in OPM/GOVT 5, "Recruiting, Examining, Placement Records."

DOL/OASAM-11

"DOL Training Records." This system has been expanded to include additional office locations.

DOL/OASAM-12

"Administrative Grievance Records." In our February 28, 1990 Privacy Act publication this system was erroneously deleted. Prior to this omission, it was entitled "Employee Relations Files." This system is now entitled "Administrative Grievance Records" and has been reinstated. As now published, all portions of the original system, published on July 13, 1982 at 46 FR 30362 at 30371, have been deleted except for grievances under 5 CFR part 771. The record source category has been revised to include information from the individuals on whom the record is maintained, testimony of witnesses, investigative records and decisions by Agency Officials. Also, the system location has been broadened to include additional offices. The deleted portions of this system are covered by the following government-wide systems:

OPM/GOVT-2
OPM/GOVT-3
OPM/GOVT-5
MSP/GOVT-1

DOL/OASAM-15

"Travel Authorization and Voucher System." This system is amended to include travel arrangement services and government contractor issued charge cards; system locations have been added.

DOL/OASAM-17

"Equal Employment Opportunity Complaint Files." This system is revised to (1) indicate that records in this system are covered in conjunction with EEOC's Government-Wide system; (2) add to system location section; (3) expand the routine use of records section and (4) to modify the retention and disposal section of this record system.

DOL/OASAM-19

"Negotiated Grievance Procedure and Unfair Labor Practice Files." The system location has been broadened to include additional offices and categories of records in the system.

DOL/OASAM-21

"Senior Executive Service Certification File." This system has been deleted. The OPM/GOVT-1 system includes the same records and has broader routine uses.

DOL/OASAM-22

"Directorate of Civil Rights Citizen Discrimination Complaint Case Files." This system is revised to add clarity to the descriptions of types, uses, and safeguard of records, to update statutory references, and to modify the retention and disposal section of this record system.

DOL/OASAM-26

A new system entitled "Frances Perkins Building Parking Management System" is established to maintain records on individuals who are assigned or applying for assignment of parking privileges in the Frances Perkins Building.

DOL/OASAM-27

A new system entitled "Employee/Contractor Identification Program" is established to maintain records which identify individuals who are employed by the U. S. Department of Labor (DOL) and individuals employed by contractors doing business with DOL.

DOL/OASAM-28

A new system entitled "Incident Report/Restriction Notice" is established to maintain records on individuals involved in incidents occurring in the Frances Perkins Building.

DOL/OASAM-29

A new system entitled "OASAM Employee Conduct Investigations" is established to ensure that all appropriate records of problems and misconduct arising from informal complaints of employee misconduct in the National Office and DOL Regions are addressed.

DOL/OASAM-30

A new system entitled "Injury Compensation System" (ICS) is established to track and monitor DOL employees and/or Job Corps Center students who receive continuation of pay and/or FECA compensation benefits.

Office of Administrative Appeals (OAA)

DOL/OAA-1, Administrative Appeals File, has been amended to describe the system's purpose category more fully and to clarify the routine uses.

Office of the Administrative Law Judges (OALJs)

DOL/OALJ-1, Administrative Law Management System, has been amended to clarify its category of records, and to reflect the new address for the system's location.

Office of the American Workplace (OAW)

A new Office of the American Workplace has been established. This Office contains the five systems of records which were formerly known DOL/OLMS-1 and DOL/BLMRCP-1 through DOL/BLMRCP-4. These five systems of records have been renamed DOL/OAW-1 through DOL/OAW-5.

Office of the Assistant Secretary for Policy (ASP)

DOL/ASP-1 has been changed to indicate its name change from the National Seasonal Agricultural Services Farmworker Survey to the National Agricultural Workers Survey (NAWS). This was done in order to create a shorter, easier-to-remember title.

Benefits Review Board (BRB)

DOL/BRB-1, Appeals Files-Benefit Review Board has been amended to reflect the new address of the system's location.

Bureau of Labor-Management Relations and Cooperative Programs (BLMRCP)

This Bureau has been transferred to the new Office of the American Workplace (OAW). All four of its systems of records have been renamed and are being carried by the new OAW as DOL/OAW-2 through DOL/OAW-5.

Bureau of Labor Statistics (BLS)

DOL/BLS-2 "Staff Utilization System" is changed to correct the system location address, the system manager's address, and to add cartridges to the storage media.

DOL/BLS-3 "Regional Office Staff Utilization Files" is changed to correct the system location and system manager's address.

DOL/BLS-4 "Business Research Advisory Council" is changed to correct the entry for storage to "File cabinets and bookcases," to change the title "liaison" to "Management Assistant," and to correct the system location and system manager's address.

DOL/BLMRCP-1 "Labor Research Advisory Council" is changed to correct the system manager's address, to change the number of years files are retained, to change the titles "liaison" and "Associate Commissioner" to "Management Assistant," and to correct the system location and system manager's address.
DOL/BLS-6 “Applicant Race and National Origin (ARNO) System. Form 618.” is now named “Applicant Race and National Origin (ARNO) System. Form E 618.” Corrections have been made to the system location and the system manager’s address, the entry for storage has been changed to “Hard copy-manually generated forms,” the entry for Retrieval has been changed to read “Retrievable by name and SSN,” and in the entry for Retention and disposal, the word “fiscal” has been changed to “calendar.”

DOL/BLS-7 “BLS Employee Conduct Investigation” has been changed to correct the system location and system manager’s address.

DOL/BLS-8. This system of records entitled “BLS Employee ADP Training History” has been changed to correct the system’s manager’s address. In the 1990 publication this system was published but through inadvertence it was not carried in the table of contents.

DOL/BLS-9 is a new system of records entitled “Routine Administrative Files.” This system contains administrative records of BLS employees, BLS contractors, BLS visitors for over 30 days and people who car pool with a BLS employee and park in BLS space.

DOL/BLS-10 is a new system of records entitled “Commissioner’s Correspondence Control System.” This is an automated tracking system for correspondence received in the Commissioner’s Office of the Bureau of Labor Statistics.

DOL/BLS-11 is a new system of records entitled “NIH and Boeing User ID Database.” This system contains records of all BLS employees, BLS contractors and state employees who are computer users at the National Institutes of Health and Boeing computer centers.

DOL/BLS-12 is a new system of records entitled “Employee Acknowledgement Letter Control System.” This system contains records of all BLS employees who sign an acknowledgement letter stating that they have read and understood Bureau policy on safeguarding confidential data.

DOL/BLS-13 is a new system of records entitled “National Longitudinal Survey of Youth (NLSY) Database.” This system is a contractor-maintained database that contains information from labor force surveys conducted on a random sampling of the general public.

DOL/BLS-14 is a new system of records entitled “Collection Procedures Research Lab Project Files.” This system contains biographical and sometimes personal information on volunteers who participated in projects to improve the accuracy of response in BLS surveys.

DOL/BLS-15 is a new system of records entitled “Management Research Files.” This system contains a variety of employment, training, and personal information on employees of DOL and its agencies. The information will be used in the development of new experimental measures and behavioral models which explain the determinants of employment events, etc.

DOL/BLS-16 is a new system of records entitled “Annual Survey of Occupational Injuries and Illnesses.” This system contains employment information and injury illness circumstances of injured or ill employees. The information will be used in statistical analyses to develop information regarding the causes and prevention of occupational accidents and illnesses, in allocating resources, and evaluating the effectiveness of occupational and health programs.

Employees’ Compensation Appeals Board (ECAB)

Both of the ECAB systems have been amended to reflect a new telephone number for the systems.

Employment Standards Administration (ESA)

DOL/ESA-2—Office of Federal Contract Compliance Programs Complaint Files. Changes which include title changes under “System Name, addition of office address notification; under System Location, a deletion and phrase change; word changes under Routine Uses; name change under System Manager(s); deletion of phrase under Notification Procedure; and correction under Systems Exempted.

DOL/ESA-25—Office of Federal Contract Compliance Programs Compliance Review Information System (CRIS). Changes include; under System Name, addition of office address notification; under System Location, a deletion and phrase change; word changes under Routine Uses; name change under System Manager(s); deletion of phrase under Notification Procedure; and correction under Systems Exempted.

DOL/ESA-26—Office of Workers’ Compensation Programs, Black Lung Automated Support Package. Systems exempted from the Privacy Act: clarifies that the Privacy Act provisions granting to criminal law-enforcement agencies certain authority for withholding information does not apply to OWCP, since it is not a criminal law-enforcement agency.

DOL/ESA-30—Office of Workers’ Compensation Programs, Black Lung Beneficiaries Claim Package. Systems exempted from the Privacy Act: clarifies that the Privacy Act provisions granting to law-enforcement agencies certain authority for withholding information does not apply to OWCP, since it is not a law-enforcement agency.

DOL/ESA-31—Office of Federal Contract Compliance Programs Time Reporting Information System (TRIS). Changes included under Purpose and Routine Uses; name change under System Manager(s); word change under Record Source Categories.

DOL/ESA-32—ESA Complaint and Employee Conduct Investigations. System name has been changed and Retention and Disposal has been changed.

DOL/ESA-33—Wage and Hour Division’s Investigator’s Weekly Report. Changes under System Name, System Location, and Categories of Individuals Covered by the System. This system was published in the 1990 Federal Register, but through inadvertence it was not included in the table of contents.

DOL/ESA-34—Wage and Hour Division’s Farm Labor Contractor Registration File. This is a new system which includes a record of applicants for and holders of Farm Labor
Contractor Certificates of Registration. Records are used to determine eligibility for issuance of a Certificate of registration and for determining compliance with the Migrant and Seasonal Agricultural Worker Protection Act (MSPA).

DOL/ESA-35—Wage and Hour Division's Farm Labor Contractor Employee Registration File. This is a new system which includes a record of applicants for and holders of Farm Labor Contractor Employee Certificates of Registration. Records are used to determine eligibility for issuance of a Certificate of registration and for determining compliance with the Migrant and Seasonal Agricultural Worker Protection Act (MSPA).

DOL/ESA-36—Wage and Hour Division's Migrant and Seasonal Agricultural Worker Protection Act (MSPA) Public Central Registry Records Files. This is a new system which includes a record of holders of Farm Labor Contractor and Farm Labor Contractor Employee Certificates of Registration.

DOL/ESA-37—Wage and Hour Division's Migrant and Seasonal Agricultural Worker Protection Act (MSPA) Case Register. This is a new system which provides a list of persons who may not meet eligibility requirements for issuance of a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration used by Wage and Hour Regional Office staff for screening incoming applications.

DOL/ESA-38—State Employment Service Clearance List—Migrant and Seasonal Agricultural Worker Protection Act (MSPA) Registration. This is a new system which provides a list of persons who may not meet eligibility requirements for issuance of a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration used by Florida Department of Labor and Employment Security, Tallahassee, Florida; New Jersey Department of Labor, Trenton, New Jersey; and Virginia Employment Commission, Exmore, Virginia for Wage and Hour Regional Office staff for screening incoming applications.

DOL/ESA-40—Wage and Hour Division's Migrant and Seasonal Agricultural Worker Protection Act (MSPA)/Farm Labor Contractor Registration Act (FLCRA) Tracer List. This is a new system which provides a list of persons who have been investigated under either MSPA or FLCRA and the results of those investigations.

DOL/ESA-41—Wage and Hour Division's Migrant and Seasonal Agricultural Worker Protection Act (MSPA)/Farm Labor Contractor Registration Act (FLCRA) Certificate Action Records Files. This is a new system which provides a list of persons whose application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration has been denied or revoked and all subsequent actions connected therewith for the use of Wage and Hour National Office staff.

DOL/ESA-42—Wage and Hour Division's Case Register/Compliance Officer Assignment Form (WH-53). This is a new system which provides Wage and Hour District Offices (D.O.) with an alphabetical index of employers currently undergoing investigation by Wage and Hour within the jurisdiction of that particular D.O. It is used for researching and evaluating the unemployment compensation and other programs for which ETA is responsible. The project for conducting, in house or by the contractor, ETA (or its contractor) creates the system and uses information (claimant records, employer contribution records, and employee wage records) that is stored and accessed by personnel identifiers. Upon completion of the project, the records are returned to the State from which they were obtained.

DOL/ESA-43—Office of Workers' Compensation Programs Federal Employees' Compensation Act and Longshore and Harbor Workers' Compensation Act Rehabilitation Counselor Case Assignment, Contract Management and Performance Files and FWC Field Nurses. This is a new system which covers records maintained by OWCP rehabilitation specialists on the assignment and performance of rehabilitation counselors who contract with OWCP to perform rehabilitation services.

Employment and Training Administration (ETA)

DOL/ETA-14 is redesignated as DOL/GOVT-2, and it is renamed “Job Corps Student Records.” This redesignation reflects that it is a government-wide system and also changes the name of the system from Job Corps Member Records to Job Corps Student Records. It also amends the system to include records which contain information concerning the collection and maintenance of drug testing information on each student.

DOL/ETA-21, is renamed as “Employment and Training Administrative Advisory Committees Members Files.”

DOL/ETA-24, Contracting and Grant Officer Files, is a new system which covers all present and former contracting and grant officers in the Employment and Training Administration. These records are maintained as documents for ready access in ascertaining an individual’s qualifications to be appointed as a contracting/grant officer, to determine if limitations on procurement authority are appropriate, and to complete the Certificate of Appointment.

DOL/ETA-25, DOL/ETA Evaluation Research Projects, is a new system which covers information collected and maintained by State Employment Security Agencies that, when forwarded to ETA (or an individual contractor used for the purpose), is used for researching and evaluating the unemployment compensation and other programs for which ETA is responsible. When these projects are being conducted, in house or by the contractor, ETA (or its contractor) creates the system and uses information (claimant records, employer contribution records, and employee wage records) that is stored and accessed by personal identifiers. Upon completion of the project, the records are returned to the State from which they were obtained.

DOL/ETA-26, Standardized Program Information Report (SPIR), is a new system developed to maintain a management information system designed to facilitate the uniform compilation and analysis of programmatic data necessary for reporting, monitoring and evaluation purposes. The records in this system will not be used for making determinations about identifiable individuals. This data is used to generate statistical reports of program participants, program activities, and program outcomes to enable the Department to evaluate the program at different levels and to provide appropriate feedback and technical guidance to local programs in establishing performance goals for their service providers.

Office of the Inspector General (OIG)

DOL/OIG-4, entitled Temporary Matching Files, has been deleted.
Office of Labor-Management Standards (OLMS)

This Office has been transferred to the new Office of the American Workplace (OAW), and therefore, DOL/OLMS–1 has been renamed as DOL/OAW–1. In addition, this system is amended by revising the category for routine uses.

Mine Safety and Health Administration (MSHA)

DOL/MSHA–1, Coal and Metal and Nonmetal Mine Accident and Injury, has been amended so that there is a routine use to permit disclosure to other federal agencies when relevant and necessary to mine safety and health research.

DOL/MSHA–3, Metal and Nonmetal Mine Accident and Health Management Information, has been amended to make editorial changes and update the retention and disposal entry to comply with the approved MSHA records schedule and clarify routine uses.

DOL/MSHA–10, Discrimination Investigations, has been amended to make editorial changes and update the categories for storage, retrievability, safeguards, retention and disposal, records source, and routine uses.

DOL/MSHA–13, Coal Mines Respirable Dust Program, has been amended to clarify categories of individuals covered by the system, categories of records in the system, routine uses, safeguards, retention and disposal, and records access procedures.

DOL/MSHA–14, Coal Mine Noise Level Program, has been deleted. The information collected and maintained by the program is no longer subject to the provisions of the Privacy Act.

DOL/MSHA–15, Health and Safety Training and Examination Records Including Qualification and Certification Data, was amended to make editorial changes and corrections in the areas of: storage; retrievability; safeguards; retention and disposal and records access procedures; contesting records procedures and routine uses.

DOL/MSHA–18, Coal Mine Safety and Health Management Information System, has been amended to expand and clarify most of the categories, including routine uses.

DOL/MSHA–20, Civil/Criminal Investigations, is a new system of records, which covers individuals who have been civilly assessed a monetary penalty or prosecuted for violations of the underground mining statutes.

Occupational Safety and Health Administration (OSHA)

DOL/OSHA–4 “Advisory Committee Candidates’ Biographies” is amended only to include information on “Categories of Records” that was inadvertently omitted from the previous Privacy Act notice. DOL/OSHA–4 “Compliance Safety and Health Officer Manpower File,” is renamed “Program Activity File,” to more accurately reflect its purpose; also, the “Storage,” “Safeguards,” and “Retention and Disposal” sections of the notice are amended to delete reference to manually maintained files, since these files are no longer maintained manually.

DOL/OSHA–12 “OSHA Employee Conduct Investigations” is amended to include the listing, “Categories of Individuals Covered by the System,” which was inadvertently omitted when the notice was previously published. DOL/OSHA–14. This is a new system entitled: The Office of Training and Education Computer Based Acquisition/Financial Record System. The purpose of this system is to provide an acquisition and financial management system which will improve the acquisition process; and provide an efficient means for the accurate recording, tracking, reporting, and control of Office funds.

DOL/OSHA–15. This is a new system and entitled: Office of Training and Education Resource Center Circulation Project. The records are maintained to facilitate the performance of the Resource Center Circulation Project which loans occupational safety and health materials to qualified borrowers, for verification of borrower status and authorization to borrow, to track borrower requests for materials availability and usage information, to track status and history of overdue materials, to maintain records on lost and damaged materials.

Pension and Welfare Benefits Administration (PWBA)

DOL/PWBA–1, and DOL/PWBA–2, have been amended to show a new room address for the systems’ location. DOL/PWBA–1 has been renamed as “Employee Retirement Income Security Act (ERISA) Advisory Council on Employee Welfare and Pension Benefit Plans”. DOL/PWBA–2, entitled “the Office of Enforcement Index Cards and Investigation Files,” and DOL/PWBA–5, entitled “Public Disclosure Request Tracking System,” have been amended to clarify routine uses.

DOL/PWBA–6, entitled PWBA Debt Collection/Management System is a new system of records which contains records on an ongoing Debt Collection/Management Program requiring tracking and accounting for assessed fines/penalties, determination of collection status and assignment of delinquent debts to private collection agencies.

DOL/PWBA–7, entitled PWBA Employee Conduct Investigations, is a new system of records maintained to ensure that all appropriate documentation of problems, investigations, misconduct, illegal acts, conflicts of interest, etc., are retained and are available.

Office of the Solicitor (OSOL)

DOL/SOL–12, entitled Third Party Recovery System, has been amended to reflect its expansion to include monetary recoveries on behalf of a broader number of Solicitor’s Offices programs. Accordingly the categories of individuals, categories of records and the purpose section have been expanded.

DOL/SOL–15, Solicitor’s Office Litigation Files, is a new system which is maintained for the purpose of prosecuting violations of labor laws as well as for defending suits brought against the Secretary of Labor.

DOL/SOL–16, Solicitor’s Office Directory of Senior Management, is a new system which contains records maintained for the purpose of supplying the addresses and telephone numbers of senior management so that they can be quickly communicated with during times of emergency.

DOL/SOL–17, entitled Solicitor’s Office Ergonomic Furniture File, is a new system which contains records maintained for the purpose of purchasing and supplying employees with ergonomic furniture.

Office of Veterans Employment and Training (VETS)

DOL/VETS–2—Veterans’ Preference Complaint File. This is a new system, which contains records compiled in connection with the enforcement of federal laws pertaining to veterans’ preference and other special considerations related to federal employment.

DOL/VETS–3—Veterans’ Employment and Training Services Transition Assistance Program (TAP) Tracking System. This is a new system which contains records used to monitor the achievement levels in TAP work-shops, develop demographic data and research program effectiveness.
Routine Uses

The Department, in the General
Prefatory Statement, sets forth eleven
paragraphs containing routine uses
which apply to all systems. These
routine uses are a more refined version
of those universal routine uses which
were published on February 28, 1990, at
pages 7089-7090 of Volume 55 of the
Federal Register.

Government-Wide Records

Two systems of records are reported
by the Department of Labor for all
federal agencies since this Department
has overall responsibility for the
administration of the programs in
connection with which these systems of
records have been compiled. It is
presumed that most, if not all, federal
agencies maintain systems of records
comprising a portion of the government-
wide systems of records. In order to
avoid duplication in reporting, the
Department is reporting these systems
on behalf of all agencies. The
Department has control over these
systems to the same extent as the Office
of Personnel Management has control
over systems of records containing
federal employee personnel records.
These systems are the Federal
Employees’ Compensation Act files and
the Job Corps Student Records.

Signed at Washington, DC, this 8th day of
September, 1993.

Robert B. Reich,
Secretary of Labor

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Department of Labor

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DOL/GOVT-2—Job Corps Student Records
(formerly known as DOL/ECA-14).

Office of the Secretary (OSEC)

DOL/OSEC-1—Supervisor’s Records of
Employees.
DOL/OSEC-4—Credit Data on Individual
Debtors.
DOL/OSEC-5—High Performance Work
Place Tracking Database.

Office of the Assistant Secretary for
Administration and Management
(OASAM)

DOL/OASAM-1—Attendance, Leave and
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Parking Management System.
DOL/OASAM-27—Employee/Contractor
Identification Program.
DOL/OASAM-28—Incident Report/
Restriction Notice.
DOL/OASAM-29—OASAM Employee
Administrative Investigation File.
DOL/OASAM-30—Injury Compensation
System (ICS).

Office of Administrative Appeals (OAA)

DOL/OAA-1—Administrative Appeals File.

Office of Administrative Law Judges
(OALJ)

DOL/OALJ-1—Administrative Law
Management System.

Office of the American Workplace
(OAW)

DOL/OAW-1—Investigative Files.
DOL/OAW-2—List of Airline Employees
Protected Under the Rehipe Program.
DOL/OAW-3—Semi-Annual Liens of Hired
Employees.
DOL/OAW-4—Rehire Program Apellant and
Injury File.
DOL/OAW-5—OLMP, Redwood Employee
Protection Program, Health and Welfare
Claims and Benefits Payments.

Office of the Assistant Secretary for
Policy (ASP)

DOL/ASP-1—National Agricultural Workers
Survey (NAWS) Research File.

Benefits Review Board (BRB)

DOL/BRB-1—Appeals Files-Benefits Review
Board (BRB)

Bureau of Labor Statistics (BLS)

DOL/BLS-2—Staff Utilization System
DOL/BLS-3—Regional Office Staff
Utilization File
DOL/BLS-4—Business Research Advisory
Council
DOL/BLS-5—Labor Research Advisory
Council

DOL/BLS-6—Applicant Race and National
Origin (ARNO) System, Form E 618
DOL/BLS-7—BLS Employee Conduct
Investigation
DOL/BLS-8—BLS Employee ADP Training
History
DOL/BLS-9—Routine Administrative Files
DOL/BLS-10—Commissioner’s
Correspondence Control System
DOL/BLS-11—NIH and Boeing User ID
Database
DOL/BLS-12—Employee Acknowledgement
Letter Control System
DOL/BLS-13—National Longitudinal Survey
of Youth (NLSY) Database
DOL/BLS-14—Collection Procedures
Research Lab Project Files
DOL/BLS-15—Management Research Files
DOL/BLS-16—Annual Survey of
Occupational Injuries and Illnesses

Employees’ Compensation Appeals
Board(ECAB)

DOL/ECAB-1—Employees’ Compensation
Appeals Board Docket Records
DOL/ECAB-2—Employees’ Compensation
Appeals Board Disposition Records

Employment Standards Administration
(ESA)

DOL/ESA-2—Office of Federal Contract
Compliance Programs, Complaint Files.
DOL/ESA-5—Office of Workers’
Compensation Programs, Black Lung
Antidiscrimination Files.
DOL/ESA-6—Office of Workers’
Compensation Programs, Black Lung
Benefits Claim File.
DOL/ESA-12—Office of Workers’
Compensation Programs, Black Lung X-
ray Interpretation File.
DOL/ESA-15—Office of Workers’
Compliance Programs, Longshore and
Harbor Workers’ Compensation Act Case
Files.
DOL/ESA-24—Office of Workers’
Compensation Programs, Longshore and
Harbor Workers’ Compensation Act
Special Fund System.
DOL/ESA-25—Office of Federal Contract
Compliance Programs, Management
Information System (OFCC/MIS).
DOL/ESA-26—Office of Workers’
Compliance Programs, Longshore and
Harbor Workers’ Compensation Act
Investigation Files.
DOL/ESA-27—Office of Workers’
Compensation Programs, Longshore and
Harbor Workers’ Compensation Act
Claimant Representatives.
DOL/ESA-28—Office of Workers’
Compensation Programs, Physicians and
Health Care Providers Excluded Under
the Longshore Act.
DOL/ESA-29—Office of Workers’
Compensation Programs, Physicians and
Health Care Providers Excluded Under
the Federal Employees’ Compensation
Act.
DOL/ESA-30—Office of Workers’
Compensation Programs, Black Lung
Automated Support Package.
DOL/ESA-31—Office of Federal Contract
Compliance Programs, Time Reporting
Information System (TRIS).
DOL/ESA-32—Employee Conduct Investigations.
DOL/ESA-33—ESA, Wage and Hour Division, Investigator's Weekly Report.
DOL/ESA-34—Farm Labor Contractor Registration File.
DOL/ESA-35—Farm Labor Contractor Employee Registration Files.
DOL/ESA-36—MSPA/FLCRA Civil Money Penalty Record Files.
DOL/ESA-37—MSPA Public Central Registry Records File.
DOL/ESA-38—Wage and Hour Regional Office Clearance List—MSPA Registration.
DOL/ESA-40—MSPA/FLCRA Trace List.
DOL/ESA-41—MSPA/FLCRA Certification Action Record Files.
DOL/ESA-42—Case Registration/Compliance Officer Assignment Form (WH-53).
DOL/ESA-43—Office of Workers' Compensation Programs, Federal Employees Compensation Act and Longshore and Harbor Workers' Compensation Act Rehabilitation Files.
DOL/ESA-44—Office of Workers' Compensation Programs, Federal Employees Compensation Act (FEC) and Longshore and Harbor Workers' Compensation Act Rehabilitation Counselor Case Assignment, Contract Management and Performance Files and PEC Field Nurses.

Employment and Training Administration (ETA)

DOL/ETA-1—Bureau of Apprenticeship and Training, Budget and Position Control File.
DOL/ETA-2—Bureau of Apprenticeship and Training, Program Management Group, Budget and Position Control File.
DOL/ETA-3—Apprenticeship Management System (AMS).
DOL/ETA-4—Apprenticeship Management System.
DOL/ETA-5—Employer Application File for Permanent and Temporary Alien Workers.
DOL/ETA-6—Job Corps Management Information System (JCMS) Files.
DOL/ETA-7—DOL/STA Evaluation, Research Pilot or Demonstration Contractors' Project Files.
DOL/ETA-8—Employment and Training Administration Investigatory Files.
DOL/ETA-9—Federal Unemployment Program, Bendex Certification Files.
DOL/ETA-10—Employment and Training Administration Advisory Committees Members Files.
DOL/ETA-11—BTA Employee Conduct Investigations.
DOL/ETA-12—First Committee on Apprenticeship (PCA).
DOL/ETA-13—Contracting and Grant Officer Files.
DOL/ETA-14—DOL/ETA Evaluation Research Projects.

Office of Inspector General (OIG)

DOL/OIG-1—General Investigative Files, Case Tracking Files, and Subject/Title Index, USDOL/OIG.
DOL/OIG-3—Case Development Records.
DOL/OIG-4—Investigative Case Tracking Systems/Artifact Information Reporting Systems/USDOL/OIG.

Mine Safety and Health Administration (MSHA)

DOL/MSHA-1—Coal and Metal and Nonmetal Mine Accident and Injury.
DOL/MSHA-2—Metal and Nonmetal Mine Safety and Health Management Information System.
DOL/MSHA-3—MSHA—Coal Mine Respirable Dust Investigations.
DOL/MSHA-4—MSHA—Heat and Safety Training and Examination Records including Qualification and Certification Data.
DOL/MSHA-5—MSHA—Health and Safety Training and Examination Records including Qualification and Certification Data.
DOL/MSHA-6—MSHA—Health and Safety Training and Examination Records including Qualification and Certification Data.
DOL/MSHA-7—MSHA—Employee Conduct Investigations.
DOL/MSHA-8—MSHA—Civil/Criminal Investigations.

Occupational Safety and Health Administration (OSHA)

DOL/OSHA-1—OSHA—Discrimination Complaint File.
DOL/OSHA-2—OSHA—Advisory Committee Candidates' Biographies.
DOL/OSHA-3—OSHA—Program Activity File.
DOL/OSHA-4—OSHA—Compliance Safety and Health Office Training Record.
DOL/OSHA-5—OSHA—Train-the-Trainer Outreach Program.
DOL/OSHA-6—OSHA—Employee Conduct Investigations.
DOL/OSHA-7—OSHA—Office of Training and Education Automated Registration System.
DOL/OSHA-8—OSHA—Office of Training and Education Automated Registration System.
DOL/OSHA-10—OSHA—Office of Training and Education Research and Development Systems.

Pension and Welfare Benefits Administration (PWBA)

DOL/PWBA-2—Office of Enforcement Index Cards and Investigation Files.
DOL/PWBA-3—ERISA Coverage Correspondence Files.
DOL/PWBA-4—Employee Conduct Investigations.
DOL/PWBA-5—Public Disclosure Request Tracking System.
DOL/PWBA-6—PWBA Debt Collection/Management System.
DOL/PWBA-7—Employee Conduct Investigations.

Office of the Solicitor (SOL)

DOL/SOL-1—Conflict of Interest File.
DOL/SOL-2—Employment and Training Legal Services Litigation and Investigation File.
DOL/SOL-3—Federal Tort Claims Act.
DOL/SOL-5—Military Personnel and Civilian Employee's Code.
DOL/SOL-6—Department of Justice Litigation, and Case Tracking Files.
DOL/SOL-7—Solitcitor's Legal Activity Recordkeeping System.
DOL/SOL-8—Special Litigation Records.
DOL/SOL-9—Freedom of Information Act and Privacy Act Files.
DOL/SOL-10—Privacy Act Litigation Files.
DOL/SOL-11—Division of Civil Rights Defendants Litigation Files.
DOL/SOL-12—Third-Party Recovery Files.
DOL/SOL-13—Employee Conduct Investigations.
DOL/SOL-14—DOL Subpoena Tracking System.
DOL/SOL-15—Solitcitor's Office Litigation Files.
DOL/SOL-16—Solitcitor's Office Directory of Senior Management.
DOL/SOL-17—Solitcitor's Office Ergonomic Furniture File.

Veterans Employment and Training (VETS)

DOL/VETS-1—Veterans' Reemployment Rights Application File.
DOL/VETS-2—Veterans' Preference Application File.
DOL/VETS-3—Veterans' Transition Assistance Program (TAP) Tracking System.

Appendix 1—Responsible Officials
Appendix 2—Privacy Act Coordinators

GENERAL PREFATORY STATEMENT

The following routine uses apply to and are incorporated by reference into each system of records published below unless the text of a particular notice of a system of records indicates otherwise. These routine uses do not apply to DOL/OSAM-5 Rehabilitation and Counseling File nor to DOL/OSAM-7—Employee Medical Records.

1. It shall be a routine use of the records in this system of records to disclose them to the Department of Justice when: (a) The agency or any component thereof; or (b) any employee of the agency in his or her official capacity where the Department of Justice has agreed to represent the employee; or (c) the United States Government is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

2. It shall be a routine use of the records in this system of records to...
disclose them in a proceeding before a court or adjudicative body, when: (a) The agency or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

3. When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, State, local, or tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prosecutive responsibility of the receiving entity, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

4. A record from this system of records may be disclosed to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.

5. Records from this system of records may be disclosed to the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

6. Disclosure may be made to agency contractors, or their employees, consultants, grantees, or their employees, or volunteers who have been engaged to assist the agency in the performance of a contract, service, grant, cooperative agreement or other activity related to this system of records and who need to have access to the records in order to perform the activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a; see also 5 U.S.C. 552a(m).

7. The name and current address of an individual may be disclosed from this system of records to the parent locator service of the Department of HHS or to other authorized persons defined by Pub. L. 93-647 for the purpose of locating a parent, if the child is not paying required child support.

8. To any source from which information is requested in the course of a law enforcement or grievance investigation, or in the course of an investigation concerning retention of an employee or other personnel action, the retention of a security clearance, the letting of a contract, the retention of a grant, or the retention of any other benefit, 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.

9. Disclosure may be made to a Federal, State, local, foreign, or tribal or other public authority of the fact that this system of records contains information relevant to the hiring or retention of an employee, the granting or retention of a security clearance, the letting of a contract, a suspension or debarment determination or the issuance or retention of a license, grant, or other benefit.

10. A record from any system of records set forth below may be disclosed to the Office of Management and Budget in connection with the review of private relief, legislative coordination and clearance process.

11. To a debt collection agency that the United States has contracted with for collection services to recover debts owed to the United States.

Government-Wide Records

Two systems of records are reported by the Department of Labor for all federal agencies since this Department has overall responsibility for the administration of the programs in connection with which these systems of records have been compiled. It is presumed that most, if not all federal agencies maintain systems of records comprising a portion of the government wide systems of records. In order to avoid duplication in reporting, the Department is reporting these systems on behalf of all agencies. The Department has control over these systems to the same extent as the Office of Personnel Management has control over systems of records containing federal employee personnel records.

1. Federal Employees' Compensation Act Files: All records relating to injury or death of civilian employees or other persons entitled to benefits under the Federal Employees' Compensation Act are the records of the Office of Workers' Compensation Programs of the Department of Labor. The Office asserts control of these records under the provisions of 5 U.S.C. 8149 and Department regulations at 20 CFR 10.10. This notice applies to copies of claim forms and other documents relating to a compensation claim maintained by the employing agency. This notice, however, does not apply to other medical or related files not created pursuant to the Federal Employees' Compensation Act which may be in the possession of an agency. This system is now entitled DOL/GOVT-1, Office of Workers' Compensation Programs.

Federal Employees' Compensation File (formerly known as DOL/ESA-13).

Initial determinations on requests for access, amendment or correction of records maintained in this system of records shall be made by the OWCP district office having jurisdiction over the particular claim. In addition, requests for access to copies of records maintained by the employing agency may be directed to that agency. Administrative appeals from initial determinations denying access, amendment or correction, shall be addressed to the Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, as required by 20 CFR 70.9.

2. Job Corps Student Records: All records which contain information about students during their stay in Job Corps, from entrance to placement and/or termination, are records which must be maintained by the Job Corps center. The Office of Employment and Training Administration asserts control of these records under 29 U.S.C. 1691 et. seq. This system is now entitled DOL/GOVT-2, Job Corps Student Records (formerly known as DOL/ETA-14.)

Initial determinations concerning access, amendment or correction of this government-wide system of records shall be made by screening contractors, Job Corps Center Directors, Job Corps National or Regional Offices. Administrative appeals shall be referred to the Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Special California Earthquake Cooperative Agreement

The San Francisco, California Regional Office of the Department of Labor's Office of Assistant Secretary for Administration and Management
(OASAM), Region IX of OASAM, has entered into a reciprocal agreement with the U.S. Internal Revenue Service's Office of the Regional Counsel, located in San Francisco. The purpose of this reciprocal agreement is to provide each with an alternative off-site location to store computer data. This back-up storage capacity will mitigate damage if an earthquake ever occurs in the San Francisco area. This agreement is based upon the fact that the respective offices of the participants are located at opposite ends of the downtown San Francisco district and the ground structure of the two areas is substantially different.

Addresses to Which Requests May Be Directed

The addresses of the various component units of the Department as well as its field offices are contained in Appendix 1 annexed to this document. For general assistance, you may wish to contact the Privacy Act Coordinators listed in Appendix 2.

In addition, the following government agencies also have Government-wide Systems of Records:

**Government-Wide Systems**

- EEOC/GOVT-1—Equal Employment Opportunity Complaint Records and Appeal Records
- FEMA/GOVT-1—Uniform Identification Systems for Federal Employees Performing Essential Duties During Emergencies
- GSA/GOVT-2—Employment Under Commercial Activities Contracts
- GSA/GOVT-3—Travel Charge Card Program
- MSPB/GOVT-1—Appeal and Case Records
- OPM/GOVT-1—General Personnel Records
- OPM/GOVT-2—Employee Performance Records
- OPM/GOVT-3—Records of Adverse Actions and Actions Based on Unacceptable Performance
- OPM/GOVT-4—Executive Branch Public Financial Disclosure Reports and other Ethics Program Records
- OPM/GOVT-5—Recruiting, Examining and Placement Records
- OPM/GOVT-6—Personnel Research and Test Validation Records
- OPM/GOVT-7—Applicant—Race, Sex, National Origin and Disability Status Records
- OPM/GOVT-8—Confidential Statements of Employment and Financial Interests
- OPM/GOVT-9—File on Position Classifications Review Requests (Appeals) and Grade and Pay Retention Appeals
- OPM/GOVT-10—Employee Medical File System Records

**DOL/GOVT-1**

**SYSTEM NAME:**

Office of Workers' Compensation Programs, Federal Employees' Compensation Act File.

**SECURITY CLASSIFICATION:**

Most files and data are unclassified. Files and data in certain cases have Top Secret classification, but the rules concerning their maintenance and disclosure are determined by the agency which has given the information the security classification of Top Secret.

**SYSTEM LOCATION:**

Central database is located at Computer Science Corporation, 11700 Montgomery road, Bethesda, Maryland, 20706. Case files and local databases are located at District Offices (see appendix 1 for addresses of those offices and responsible officials); files of employees of the Central Intelligence Agency are located at that agency. Copies of claim forms and other documents relating to a compensation claim may also be maintained by the employing agency. In addition, the records relating to third-party claims of FECA beneficiaries are maintained in the Division of Employee Benefits, U.S. Department of Labor, 200 Constitution Ave., NW, Washington, DC 20210, and the Office of the Regional Solicitor and Associate Regional Solicitor at various field locations.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals or their survivors who claim benefits under the FECA for injuries or death sustained while in the performance of duty, including local law enforcement officers and their survivors who claim benefits under the FECA. The FECA covers all federal employees and certain other individuals as defined. Individuals in addition to federal employees who are covered include: Civil Air Patrol, Peace Corps Volunteers, Job Corps enrollees, Volunteers in Service to America, members of the National Teacher Corps, certain student employees, certain employees of the Alaska Railroad, members of the Reserve Officer Training Corps, certain state and local law enforcement officers (in addition to those employed by the United States), certain former prisoners of war, and employees of certain commissions and other agencies. Prior to January 1, 1957, the FECA also covered reservists in the Armed Forces of the United States. Also covered are various classes of persons who provide or have provided personal service to the Government of the United States and certain volunteers with other government agencies.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records include reports of injury by the employee and employing establishment, claims by survivors for benefits accruing at the death of a federal employee or other covered individual, compensation, medical reports, medical and transportation bills, compensation payment records, formal orders for or against payment of compensation, transcripts of informal hearings, any and all medical, employment and personal information submitted or gathered in connection with the claim, including vital statistics such as birth, death and marriage certificates, notes on telephone conversations held in connection with the claim, and information related to vocational rehabilitation plans and progress reports. Records may also include court records, insurance records, records of employers, articles from publications, published financial data, corporate information, bank information, and information received from various investigative and law enforcement agencies who report findings to OWCP relating to investigations concerning possible violations of federal civil and criminal law relating to the compensation claim. This system contains the work product of the Department of Labor and other government personnel and consultants involved in the development of the claim.

The system may also contain consumer credit reports of individuals indebted to the United States, correspondence to and from the debtor, information or records relating to the debtor's current whereabouts, assets, liabilities, income and expenses, debtor's personal financial statements, and other information such as the nature, amount and history of a debt owed by an individual covered by this system, and other records and reports relating to the implementation of the Debt Collection Act of 1982, including any investigative reports or administrative review matters. The individual records listed herein are included only as pertinent or applicable to the individual employee or beneficiary.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**


**PURPOSE(S):**

The Federal Employees' Compensation Act (FECA) establishes a workers' compensation system for federal employees, including a process for adjudicating and administering compensation claims. The records
maintained under this system are created as a result of and are necessary to this function. These records provide information and verification about claimant’s work related injuries on which may be based any entitlement to medical treatment and vocational rehabilitation, continuation of pay, compensation and survivors’ benefits, under the FECA and certain other statutes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to the Labor Department-wide routine uses set forth in the general prefatory statement, disclosure of relevant documents may be made to the following individuals and entities for the purposes noted:

a. Any third-party named in a claim or responsible for the injury or representative acting on his/her behalf until the third-party action is adjudicated and all appeals are resolved, for the purpose of pursuing that third-party action.

b. Federal agencies which employed the claimant at the time of the occurrence or recurrence of the injury or occupational illness (or to a duly designated contractor performing services for that agency) in order to verify billing, to answer questions about the status of the claim, or to consider rehire, retention or other actions the agency may be required to take with regard to the claim.

c. To other Federal agencies, other government entities and to private-sector employers as part of rehabilitation and other return-to-work programs and services available through the Office of Workers’ Compensation Programs (OWCP), where the entity is considering hiring the claimant or where otherwise necessary as part of that return-to-work effort.

d. Federal, state or private rehabilitation agencies and individuals to whom the claimant has been referred for evaluation of rehabilitation and possible reemployment.

e. Physicians and other health care providers for their use in treating the claimant and/or making an evaluation on behalf of OWCP (including payment of charges and other matters related to that evaluation) and for other purposes relating to the medical management of the claim.

f. To medical insurance or health and welfare plans (or their designees) which cover the claimant in instances where OWCP had paid for treatment of a medical condition which may not be compensable under the FECA, or where a medical insurance plan or health and welfare plan has paid for treatment of a medical condition which may be compensable under the FECA.

g. Labor unions and other voluntary employee associations of which the claimant is a member for assistance with claims processing and adjudication and other services provided to members.

h. To a Federal, state or local agency for the purpose of obtaining information relevant to a Departmental decision concerning the determination of initial or continuing eligibility for program benefits; whether benefits have been or are being paid improperly, including whether dual benefits prohibited under any Federal or state statute are being paid; salary offset and debt collection procedures, including those actions required by the Debt Collection Act of 1982.

i. To the Internal Revenue Service (IRS) for the purpose of obtaining taxpayer mailing addresses in order to locate such taxpayer to collect, compromise, or write-off a Federal claim against the taxpayer; and informing the IRS of the discharge of a debt owed by an individual.

j. To the Occupational Safety and Health Administration (OSHA) since OSHA uses OWCP injury reports to fulfill federal agency injury reporting requirements (under agreement between OWCP and OSHA). Information on these reports from this system may be used by them as part of any MIS system established under OSHA regulations to monitor health and safety.

k. To a credit bureau for the purpose of obtaining consumer credit reports identifying the assets, liabilities, expenses, and income of a debtor in order to ascertain the debtor’s ability to pay a debt and in order to be able to establish a payment schedule.

l. The claimant’s employing agency may disclose information contained in this system of records, of which it has custody, to contractors for the purpose of evaluating the employing agency’s implementation of the FECA and the agency’s safety program. Should the employing agency disclose such information to a contractor, it is the employing agency’s responsibility to assure that the contractor complies fully with all Privacy Act provisions, including those prohibiting unlawful disclosure of such information.

m. To contractors providing automated data processing or other services to DOL, the employing agency or to any Federal agency or other entity to whom the data may be released under any of the uses listed above, who require the data to perform the services for which they have appropriately contracted. It is the agency’s responsibility to ensure that any contract extends the responsibilities and penalties of the Privacy Act to the contractor.

Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information.

Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims under the FECA.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status and history of overdue debts, the name and address, taxpayer identification (SSAN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, may be disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or in accordance with section 3(d)(4)(A)(il) of the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case files are maintained in manual files, security case files in locked cabinets, and other automated data are stored on computer discs or magnetic tapes which are stored in cabinets.

RETRIEVABILITY:

Files and automated data are retrieved after identification by coded file number and/or Social Security number which is cross-referenced to employee by name, employing establishment, and date and nature of injury. Files located in District Offices are identified by master index file, which is maintained in the National Office.

SAFEGUARDS:

Files and automated data are maintained under supervision of OWCP personnel during normal working hours—only authorized personnel, with the appropriate passwords may handle, retrieve, or disclose any information contained therein. Only personnel having security clearance may handle or process security files. After normal working hours, security files are kept in locked cabinets.
All case files and automated data pertaining to the case files are destroyed 35 years after the case file has become inactive. Automated data is retained in its most current form only, however, and as information is updated, outdated information is deleted. Some related financial records are destroyed after 6 years and 3 months.

**SYSTEM MANAGER(S) AND ADDRESS:**
Director for Federal Employees’ Compensation, Department of Labor Building, Room S-3229, 200 Constitution Avenue, NW, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**
An individual wishing to inquire whether this system of records contains information about him/her may write or telephone the OWCP District Office which services the State in which the individual resided or worked at the time the individual thinks he/she filed a claim, or the system manager. In order for a record to be located, the individual must provide his/her full name, FEC case number (if known), date of injury (if known), date of birth and Social Security number.

**RECORD ACCESS PROCEDURES:**
Any individual seeking access to non-exempt information about a case in which he/she is a party of interest may write or telephone the OWCP District Office where the case is located, or the system manager, and arrangement will be made to provide review of the file. Copies of documents maintained by the employing establishment by contacting the agencies designated disclosure officers.

**CONTESTING RECORD PROCEDURES:**
Specific materials in this system have been exempted from certain Privacy Act provisions at 5 U.S.C. 552a, regarding amendment of records. The section of this notice entitled “Systems Exempted From Certain Provisions of the Act” indicates the kind of materials exempted, and the reasons for exempting them. Any individual requesting amendment of non-exempt records should contact the appropriate Office of Workers’ Compensation Programs office listed in the Notification Procedure section above. Individuals requesting amendment of records must comply with the Department’s Privacy Act regulations at 29 CFR subtitle A, sections 70a.1–70a.13.

**RECORD SOURCE CATEGORIES:**
Injured employees; beneficiaries; employing Federal agencies; other Federal agencies: physicians; hospitals; clinics; educational institutions; attorneys; Members of Congress; OWCP field investigations; State governments; consumer credit reports; agency investigative reports; debtor’s personal financial statements; correspondence with the debtor; records relating to hearings on the debt; and other DOL systems of records; CA 45 and CA 135 at originating OWCP district office servicing injured employee’s government agency.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

**DOL/GOV'T-2**

**SYSTEM NAME:**
Job Corps Student Records.

**SECURITY CLASSIFICATION:**
None.

**SYSTEM LOCATION:**
Screening contractors; Job Corps centers and operators (which includes contract and agency centers); Job Corps National Office; Job Corps Regional Offices; Federal Records Centers.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**
Job Corps applicants, enrollees, and trainees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**
Records which contain information kept about the students, such as separate running accounts of the students general biographical data; educational training, vocational training; counseling; recreational activities; dormitory logs; health (dental, medical, mental health, and drug testing records); administrative records covering data pertaining to enrollment allowances and allotments; leave records; Student Profile (ETA-640); and Center Standards Officer’s disciplinary records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**
Title IV-B of the Job Training Partnership Act, as amended. 29 U.S.C. 1691 et seq.

**PURPOSE:**
These records are maintained to ensure that all appropriate documents of the student’s stay in Job Corps (covering application to placement and/or termination) are retained and are available to those officials who have a legitimate need for the information in performing their duties and to serve the interest of the students in accordance with 29 U.S.C. 1691 et seq.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF THE SUCH USES:**
These records and information in these records may be used:

1. To disclose information to the news media or members of the general public regarding student’s name and age, for the purpose of promoting the merits of the program.
2. To disclose information, giving the summary of a student’s academic and vocational achievement and general biographical information, to placement and welfare agencies, prospective employers, school or training institutions to assist to the employment of a student.
3. To disclose information to State and Federal law enforcement agencies or other government investigators to assist them in locating a student and/or his or her family.
4. To disclose information to appropriate Federal, State, and local agencies which have law enforcement jurisdiction over students (which includes probation or parole officers); and/or the property on which the center is located.
5. To disclose all or any information to parents/guardians regarding students under the age of 18 for performance of parental rights and responsibilities.
6. To disclose information to Job Corps health consultants; Job Corps Center Review Board members (in appropriate disciplinary cases); State; county, and local health services personnel; family planning agencies; and physicians (public or private) to whom student is referred for diagnosis or to receive treatment to assure continuance of proper health care, or notification and contact tracking for communicable disease control.
7. To disclose to state and local health departments all cases of infection
or disease that are required to be reported to them in accordance with state and local laws. This disclosure shall be made by the Center Director.

Note: Center physicians shall deal with all cases of communicable diseases in accordance with job Corps directives based on current recommendations of the Center for Disease Control of the Department of Health and Human Services.

(8) To disclose information to State and local health departments regarding infected persons who are unwilling to notify their contacts on center for the purpose of assisting in the counseling of contacts for their protection and care.

(9) To disclose information to medical laboratories necessary in identifying specimens for the purpose of testing.

(10) To disclose information to social service agencies in cases of students termination for assistance in providing services such as Medicaid, housing, finance, and placement.

(11) To disclose information to the Army Finance Center, Fort Benjamin Harrison, Indiana, to pay student allowances and maintain and dispose of their pay records.

(12) To disclose information to Federal, State, and local agencies and to community-based organizations for the operation of experimental, research, demonstration, and pilot projects authorized under sections 433, 452, or 453 of the Job Training Partnership Act, 29 U.S.C. 1703, 1732, or 1733, except that in the case of a research project, the researcher shall guarantee to protect the anonymity of all staff and students involved in any presentation of the results of such study.

(13) To disclose information to contractors and agencies enabling them to properly administer the program.

(14) To disclose to the Selective Service System name, social security number, date of birth, and address of students, to insure registration compliance for eligible applicants applying for job Corps training benefits.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVAL, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Students files are maintained in locked file cabinets; files are maintained on magnetic tapes, computer data base, and discs; printouts from army terminals which include payroll statistical reports.

RETRIEVABILITY:

Records are retrieved by name (alphabetized), Social Security number, and date of student entry.

SAFEGUARDS:

Records are maintained in file folders during center use; health records are placed in sealed envelopes after termination; on magnetic tapes, computer data base, or discs; and are stored in locked filing cabinets with access to those whose official duties require access.

RETENTION AND DISPOSAL:

Corps centers will maintain records of terminated students for a period of 3 years unless custodianship is extended or terminated by the regional office, for administrative reasons. Counseling records are retained on the Job Corps center for 6 months after student's termination, after which they are destroyed. After termination, a summary or copy of the counseling record is placed in the health record. After 3 years, centers will then retire the records to the appropriate Federal Records center. In accordance with the National Archives and the Office of Job Corps, students records are subject to destruction 75 years from the birth date of the youngest student's record contained in the GSA records retirement box, with the disposal authority being NC 369-76-2, Item 59. Centers will send a copy of the SF 135-135 A (transmittal and receipt form) to the national office, after they have received the excess number from the appropriate Federal Records center. In the event of a student's death, the student's entire personnel record shall be sent to the U.S. Department of Labor Job Corps National Health Office within 10 days of date of student's death. The student requests medical information in writing and is advised in writing that the information from the medical record(s) will be released to any physician who the student designates in writing. The physician does not release any information he/she considers potentially harmful to the student, and sends the rest of the material to the student. All inquiries will be handled by the Systems Manager listed below.

SYSTEM MANAGER AND ADDRESS:

Director, Office of job Corps, U.S. DOL/ETA, Frances Perkins Building, Room N-4508, 200 Constitution Avenue, NW, Washington, DC 20210.

NOTIFICATION PROCEDURES:

Requests for access of terminated student's records are to be directed to the appropriate U.S. DOL Regional Job Corps Office, or to the System Manager at the above address. Requests for current records can be directed to the appropriate center director or screening contractor.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing to the System Manager or appropriate center director, Regional Job Corps Director, or screening contractor, in accordance with rules and regulations of the Privacy Act of 1974, as amended, with the envelope and the letter clearly marked "Privacy Act Request", and the record sufficiently described in the letter for identification.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in this system should direct their request to the System Manager listed above, or appropriate center director, Regional Job Corps Director, or screening contractor, stating clearly and concisely what information is contested, the reasons for contesting the information, and the proposed amendment to the information sought. Details required for records identification are: (a) Full Name(s) (i.e., name during enrollment); (b) SSN; (c) Center(s) where enrolled; and (d) Date enrolled.

RECORD SOURCE CATEGORIES:

Outreach/screening and placement contractors; Job Corps centers; Job Corps participants; employment services; parole officers; State and local law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/SEC-1

SYSTEM NAME:

Supervisor's Records of Employees.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Immediate supervisors and one additional organizational level at all facilities of the Department.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees and employees who have departed within the past year.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records related to individuals while employed by the Department and which contain such information as: Record of employee/supervisor discussions, supervisor's observations, supervisory
copies of officially recommended actions, reports of FTS telephone usage containing call detail information, awards, disciplinary actions, emergency addressee information, correspondence from physicians, and training requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
To maintain a file of information that serves as a reminder for supervisors as they take specific personnel actions on employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES AND USERS AND THE PURPOSE OF SUCH USES:
Selected information may be disclosed at appropriate stages of adjudication to the Merit Systems Protection Board, Office of the Special Counsel, the Federal Labor Relations Authority, the Equal Employment Opportunity Commission, arbitrators, or the courts for the purposes of satisfying requirements related to investigation of prohibited personnel practices, appeals, special studies investigations of alleged EEOC discrimination practices and unfair labor practices.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
Not applicable.

POLICIES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
Records are maintained in manual files, computer printouts, and other appropriate media.

RETRIEVABILITY:
Records are indexed by any combination of name or Social Security Number, or telephone number.

SAFEGUARDS:
Locked storage cabinets and desks.

RETENTION AND DISPOSAL:
Records are maintained on current employees. Records on former employees are kept for one year, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:
All supervisors having responsibility for performance management plans.

NOTIFICATION PROCEDURE:
An individual may inquire whether or not the system contains a record pertaining to her/him by contacting the supervisor who completes his/her performance management plan.

RECORD ACCESS PROCEDURES:
As specified above in “Notification Procedure”.

CONTESTING RECORD PROCEDURES:
As specified above in “Notification Procedure”.

RECORD SOURCE CATEGORIES:
Information is supplied by the individual, the supervisor, and other agency officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
Not applicable.

DOL/SEC-4

SYSTEM NAME:
Credit Data on Individual Debtors.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
A. Offices in Washington, D.C.;
1. Office of the Secretary of Labor, including:
   a. Office of the Assistant Secretary for Administration and Management (OASAM);
   b. Office of Information and Public Affairs;
   c. Bureau of International Labor Affairs;
   d. Employees' Compensation Appeals Board;
   e. Wage Appeals Board;
   f. Benefits Review Board;
   g. Office of Administrative Law Judges;
   h. Pension Benefit Guaranty Corporation;
   i. Committee on the Employment of People with Disabilities;
   j. National Occupational Information Coordinating Committee;
   k. National Commission for Employment Policy;
   l. Pension and Welfare Benefits Administration;
   m. Office of Labor-Management Services;
   o. Employment Standards Administration;
   p. Employment and Training Administration;
   q. Occupational Safety and Health Administration;
   r. Mine Safety and Health Administration;
   s. Office of the Inspector General;
   t. Bureau of Labor Management Relations and Cooperative Programs;
   u. Office of the Solicitor of Labor;
   v. The Office of the American Workplace; and
   w. The Chief Financial Officer for the Department.

B. Regional, area and other offices of the above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals, including DOL employees, former DOL employees, and other individuals who are indebted to the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:
Consumer credit reports, correspondence to and from the debtor, information or records relating to the debtor's current whereabouts, assets, liabilities, income and expenses, debtor's personal financial statements, and other information such as social security number, address, nature, amount and history of the debt, and other records and reports relating to the implementation of the Debt Collection Act of 1982, including any investigative reports or administrative review matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
To assemble in one system information on individuals who are indebted to the Department of Labor for the purpose of determining collectability of debts and taking appropriate actions to collect or otherwise resolve the debts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
A. Pursuant to section 13 of the Debt Collection Act of 1982, the name, address(es), telephone number(s), social security number, and nature, amount and history of the debt of an individual may be disclosed to private debt collection agencies for the purpose of collecting or compromising a debt existing in this system.
B. Department of Justice/General Accounting Office:
Information may be forwarded to the General Accounting Office and/or the Department of Justice as prescribed in the Joint Federal Claims Collection Standards, 4 CFR Chapter II. When debtors fail to make payment through normal collection routines, the files are analyzed to determine the feasibility of enforced collection by referring the cases to the Department of Justice for litigation.
C. Other Federal agencies:
1. Pursuant to sections 5 and 10 of the Debt Collection Act of 1982, information
relating to the implementation of the Debt Collection Act of 1982 may be disclosed to other Federal Agencies to effect salary or administrative offsets, or for other purposes connected with the collection of debts owed to the United States.

2. A record from this system may be disclosed to a Federal Agency in response to its request in connection with the hiring/retention of an employee, the letting of a contract, or the issuance of a grant, license, or other benefit by the requesting agency, to the extent that the information is necessary and relevant to the requesting agency's decision on the matter.

D. Internal Revenue Service:

1. Information contained in the system of records may be disclosed to the Internal Revenue Service to obtain taxpayer mailing addresses for the purpose of locating such taxpayer to collect, compromise, or write-off a Federal claim against the taxpayer.

2. Information may be disclosed to the Internal Revenue Service for the purpose of offsetting a Federal claim from any income tax refund that may be due to the debtor.

3. Information may be disclosed to the Internal Revenue Service concerning the Federal claim against the taxpayer.

E. Information contained in the system of records may be disclosed to a consumer reporting agency for the purpose of receiving a credit report identifying the assets, liabilities, income, and expenses of a debtor to ascertain the debtor's ability to repay a debt.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status, and history of overdue debts; the name and address, taxpayer identification (SSN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, are disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a (f)). In accordance with section 3(d) (4)(A)(ii) of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THIS SYSTEM:

STORAGE:

The records are in manual files, magnetic tapes or other computer storage media, or on computer printouts.

RETRIEVABILITY:

Credit data is maintained by debtor name, claim number, cross referenced to the social security number (when available) to verify name and address.

SAFEGUARDS:

When not in use by personnel responsible for the records, manual files and computer printouts are stored in locked file cabinets; magnetic tapes and other computer storage media are stored in locked rooms. While on-line, computerized records are secured by way of system access controls, including but not necessarily limited to password protection.

RETENTION AND DISPOSAL:

After becoming inactive, records are cut-off at the end of the fiscal year, held one year, and then retired to a Federal Records Center under Record Group 217, GAO. Records created prior to July 2, 1975, will be retained for 10 years after the close of the account. Records created after July 2, 1975, will be retained by GAO for 6 years and 3 months after the close of the account.

SYSTEM MANAGER(S) AND ADDRESS:

See the appropriate agency official, 29 CFR 70.43.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager.

RECORD ACCESS PROCEDURE:

Contact the appropriate agency official listed in the “Notification procedure” section.

CONTESTING RECORD PROCEDURE:

DOL rules and regulations for contesting any record contents disclosure, and for appealing same, are promulgated at 29 CFR 70a.9.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from consumer credit reports, agency investigative reports, debtor's personal financial statements, correspondence and records relating to hearings on the debt, and from other DOL systems of records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

DOL/OSEC-5

SYSTEM NAME:

High Performance Work Place Tracking Database.
RETRIEVABILITY:
Records are retrieved by the name of the individual as well as by organization name and business sector.

SAFEGUARDS:
Access is limited to authorized personnel.

RETENTION AND DISPOSAL:
The database will be updated and maintained until no longer needed for tracking purposes.

SYSTEM MANAGER(S) AND ADDRESS:
Special Assistant for high performance work place tracking to the Secretary, Department of Labor, Francis Perkins Bld, Rm S-2203, 200 Constitution Ave., NW, Washington, DC.

Notification procedures: Inquiries should be mailed or presented to the system manager noted at the address listed above.

RECORD SOURCE CATEGORIES:
Individuals and periodicals.

SYSTEMS EXEMPTED FROM CERTAIN CATEGORIES OF THE ACT:
N/A.

DOL/OASAM–1
SYSTEM NAME:
Attendance, Leave, and Payroll File.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
A. Offices in Washington, D.C.: 1. Office of the Secretary of Labor, including:
   a. Office of the Assistant Secretary for Administration and Management, (OASAM);
   b. Office of the Solicitor of Labor;
   c. Office of Public and International Affairs;
   d. Bureau of International Labor Affairs;
   e. Employees’ Compensation Appeals Board;
   f. Wage Appeals Board;
   g. Benefits Review Board;
   h. Office of Administrative Law Judges;
   i. Pension Benefit Guaranty Corporation;
   j. President’s Committee on the Employment of People with Disabilities;
   k. National Occupational Information Coordinating Committee;
   l. National Commission for Employment Policy;
   m. Veteran’s Employment and Training Service.

3. Employment Standards Administration;
4. Office of Labor-Management Services;
5. Employment and Training Administration;
6. Occupational Safety and Health Administration;
7. Mine Safety and Health Administration;
9. Pension and Welfare Benefits Administration;
10. Bureau of Labor Management Relations and Cooperative Programs;
11. The Office of the American Workplace; and
12. The Chief Financial Officer for the Department.

B. Regional and Area Offices of the above.
C. Timekeepers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Department of Labor employees.

CATEGORIES OF RECORDS IN THE SYSTEM:
Name, social security number and employee number, grade, step, and salary, organization (code), retirement or FICA data as applicable. Federal State and local tax deductions, as appropriate. IRS tax lien data, savings bond and charity deductions; regular and optional government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data, military leave data, pay differentials, union dues deductions, allotments by type and amount. Thrift Savings Plan contributions, financial institution code and employee account number, leave status and data of all types (including annual, compensatory, jury duty, maternity, military, retirement, disability, sick, transferred, and without pay), time and attendance records, including flexitime log sheets indicating number of regular, overtime, holiday, Sunday, and other hours worked, pay period number and ending date, cost of living allowances, co-owner and/or beneficiary of bonds, marital status, number of dependents, mailing address, and “Notification of Personnel Action.” It also includes claims by the employee for overtime, for back wages and for waivers. Consumer credit reports of individuals indebted to the United States, correspondence to and from the debtor, information or records relating to the debtor’s current whereabouts, assets, liabilities, income and expenses, debtor’s personal financial statements and other information such as the nature, amount and history of a debt owed by an individual covered by this system, and other records and reports relating to the implementation of the Debt Collection Act of 1982, including any investigative reports or administrative review matters. The individual records listed herein are included only as pertinent or applicable to the individual employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
In compliance with principles and standards prescribed by the Comptroller General, manage the Department of Labor’s compensation and benefits processing, accounting, and reporting. Provide control procedures and systems to assure the complete and timely processing of input documents and output reports necessary to update and maintain the Department’s Interactive Payroll System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
A. Transmittal of data to the U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments to financial institutions, allotment to the Fitness Association of the Bureau of Labor Statistics, and other authorized purposes. Transmittal of Thrift Savings Plan data to the Thrift Savings Board to effect contributions to the Thrift Savings Plan. Tax withholding data is sent to the Internal Revenue Service and appropriate State and local taxing authorities, FICA deductions to the Social Security Administration, dues deductions to labor unions, withholdings for health insurance to insurance carriers and the Office of Personnel Management, charity deductions to agents of charitable institutions, annual W-2 statements to taxing authorities and the individual, and transmittal of computer tape data to appropriate State and local governments for their benefits matching projects.
B. Pursuant to section 13 of the Debt Collection Act of 1982, the name, Social Security Number, address(es), telephone number(s), and nature, amount and history of the debt of a current or former employee may be disclosed to private collection agencies for the purpose of collecting or compromising a debt existing in this system.

C. Department of Justice and General Accounting Office: Information may be forwarded to the General Accounting Office and/or the Department of Justice as prescribed in the Joint Federal Claims Collection Standards (4 CFR Ch. II). When debtors fail to make payment through normal collection routines, the files are analyzed to determine the feasibility of enforced collection by referring the cases to the Department of Justice for litigation. The following agencies and programs may be informed of the debtor's information:

D. Other Federal Agencies:

(1) Pursuant to sections 5 and 10 of the Debt Collection Act of 1982, information relating to the implementation of the Joint Federal Claims Collection Standards (4 CFR Ch. II) may be disclosed to other Federal Agencies to effect salary or administrative offsets, or for other purposes connected with the collection of debts owed to the United States.

(2) A record from this system may be disclosed to a Federal Agency in response to its request in connection with the hiring/retention of an employee, the letting of a contract, or the issuance of a grant, license, or other benefit by the requesting agency, to the extent that the information is necessary and relevant to the requesting agency's decision on the matter.

E. Internal Revenue Service:

(1) Information contained in the system of records may be disclosed to the Internal Revenue Service to obtain taxpayer mailing addresses for the purpose of locating such taxpayer to collect, compromise, or write-off a Federal claim against the taxpayer.

(2) Information may be disclosed to the Internal Revenue Service concerning the discharge of an indebtedness owed by an individual.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status, and history of overdue debts; the name and address, taxpayer identification number (SSN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, are disclosed pursuant to 5 U.S.C. 552(a)(12) to consumer reporting agencies as defined by section 6803(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), in accordance with section 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Manual and machine-readable files.

RETRIEVABILITY:
By name and SSN.

SAFEGUARDS:
Personnel screening and locked storage equipment.

RETENTION AND DISPOSAL:
Retained until after GAO audit.

RECORD ACCESS PROCEDURES:
As in system manager and address.

CONTESTING RECORD PROCEDURES:
As in system manager and address.

RECORD SOURCE CATEGORIES:
Employees, supervisors, timekeepers, official personnel records, the IRS, consumer credit reports, personal financial statements, correspondence with the debtor, records relating to hearings on the debt, and from other DOL systems of records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/OASAM–4
SYSTEM NAME:
Occupational Accident/Injury/Illness Reporting System (AIIRS) File.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
DOL employees and Job Corps members involved in occupationally related accidents, injuries and illnesses.

CATEGORIES OF RECORDS IN THE SYSTEM:
Reports of on-the-job accidents, injuries, and illnesses generated as a result of filing a DL 1–440, Supervisor’s Report of Accident/Injury/Illness form.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
This system is used (a) to provide a documented record of accidents, injuries, and illnesses for the purpose of measuring safety and health program’s effectiveness; (b) to provide an information source for compliance with the Occupational Safety and Health Act; (c) to provide summary data of injury, illness and property loss information to departmental agencies in a number of formats for analytical purposes in establishing programs to reduce or eliminate loss producing problem areas; (d) to provide listings of individual cases to departmental agencies to ensure that accidents occurring are reported through the accident/injury/illness reporting system; and (e) adjudicating tort and employee claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Records are stored in manual files and on machine readable magnetic tape in national and regional offices where report is submitted.

RETRIEVABILITY:
Records are retrieved by any record element, including name.

SAFEGUARDS:
Records are maintained in locked storage equipment. Computer files are accessible only through proper code numbers.

RETENTION AND DISPOSAL:
Records are maintained for five years (5) after each report is filed with the agency, according to the OSHA Act of 1970. Records are then retired/disposed of according to NARA approved records schedules.
SYSTEM MANAGER(S) AND ADDRESS:
Director, Office of Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Room S-2220F, Washington, DC 20210.

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the systems manager, or the servicing regional office in which they are employed. Individuals must furnish the following information for their records to be located and identified:
- Full name.
- Social security number.
- File/case number.
- Signature.

RECORD ACCESS PROCEDURES:
Individuals wishing to request access to records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish the following information for their records to be located and identified:
- Full name.
- Date of birth.
- Social security number.
- File/case number.
- Signature.

Individuals requesting access must also comply with the Office's Privacy Act regulations on verification of identity and access to records (5 CFR 297.201 and 297.203).

CONTESTING RECORD PROCEDURES:
Individuals wishing to request information about their records should contact the systems manager shown above. Individual must furnish the following information for their records to be located and identified:
- Full name.
- Social security number.
- File/case number.
- Signature.

RECORD SOURCE CATEGORIES:
- The individual to whom the information pertains;
- The individual's supervisor; and

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/OASAM-5
SYSTEM NAME:
Rehabilitation and Counseling File.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
Office of Safety and Health, OASAM, U.S. Department of Labor, Room S-3217, 200 Constitution Avenue, NW, Washington, DC 20210 and DOL regional offices. Note: In order to meet the statutory requirement that agencies provide appropriate prevention, treatment, and rehabilitation programs and services for employees with alcohol or drug problems, and to better accommodate establishment of a health service program to promote employees' physical and mental fitness, it may be necessary for an agency to use the counseling staff of another Federal, state, or local government, or private sector agency or institution. This system does not cover records on DOL employees that are maintained by other government agencies. Those records are considered the property of the agency providing treatment. All information contained therein is considered privileged and under the protection of the Privacy Act of 1974 and the Confidentiality Regulations (42 CFR part 2).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Current and former DOL employees who have been counseled or otherwise treated regarding alcohol or drug abuse or for personal or emotional health problems.

CATEGORIES OF RECORDS IN THE SYSTEM:
Records in this system include documentation of visits to employee counselors (Federal, state, local government, or private) and the diagnosis, recommended treatment, results of treatment, and other notes or records of discussions held with the employee made by the counselor. Additionally, records in this system may include documentation of treatment by a private therapist or a therapist at a Federal, State, local government, or private institution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
These records are used to document the nature of the individual's problem and progress made and to record the individual's participation in and the results of community or private sector treatment or rehabilitation programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
These records and information in these records may be used:
- To disclose patient identifying information to medical personnel who have a need for the information about a patient for the purpose of treating a condition which poses an immediate threat to health of any person in accordance with 42 CFR 2.51;
- To disclose patient identifying information for the purpose of conducting scientific research under the circumstances set forth in 42 CFR 2.52;
- To disclose patient identifying information for audit and evaluation purposes under the circumstances set forth in 42 CFR 2.53;
- To disclose patient identifying information to medical personnel of the Food and Drug Administration (FDA) under the circumstances set forth in 42 U.S.C. 2.51(b) et seq.;
- To disclose information to a Federal, State or local law enforcement authority about a crime committed by a patient either at the program site or against any person who works for the program, or about a threat to commit such a crime. (See 42 CFR 2.22);
- To disclose the fact of a minor's application for treatment to the minor's parent or guardian where State law requires parental consent. (See 42 CFR 2.14(c);
- To disclose information to a Qualified Service Organization (QSO) in accordance with 42 CFR 2.12(c)(4), i.e. where the QSO needs the information to provide services to the program;
- To disclose information to State and local law enforcement authorities pertaining to incidents of suspected child abuse or neglect as described in 42 CFR 2.12(c)(6).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

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 name of the individual on whom they are maintained.

SAFEGUARDS:
These records are maintained in locked file cabinets labeled confidential with access strictly limited to employees directly involved in the Office's alcohol and drug abuse prevention function (as that term is defined in 42 CFR part 2).

RETENTION AND DISPOSAL:
Records are maintained for six (6) years after the employee's last contact with the Office's prevention function or, if the employee leaves the agency, until the Employee Assistance Program
Annual Report for the fiscal year in which separation occurred is prepared. Records are destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:  
Chief, Division of Health Services, U.S. Department of Labor, Room S-3217, 200 Constitution Avenue, NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:  
Individuals wishing to inquire whether this system of records contains information about them should contact the DOL Employee Assistance Program coordinator who arranged for counseling or treatment. Individuals must furnish the following information for their records to be located and identified:
  a. Full name.
  b. Date of birth.
  c. Signature.

RECORD ACCESS PROCEDURES:  
Individuals wishing to request access to records pertaining to them should contact the DOL Employee Assistance Program coordinator who arranged for counseling or treatment. Individuals must furnish the following information for their records to be located and identified:
  a. Full name.
  b. Date of birth.
  c. Signature.

RECORDS SOURCE CATEGORIES:  
Information in this system of records comes from the individual to whom it applies, the supervisor of the individual if the individual was referred by a supervisor, the Employee Assistance Program staff member who records the counseling session, therapists or institutions providing treatment, and other sources whom the Office believes may have information relevant to treatment of the individual.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:  
None.

DOL/OASAM-7  
SYSTEM NAME:  
Employee Medical Records.

SECURITY CLASSIFICATION:  
None.

SYSTEM LOCATION:  
U.S. Department of Labor, OASAM, Room S-3214, 200 Constitution Avenue, NW, Washington, DC 20210 and the DOL Health Unit at 555 Griffin Square Building, Dallas, Texas 75202.

Note—Other regional and national office health unit services are provided by other Federal agencies located near DOL worksites, such as the U.S. Public Health Service, Department of the Navy, and the Internal Revenue Service. Employee health records maintained by these agencies are considered the property of the agency providing treatment. The records are maintained in the strictest confidence and all information contained therein is considered privileged and under the protection of the Privacy Act of 1974.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:  
Individuals covered are those of the following who have received health services under the Federal Employee Occupational Health Program:
  a. DOL employees (whether actually employed at 200 Constitution Avenue or elsewhere in the Washington, DC, area), who have received services at the DOL Health Unit.
  b. DOL employees who participate in the Health Unit located at 555 Griffin Square Building, Dallas, Texas, who have received health services.
  c. Employees of other agencies/visitors who have received health services at DOL Health Units.

CATEGORIES OF RECORDS IN THE SYSTEM:  
This system is comprised of records developed as a result of employee utilization of services provided under the Office's Occupational Health Program. These records contain the following information:
  a. Medical history and other biographical data on those individuals requesting employee health maintenance physical examinations.
  b. Test reports and medical diagnosis based on employee health maintenance physical examinations or health screening program tests (tests for single medical conditions or diseases).
  c. History of complaint, diagnosis, and treatment of injuries and illnesses cared for at Health Unit.
  d. Vaccination records.
  e. All other medical records, forms, and reports created on an employee during his or her period of employment or records designated for long-term retention.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:  

PURPOSE(S):  
These records document employee utilization of health services provided under the Office's Occupational Health Program.

ROUTE 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 refer information required by applicable law to be disclosed to a Federal, State, or local public health service agency, concerning individuals who have contracted certain communicable diseases or conditions. Such information is used to prevent further outbreak of the disease or condition.
  b. To disclose information to the appropriate Federal, State, or local agency responsible for investigation of an accident, communicable disease, medical condition, or injury as required by pertinent legal authority.
  c. To disclose information to another Federal agency, to a court or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, either when the Government is a party to a judicial proceeding or in order to comply with the issuance of a subpoena.
  d. 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.
  e. To disclose to the OWCP information in connection with a claim for benefits filed by an employee.
  f. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual.
  g. To communicate information to contractors providing medical or counseling services to Department of Labor employees when such contractors have a need for the information in connection with their services.
would include medical or health personnel and alcohol or other drug abuse counselors.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in manual file folders.

RETRIEVABILITY:

These records are retrieved by the name of the individual to whom they pertain.

SAFEGUARDS:

Records are maintained in a locked file cabinet with access limited to authorized staff employees.

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SAFEGUARDS:

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RETRIEVABILITY:

These records are retrieved by the name of the individual to whom they pertain.
SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Current or former DOL employees who have filed grievances, under DOL’s administrative grievance procedure in accordance with 5 CFR part 771 and DOL’s implementing regulation.

CATEGORIES OF RECORDS IN THE SYSTEM:
The system contains records relating to grievances filed by DOL employees under administrative grievance procedures and in accordance with 5 CFR part 771 and DOL’s implementing regulation. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, fact-finder’s 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 CFR part 771.

PURPOSE:
The records are used to process grievances submitted by covered DOL 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 statute, rule, regulation, or order, when the DOL 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 conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, to the extent that the information is relevant and necessary to requesting the agency’s decision on the matter.

d. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, either when the Government is a party to a judicial proceeding.

e. To disclose information to officials of the Merit System Protection Board or the Office of Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of DOL rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions as may be authorized by law.

f. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices or examination of affirmative employment programs.

g. 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.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
Not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDING, AND RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:

RETRIEVABILITY:
These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARD:
Locked storage equipment.

RETENTION AND DISPOSAL:
These records are disposed of 4 years after the closing of the case.

SYSTEMS MANAGER AND ADDRESS:
Director, Office of Employee and Labor Management Relations, U.S. Department of Labor, Room N–5470, 200 Constitution Avenue, NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:
Individuals submitting grievances should be provided a copy of the record under the grievance process. They may, however, contact the personnel 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. Approximate date of closing of the case and kind of action taken, and

c. Organizational component involved.

RECORD ACCESS PROCEDURE:
See Notification Procedure above.

CONTESTING RECORD PROCEDURE:
Contact the personnel office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified:

a. Name;

b. Approximate date of closing of the case and kind of action taken, and

c. Organizational component involved.

RECORDS SOURCE CATEGORIES:
Information in this system of records is provided by the following:

a. The individual on whom the record is maintained.

b. Testimony of witnesses.

c. Investigative and other employment records.

d. Decisions by Agency Officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
Not applicable.

DOL/OASAM–14

SYSTEM NAME:
Automated Position Control System.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
A. Offices in Washington, D.C.: 1. Office of the Secretary of Labor, including:

a. Office of the Assistant Secretary for Administration and Management (OASAM);

b. Office of the Solicitor of Labor;

c. Office of Public and International Affairs;

d. Bureau of International Labor Affairs;

ee. Employees’ Compensation Appeals Board;

f. Wage Appeals Board;

g. Benefits Review Board;

h. Office of Administrative Law Judges;
CATEGORIES OF RECORDS IN THE SYSTEM:

SYSTEM:

CATEGORIES OF INDIVIDUALS COVERED BY THE Relations and Cooperative Programs.

Administration;

Employment Policy;

Veteran's Employment and Training Service.

4. Office of Labor-Management Services;

5. Employment and Training Administration;

6. Occupational Safety and Health Administration;

7. Mine Safety and Health Administration;


9. Pension and Welfare Benefits Administration;


B. Regional and Area Offices of the above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Labor employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Internal reports submitted to prepare the Departmental budget and employment reports. These reports include information such as job title, grade, location, name and social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S. C. Chapter 301.

PURPOSE:

To prepare the Departmental budget and employment reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reports relate actual employment to monthly ceiling data and must be submitted by the 15th of each month to the Office of Personnel Management (OPM) and to the Office of Management and Budget (OMB). Employment data is shared with OMB and Congress as part of the budget submission process.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files and computer records.

RETRIEVABILITY:

By budget position number, grade and name.

SAFEGUARDS:

Automated data has been password protected. Written employment data is in locked file cabinets.

RETENTION AND DISPOSAL:

Destroy 1 year after the close of the FY.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of agencies or component units within their organizations who have custody of the records (see the appropriate agency official in the attached listing in Appendix 1, and at 29 CFR 704.4.).

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager, the Office's regional office servicing the state where they are employed (see list of the Office’s regional addresses in the Appendix), or their employing agency's personnel office. Individuals must furnish the following information for their records to be located and identified:

a. Full name.
b. Date of birth.
c. Social security number.
d. Signature.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish the following information for their records to be located and identified:

a. Full name.
b. Date of birth.
c. Social security number.
d. Signature.

Individuals requesting access must also comply with the Office's Privacy Act regulations on verification of identity and amendment of records (5 CFR 297.201 and 297.203).

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records should contact the appropriate office listed in the Notification Procedures section. Individuals must furnish the following information for their records to be located and identified:

a. Full name.
b. Date of birth.
c. Social security number.
d. Signature.

Individuals requesting amendment must also comply with the Office’s Privacy Act regulations on verification of identity and amendment of records 5 CFR 297.201 and 297.203).

RECORD SOURCE CATEGORIES:

Form DL-50, Notification of Personnel Action.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OASAM-15

SYSTEM NAME:

Travel and Transportation System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

A. Offices in Washington, D.C.:

1. Office of the Secretary of Labor, including:

a. Office of the Assistant Secretary for Administration and Management, (OASAM);

b. Office of the Solicitor of Labor;

c. Office of Public and International Affairs;

d. Bureau of International Labor Affairs;
e. Employees' Compensation Appeals Board;
f. Wage Appeals Board;
g. Benefits Review Board;
h. Office of Administrative Law Judges;
i. Pension Benefit Guaranty Corporation;
j. President's Committee on the Employment of People with Disabilities;
k. National Occupational Information Coordinating Committee;
l. National Commission for President's Committee on the Employment Standards and at

297.208).

D. Bureau of Labor Management Services;

3. Employment Standards Administration;

4. Office of Labor Management Services;

5. Employment and Training Administration;

6. Occupational Safety and Health Administration;

7. Mine Safety and Health Administration;


9. Pension and Welfare Benefits Administration;


B. Regional and Area Offices of the above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who travel in an official capacity for the Department of Labor.
CATEGORIES OF RECORDS IN THE SYSTEM:
Various records are created and maintained in support of official travel. The forms or succeeding forms may include the following:

- DL 1-33 Travel Authorization
- SF 1038 Advance of Funds Application and Account
- SF 1012 Travel Voucher
- DL 1-2014 Request and Authorization for Exception From Standard Contract Terms for City-Pair Service
- DL 1-289 Request for Approval of GSA Vehicle Option or Exemption
- DL 1-473 Employment Agreement for Transfers Within the Continental U.S.
- DL 1-474 Employment Agreement for Persons Assigned to Posts Outside the Continental U.S.
- DL-1–2030 Estimated PCS Travel and Transportation Data for Travel Authorization
- DL-1–2031 Claim Form for Payment of Relocation Income Tax Allowance
- DL-1–2032 Covered Taxable Reimbursements
- DL-1–2033R Withholding Tax Allowance, Summary of Transactions, Withholding of Taxes, and W-2 Reporting
- DL 1-472 Employee Application for Reimbursement of Expenses Incurred in Sale or Purchase (or both) of Residence Upon Change of Official Station
- SF 1164 Claim for Reimbursement for Expenditures on Official Business
- DL 1–101 Training Authorization and Evaluation Form
- DL 1-478 Administrative Exception to Travel Claim
- DL 1–423 Expense Record for Temporary Quarters
- SF 1169 Government Transportation Request

As a result of travel, individuals may become indebted to the Government. Records used to cure these claims include: Consumer credit reports, information or records relating to the debtor's current whereabouts, assets, liabilities, income and expenses, debtor's personal financial statements, and other information such as the nature, amount and history of the debt, and other records and reports relating to the implementation of the Debt Collection Act of 1982, including any investigative reports or administrative review matters.

In order to travel, individuals may avail themselves of charge cards provided by Government contract. Besides the application for such cards, records created include transaction, payment and account status data.

Travel arrangement services are also available by Government contract. Records include traveler's profile containing name of individual, social security number, home and office telephones, agency's name, address, and telephone number, air travel preference, rental car identification number and preference of car, hotel preference, current passport and/or visa number, personal credit card numbers, and additional information; travel authorization; and monthly reports from travel agent(s) showing charges to individuals, balances, and other types of account analyses. Permanent change of station travel arrangements may include information about real estate and movement of household goods.

Vendors and contractors provide to the Department itemized statements of invoices, and reports of transactions including refunds and adjustments to enable audits of charges to the Government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
To facilitate performance of official Government travel by documenting the authorization of travel; payment of advances; payment of claims, invoices, vouchers, judgments; debts created by advance payments and overpayments; provision and use of government contractor-issued charge cards; and to make travel arrangements.

Data received from a charge card company under government contract will be used to perform responsibilities under section 206 of Executive Order 11222 (May 8, 1965) and 5 CFR 735.207 (Office of Personnel Management Regulations) concerning requirements for employees to pay their just financial obligations in a proper and timely manner. Reports will also be monitored to insure that the charge cards are used only in the course of official travel as required by the contract. Data will also be analyzed to permit more efficient and cost effective travel planning and management, including negotiated costs of transportation, lodging, subsistence and related services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
- A. Transmittal of data to the U.S. Treasury to effect issuance of checks to payees.
- B. Pursuant to section 13 of the Debt Collection Act of 1982, the name, address(es), telephone number(s), social security number, and nature, amount and history of the debts of an individual whose travel is handled by DOL may be disclosed to private debt collection agencies for the purpose of collecting or compromising a debt existing in this system.
- C. Information may be forwarded to the Department of Justice as prescribed in the Joint Federal Claims Collection Standards (4 CFR Ch. II). When debtors fail to make payment through normal collection routines, the files are analyzed to determine the feasibility of enforced collection by referring the cases to the Department of Justice for litigation.
- D. Pursuant to sections 5 and 10 of the Debt Collection Act of 1982, information relating to the implementation of the Debt Collection Act of 1982 may be disclosed to other Federal Agencies to effect salary or administrative offsets, or for other purposes connected with the collection of debts owed to the United States.
- E. A record from this system may be disclosed to a Federal Agency in response to its request in connection with the hiring/retention of an employee, the letting of a contract, or the issuance of a grant, license, or other benefit by the requesting agency, to the extent that the information is relevant to the requesting agency's decision on the matter.
- F. Information contained in the system of records may be disclosed to the Internal Revenue Service to obtain taxpayer mailing addresses for the purpose of locating such taxpayer to collect, compromise, or write off a Federal claim against the taxpayer.
- G. Information may be disclosed to the Internal Revenue Service concerning the discharge of an indebtedness owed by an individual, or other taxable benefits received by the employee.
- H. Information will be disclosed:
  1. To a Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule regulation, or order, where there is a suspected violation of civil or criminal law.
  2. To another Federal agency or a court when the Government is party to a judicial proceeding.
  3. To credit card companies for billing purposes.
  4. To Departmental and other Federal agencies such as GSA for travel management purposes.
  5. To airlines, hotels, car rentals companies and other travel related companies for the purpose of serving the traveler. This information will generally include the name, phone number, addresses, charge card information and itineraries.
DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status, and history of overdue debts; the name and address, taxpayer identification number (SSN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, are disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S. C. 1681a(f)), in accordance with section 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711(f)) for the purpose of encouraging the repayment of an overdue debt.

Note: Debts incurred by use of the official travel charge card are personal and the charge card company may report account information to credit collection and reporting agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets. Computer records within a computer and attached equipment.

RETRIEVABILITY:

Filed by name and/or social security number of traveler at each location.

SAFEGUARDS:

Records stored in lockable file cabinets or secured rooms. Computerized records protected by password system. Information released only to authorized officials on a need-to-know basis.

RETENTION AND DISPOSAL:

Records are held for 3 years or until audit whichever is sooner and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Comproulter, Office of the Comptroller, OASAM, Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries from individuals should be addressed to the appropriate agency's administrative office for which they traveled.

RECORDS ACCESS PROCEDURES:

Requests from individuals should be addressed to the appropriate Department of Labor agency's administrative office for which they traveled. Individuals must furnish their full name and the authorizing agency component for their records to be located and identified.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records should contact the appropriate Department of Labor administrative office of which they traveled. Individuals must furnish their full name and the name of the authorizing agency, including duty station where they were employed when traveling if applicable.

RECORD SOURCE CATEGORIES:

Individuals, employees, other Federal agencies, consumer reporting agencies, credit card companies, government contractors, state and local law enforcement.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/OASAM–17

SYSTEM NAME:

Equal Employment Opportunity Complaint Files.

Note: Records in this system are covered in conjunction with EEOC's government-wide system EEOC/GOVT-1.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:


The Directorate of Civil Rights maintains the primary system of records. However, Regional Civil Rights Officers maintain copies of complete or partial investigative reports and correspondence files, as well as settlement agreements and informal complaint forms.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, classes of individuals, or representatives designated to act on behalf of employees, former employees, or applicants of the Department who have consulted with an EEO Counselor and/or who have filed a formal complaint alleging discrimination on the basis of race, color, religion, sex, national origin, physical or mental handicap, and/or age because of a determination, decision, action, or the non-action administered against them by a departmental official, and individuals alleging reprisal for having previously participated in the EEO process.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information and/or documents pertaining to pre-complaint processing, informal resolutions, formal allegations of discrimination, and investigations of complaints of discrimination. These records contain complainant's names, addresses, job titles and descriptions, dates of employment; agencies involved; counselor's reports; initial and supplemental allegations; letters and notices to individuals and organizations involved in the processing of the complaint; materials into the record to support or refute the alleged decisions; determination or actions taken; statements of witnesses; related correspondence; investigative reports, instructions on actions to be taken in order to comply with the provisions of a decision, opinions, recommendations, settlement agreements, proposed and final decisions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:


PURPOSE(S):

These records are used to process, investigate and resolve discrimination complaints within the Department.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records in the complaint file are classified in three categories: correspondence file, investigative file, and transcripts. Records that are relevant and necessary may be disclosed:

1. To the responding official (RO) consistent with the instructions in EEOC's Complaint Processing Manual which provides that during the investigatory process the responding official shall have access to documents in the correspondence file and the investigative file in which the official is identified and charged with discrimination or other wrong-doing. Names of and identifying information on persons other than the complainant and the RO should be deleted from copies of the documents shown to the RO. If the Department issues a final decision on the complaint rejecting the complainant's allegations against the RO, the RO does not have access to the entire complaint file. If the Department's decision concludes or implies impropriety on the part of the RO, the entire complaint file, with names and identifying information
deleted where appropriate, must be made available to the RO. If the Department takes or proposes adverse action or other disciplinary action against the RO, the entire complaint file, without deletions, must be made available for his or her review.

2. To Federal agencies with jurisdiction over a complaint, including the Equal Employment Opportunity Commission, the office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, and the Federal Labor Relations Authority, for investigatory, conciliation or enforcement purposes.

3. To the Department of Justice for the purpose of obtaining advice regarding the disclosability of particular records pursuant to a Freedom of Information Act request.

4. To a physician or medical official for the purpose of evaluating medical documents in complaints of handicap discrimination.

Disclosure to Consumer Reporting Agencies:

None.

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:

STORAGE:
Records are maintained in manual and automated files.

Retrieveability:
Manual files are indexed by complainant’s name and by the office case number. Automated files are retrieved by: Office case number; complainant’s name, fiscal year; current status of complaint; region code; issue code; basic code; agency code; class action; relief code; EOS identification; investigator identification.

SAFEGUARDS:
Access to the Department of Labor and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals who have obtained special permission. Manual records are maintained in secured file cabinets or in restricted areas, access to which is limited to authorized personnel. Automated files are controlled by means of identification numbers and passwords known only to the employees of the Directorate of Civil Rights who are authorized to have access to such files. Statistical information from these records may be made available to departmental officials, other agencies, and to the public without the persons to whom the records pertain being identified.

Retention and Disposal:
Records are retained for a period of four years after the final disposition of a complaint, and then destroyed. A permanent alphabetical record is kept of complaints by name of the complainant, giving the basis of the complaint, the matter giving rise to the complaint, and the disposition.

SYSTEM MANAGER(S) AND ADDRESS:
Director, Directorate of Civil Rights, OASAM, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, DC 20210.

Notification Procedure:
Individuals or organizations designated to act on behalf of individuals may write the system manager indicated above regarding the existence of records pertaining to them pursuant to 29 CFR part 70a. The inquirers should provide, as appropriate, their full name, the name of the employing agency and/or the agency in which the situation arose, if different than the employing agency, approximate date of filing complaint, region of complaint, last known status of complaint office case number, the kind(s) of action(s) taken against them, and a notarized signature, or a notarized letter of consent when a person requests access on behalf of the individual who is the subject of the file.

Record Access Procedures:
Individuals or organizations designated to act on behalf of an individual wishing to gain access to records covered by the Privacy Act, shall follow the guidelines prescribed by 29 CFR part 70a, summarized here under “Notification procedures.”

Contesting Record Procedures:
Individuals wishing to contest information in their files may, pursuant to 29 CFR 70a.7, write the system manager at the specified address above, reasonably identifying the record pertaining to them, the information which is being contested in that record, the corrective action(s) being sought, and the reasons for the correction(s).

Record Source Categories:
Individual to whom the record pertains; official documents relating to the processing of a complaint, the informal and formal allegations, appeals of departmental decisions; and respondent agency officials, employees, and other witnesses.

Systems Exempted From Certain Provisions of the Act:
Under the specific exemption provided by 5 U.S.C. 552a(k) (2), this system of records is exempted from the following provisions of the Privacy Act:

Under the specific exemption provided by 5 U.S.C. 552a(k) (2), this system of records is exempted from the following provisions of the Privacy Act: (c)(3), (d), (e)(1), (e)(4)(C), (H), and (I) and (f).

Information from the complaint file may be denied in anticipation of a civil action or proceeding, in instances where premature release of documents could hamper the decision-making process, where the release of personal information about another employee may result in an invasion of personal privacy, and where release of confidential statements could lead to intimidation or harassment of witnesses and impair future investigations by making it more difficult to collect similar information. Personal information about other employees that are contained in the complainant’s file because of its use as comparative data such as: Medical records, place and date of birth, age, marital status, home address and telephone numbers, the substance of promotion recommendations, supervisory assessments of professional conduct and ability, may be denied to the subject when it could cause embarrassment and/or harassment to the other employees.

DOL/OASAM-19
SYSTEM NAME:
Negotiated Grievance Procedure and Unfair Labor Practice Files.

Security Classification:
None.

System Location:
A. Offices in Washington, D.C.:
1. Office of Employee and Labor-Management Relations (OASAM);
2. Office of the Solicitor;
4. Employment Standards Administration;
5. Employment and Training Administration;
6. Office of Labor-Management Services;
7. Occupational Safety and Health Administration;
8. Mine Safety and Health Administration;
9. National Capital Service Center; and
10. OASAM Regional Personnel Offices.

Categories of Individuals Covered by the System:
DOL employees who have filed grievances under negotiated grievance procedures, and DOL employees who...
have filed unfair labor practices charges against the Department.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains a variety of records relating to an employee's grievance filed under procedures established by labor-management negotiations and unfair labor practice charges filed under the Federal Service Labor-Management Relations Statute. The records may include information such as: Employee's name, grade, job title, employment history, arbitrator's decision or report, record of appeal to the Federal Labor Relations Authority, and a variety of employment and personnel records associated with the grievance or charge.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**


**PURPOSE:**

These records are used to process an employee's grievance filed under a negotiated grievance procedure or an unfair labor practice charge filed by an employee or union.

**ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records that are relevant and necessary may be used:

a. 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.

b. To disclose information to officials of the Merit System Protection Board or the Office of Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of DOL rules and regulations, investigations or alleged or possible prohibited personnel practices, and such other functions as may be authorized by law.

c. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices or examination of affirmative employment programs.

d. 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.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**


**RETRIEVABILITY:**

By name and/or case file number.

**SAFEGUARDS:**

Locked room.

**RECORDS AND INFORMATION MAINTAINED IN THE SYSTEM:**

Records are destroyed 3 years after all administrative remedies have been exhausted.

**SYSTEM MANAGER(S) AND ADDRESS:**


**RECORD ACCESS PROCEDURE:**

Contact system manager at above address.

**RECORD SOURCE CATEGORIES:**

Employee grievances and charges, employee/supervisor interviews, investigative and employment records, and findings of arbitrators and other tribunals.

**CATHERGIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

a. Current and former employees or applicants for employment in the Department.

b. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, experts, instructors, and consultants to Departmental programs.

**SECURITY CLASSIFICATION:**

None for the system. However, items or records within the system may have national defense/foreign policy classifications up through secret.

**SYSTEM LOCATION:**

Personnel Security Unit, Office of Executive Personnel Management (OASAM), U.S. Department of Labor, Room C–5331, 200 Constitution Avenue, NW, Washington, DC 20210.

**SYSTEM NAME:**

Personnel Investigation Records.

**SYSTEM NAME:**

Personnel Investigation Records.

**NOTIFICATION PROCEDURES:**

Contact system manager at above address.

**RECORD ACCESS PROCEDURE:**

Contact system manager at above address.

**RECORD SOURCE CATEGORIES:**

Employee grievances and charges, employee/supervisor interviews, investigative and employment records, and findings of arbitrators and other tribunals.

**RECORDS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Under the specific exemption provided by 5 U.S.C. 552a(k)(2), this system of records is exempted from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), and (e) (4)(G),(H), (I) & (f). Information from the case file may be denied in anticipation of a civil action or proceeding, in instances where premature release of documents could hamper the decision-making process, where the release of personal information about another employee may result in an invasion of personal privacy, and where release of confidential statements could lead to intimidation or harassment of witnesses and impair future investigations by making it more difficult to collect similar information. Personal information about other employees that is contained in the grievant's or charging party's file because of its use as comparative data such as: Medical records, place and date of birth, age, marital status, home address and telephone numbers, the substance of promotion recommendations, supervisory assessments of professional conduct and ability, may be denied to the subject when it could cause embarrassment and/or harassment to the other employees.

**DOL/OASAM-20**

**SYSTEM NAME:**

Personnel Investigation Records.

**SECURITY CLASSIFICATION:**

None for the system. However, items or records within the system may have national defense/foreign policy classifications up through secret.

**SYSTEM LOCATION:**

Personnel Security Unit, Office of Executive Personnel Management (OASAM), U.S. Department of Labor, Room C–5331, 200 Constitution Avenue, NW, Washington, DC 20210.

**CATHERGIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

a. Current and former employees or applicants for employment in the Department.

b. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, experts, instructors, and consultants to Departmental programs.

**CATHERGIES OF RECORDS IN THE SYSTEM:**

Investigative files and investigative index card files which pertain to clearance investigations for Federal employment. These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived; arrests and convictions for violations against the law; reports of interviews with present and former supervisors, coworkers, associates, educators, etc; reports about the qualifications of an individual for a specific position and files and index cards relating to adjudication matters; reports of inquiries with law enforcement agencies, employers, educational institutions attended; reports or action after OPM or FBI Section 8 (d) Full Field Investigation; Notices of Security Investigation; and other information developed from above.

**Note:** This system does not apply to records of a personnel investigative nature that are part of the Office of Personnel Management's (OPM) Privacy Act System OPM/CENTRAL–9, Personnel Investigation Records. Access to or amendment of such records must be obtained from OPM.
The purposes of this system are:

a. To provide investigatory information for determination concerning compliance with Federal personnel regulations and for individual personnel determinations including suitability and fitness for Federal employment, access and security clearances, evaluations of qualifications, loyalty to the U.S. and evaluations of qualifications and suitability for performance of contractual services for the U.S. Government.

b. To document such determinations;
c. To provide information necessary for the scheduling and conduct of the required investigations;
d. To otherwise comply with mandates and Executive Order; and
e. These records may also be used to locate individuals for personnel research.

Routine Uses of Records Maintained in the System

These records and information in these records may be used in disclosing relevant and necessary information:

a. To designated officers and employees of agencies, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government, and the District of Columbia Government, when such agency, office, or establishment conducts an investigation of the individual for the purpose of granting a security clearance, or for the purpose of making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas.

b. To designated officers and employees of agencies, offices, and other establishments in the executive, legislative, and judicial branches of the Federal Government, and the District of Columbia Government, having the responsibility to grant clearances to make a determination regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States Government, in connection with performance of a service to the Federal Government under a contract or other agreement.

c. To the intelligence agencies of the Department of Defense, the National Security Agency, the Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

d. To any source from which information is requested in the course of an investigation, to the extent necessary to identify individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

e. To Federal agencies as a data source for management information through the production of summary descriptive statistics and analytical studies in support of the functions for maintained or for related studies.

f. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of office rules and regulations, investigations of alleged or possible prohibited personnel practices, and such other functions, e.g., as promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guideline Employee Selection Procedures, or other functions vested in the Commission by the President's Reorganization Plan No. 1 of 1978.

h. 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.

Disclosure to Consumer Reporting Agencies:

Not applicable.

Policies and Practices for Storing, Retrieving, Assessing, Retaining, and Disposing of Records in the System:

Storage:

Records are maintained in file folders and on index cards.

Retrievability:

Records are retrieved by the name of the individual on whom they are maintained.

Safeguards:

Folders are maintained in file cabinets secured by three position combination locks. The index to the system and those records which are maintained on index cards are contained in covered and locked Wheeldex machines. All employees are required to have an appropriate security clearance before they are allowed access to the records.

Retention and Disposal:

a. Index cards which show the scheduling or completion of an investigation, and investigative files, if any, are retained for 2 years, plus the current year from the date of the most recent investigative activity. Other index cards which show no investigative record other than the completion of a clear National Agency Check or a clear National Agency Check Inquiry, and where no investigative file folder exists, are retained for two years plus the current year.

b. Reports of action after OPM or FBI section 8(d) background investigation are retained for the life of the investigative file.

c. Notices of Security Investigations are retained for 20 years.

All records are destroyed by burning.

System Manager(s) and Address:

Director, Office of Executive Personnel Management, OASAM, U.S. Department of Labor, Room C-5331, 200 Constitution Avenue, NW, Washington, DC 20210.

Notification Procedure:

Individuals wishing to inquire whether this system contains information about them should contact the system manager in writing. Individuals must furnish the following information for their records to be located and identified:

a. Full name
b. Date of birth
c. Social Security Number
d. Signature
e. Any available information regarding the type of record involved.

f. The category of covered individuals under which the requester believes he or she fits.

Record Access Procedures:

Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552(a)(3) and (d), regarding access to records. The section of this notice titled Systems exempted from certain provisions of the Act, which appears below, indicates the kinds of material exempted and the reasons for exempting them from access. Individuals wishing to request access to their records should contact the system manager in writing. Individuals must furnish the following information for their records to be located and identified:

a. Full name
b. Date of birth
c. Social Security Number
d. Signature
e. Any available information regarding the type of record involved.
f. The category of covered individuals under which the requester believes he or she fits.

CONTESTING RECORD PROCEDURES:
Specific materials in this system have been exempted from Privacy Act provisions at 5 U.S.C. 552a(d), regarding amendment to records.

The section of this notice titled Systems exempted from certain provisions of the Act, which appears below, indicates the kinds of material exempted and the reasons for exempting them from amendment. Individuals wishing to request amendment to their non-exempt records should contact the system manager in writing. Individuals must furnish the following information for their records to be located and identified:

a. Full name
b. Date of birth
c. Social Security Number
d. Signature
e. Any available information regarding the type of record involved.
f. The category of covered individuals under which the requester believes he or she fits.

RECORD SOURCE CATEGORIES:
Information contained in the system was obtained from the following categories of sources:

a. Applications and other personnel and security forms furnished by the individual;
b. Investigative and other record material furnished by Federal agencies;
c. Notices of personnel actions furnished by Federal agencies;
d. By personal investigation or written inquiry from sources such as employers, educational institutions, references, neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, newspapers, magazines, periodicals, and other publications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
This system may contain the following types of information:

a. Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment. The Privacy Act, at 5 U.S.C 552a(k)(5), permits an agency to exempt such material from certain provisions of the Act. Materials may be exempted to the extent that release of the material to the individual whom the information is about would:

1. Reveal the identity of a source who furnished information to the Government under an express promise (granted on or after September 27, 1975) that the identity of the source would be in confidence; or
2. Reveal the identity of a source who, prior to September 27, 1975, furnished information to the Government under an implied promise that the identity of the source would be held in confidence.

b. For all the above reasons the Department hereby exempts this system from the following provisions of the Privacy Act: 5 U.S.C. 552a (c) (3), (d), (e) (1), (e) (4) (G), (H) and (I) and (f).

DOL/OASAM–22
SYSTEM NAME:
Directorate of Civil Rights Citizen Discrimination Complaint Case Files.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals or classes filing complaints under Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; and section 167 of the Job Training Partnership Act of 1982, as amended, alleging discrimination on the basis of race, color, national origin, age, handicap, sex, religion, citizenship, or political affiliation or belief, or retaliation for having filed a discrimination complaint, furnishing information, or assisting or participating in any manner in an investigation, hearing or any other activity related to the administration of Federal law requiring equal opportunity.

CATEGORIES OF RECORDS IN THE SYSTEM:
Complainants' statements of alleged discrimination, respondents' statements, witnesses' statements, names and addresses of complainants and respondents, personal, employment or program participation information, medical records, conciliation and settlement agreements, related correspondence, initial and final determinations, other records related to investigations of discrimination complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
These records are used to initiate a complaint with, or to investigate and resolve discrimination complaints filed with the Department of Labor against recipients of financial assistance from the Department.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Records that are relevant and necessary may be disclosed:

a. To the Equal Employment Opportunity Commission, Department of Justice, Federal Mediation and Conciliation Service, and the Department's Offices of the Solicitor and Administrative Law Judges, when relevant to matters within the jurisdiction of those agencies over a complaint, for investigatory, conciliation, enforcement, or litigation purposes.

b. To organizations which are recipients of Federal financial assistance and against whom complaints in an administrative or judicial proceeding are filed to the extent necessary to effectively represent themselves, provided that the privacy of persons not a party to the dispute is protected.

c. To the Equal Employment Opportunity Commission, the Department of Justice, the Department of Health and Human Services, and other Federal entities having responsibility for processing and resolving complaints, coordinating civil rights activities, and/or preparing reports to Congress under authorities indicated in this particular notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
These records are maintained in manual and automated files.

RETRIEVABILITY:
These records are retrieved by various combinations of office case numbers,
complainant’s name, fiscal year, current status of complaint, state, basis code, and program code.

SAFEGUARDS:

Access to the Department of Labor and its annexes is controlled by security guards, and admission is limited to individuals possessing a valid identification card or individuals who have obtained special permission. Manual records are maintained in secured file cabinets or in restricted areas, access to which is limited to authorized personnel. Automated files are controlled by means of identification numbers and passwords known only to the employees of the Directorate of Civil Rights who are authorized to have access to such files.

RECORD SOURCE CATEGORIES:

Individual complainants and witnesses of the complaint; respondent officials, employees, and witnesses; interrogatories; recipient files and records; and physician’s and other medical service provider’s records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(1), this system of records is exempt in information in this system of records specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and which are in fact properly classified pursuant to such Executive order are exempt from 5 U.S.C. 552a(d); (c)(3); (e)(4)(G), (H), and (I); and (f).

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

In accordance with 5 U.S.C. 552a(k)(5), investigatory material in this system of records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contract, 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 January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

PURPOSE:

To assemble in one system information to enable travel agents who are under contract to the Federal Government to issue and account for travel provided to individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To disclose information to a Federal State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule, regulation, or order, where to agencies become aware of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to another Federal agency or a court when the Government is party to a judicial proceeding.

c. To disclose information to a credit card company for billing purposes.

d. To disclose information to a Federal agency for accumulating reporting data and monitoring the system.
e. To disclose information to the agency by the contractor in the form of itemized statements of invoices, and reports of all transactions including refunds and adjustments to enable audits of charges to the Government.
f. To disclose information credit card, phone numbers, addresses, etc., to airlines, hotels, car rental companies and other travel affiliated companies for the purpose of serving the client.
g. To disclose personal credit card information to hotels and car rental companies for the purpose of guaranteeing reservations.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
- Paper records in file cabinets.
- Computer records within a computer and attached equipment.

RETRIEVABILITY:
- Filed by name and/or social security number of traveler at each location.

SAFEGUARDS:
- Records stored in lockable file cabinets or secured rooms.
- Computerized records protected by password system. Information released only to authorized officials on a need-to-know basis.

RETENTION AND DISPOSAL:
- Records kept by the Federal agency are held for 3 years and then destroyed.
- Records kept by the travel agency are held and destroyed no longer than 3 years.

SYSTEM MANAGER(S) AND ADDRESS:
- Comprometer, Office of the Comptroller, OASAM, Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:
- Inquiries from individuals should be addressed to the appropriate agency's administrative office for which they traveled.

RECORDS ACCESS PROCEDURES:
- Requests from individuals should be addressed to the appropriate Department of Labor agency's administrative office for which they traveled. Individuals must furnish their full name and the authorizing agency, including duty station where they were employed when traveling if applicable.

RECORD SOURCE CATEGORIES:
- Individual, employee, travel authorization, credit card companies.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/OASAM-24

SYSTEM NAME:
- Privacy Act/Freedom of Information Act Requests Files Systems.

SYSTEM CLASSIFICATION:
None.

SYSTEM LOCATION:
- A. Offices in Washington, D.C.
  1. Office of the Secretary of Labor, including
     (a) Office of the Assistant Secretary for Administration and Management,
     (b) Office of the Solicitor of Labor,
     (c) Office of Public and Intergovernmental Affairs,
     (d) Office of Small and Disadvantaged Business Utilization,
     (e) Bureau of International Labor Affairs,
     (f) Employees' Compensation Appeals Board,
     (g) Wage Appeals Board,
     (h) Benefits Review Board, and
     (i) Office of Administrative Law Judges;
  2. Office of Pension and Welfare Benefits Administration;
  3. Office of Labor-Management Standards;
  4. Bureau of Labor-Management Relations and Cooperative Programs;
  6. Employment and Training Administration;
  7. Employment Standards Administration;
  8. Occupational Safety and Health Administration;
  9. Mine Safety and Health Administration;
  10. Office of Inspector General;
- B. Regional offices of the above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
- Individuals who have submitted Privacy Act and Freedom Of Information Act requests under (5 U.S.C. 552a and 552).

CATEGORIES OF RECORDS IN THE SYSTEM:
- This system contains records of requests, responses, and related documents for:
  a. Information under the provisions of the FOIA Act (5 U.S.C. 552a); and
  b. Information under provisions of the Privacy Act (5 U.S.C. 552a) for:
     1. Notification of the existence of records about them;
     2. Access to records about them;
     3. Amendment to records about them;
     4. Review of initial denial of such requests for notification, access, or amendments; and
     5. Requests for an accounting of disclosure of records about them.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(s):
- This system of records is maintained for various reasons as follows:
  a. To process individual's requests made under the Privacy Act and the Freedom of Information Act.
  b. To provide a record of communications between the requester and the agency.
  c. To ensure that all relevant, necessary and accurate data are available to support any process for appeal.
  d. To provide a legal document to support any process for appeal.
  e. To prepare the annual reports to OMB and Congress as required by the Privacy and Freedom of Information Acts.

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:
  b. To disclose information to Federal agencies (e.g., Department of Justice) in order to obtain advice and recommendation concerning matters on which the agency has specialized experience or particular competence, for use by the Office in making required determinations under the Freedom of Information Act or the Privacy Act of 1974.
  c. To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose of the request, and to identify the type of information requested), where necessary to obtain information relevant to an Office decision concerning a Privacy or Freedom of Information Act request.
  d. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, either when the Government is a party to a
judicial proceeding or in order to comply with the issuance of a subpoena.

e. 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.
f. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of Office rules and regulation, investigations of alleged or possible prohibited personnel practices, and such other functions, e.g., as prescribed in 5 U.S.C. 1205 and 1206, or as may be authorized by law.
g. To disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discrimination complaints 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 by the President's Reorganization Plan No. 1 of 1978.
h. 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.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

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 name of individual making request and by date of request.

SAFEGUARDS:
These records are located in lockable metal filing cabinets with access limited to personnel whose duties require access.

RETENTION AND DISPOSAL:
Destroyed two years after response date if no denial was involved.
Destroyed five years after response date if denial of records was involved.

SYSTEM MANAGER(S) AND ADDRESS:
Head of agencies or component units within their organizations who have custody of the records. (See the appropriate Agency Official in the listing in appendix I, and at 29 CFR 70a.4.)

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the appropriate office or region where their original Privacy Act or Freedom of Information Act request was sent, or where they received responses to such requests.

RECORD ACCESS PROCEDURE:
A request for access shall be addressed to each facility to which the requestee has submitted a Freedom of Information Act or Privacy Act request.

Note: Individuals must furnish the following information for their records to be located and identified:

a. Name
b. Approximate dates of Privacy Act/FOIA Act correspondence between the Department of Labor and the individual.
c. Individuals requesting access must also comply with the Privacy Act regulations regarding verification of identity and access to records at (29 CFR 70a.4).

CONTESTING RECORD PROCEDURES:
A petition for amendment shall be addressed to the System Manager and must meet the content requirement of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:
Information in this system of records comes from:

a. The individual who is the subject of the records.
b. Official personnel documents of the agency, including records from any other agency system of records included in this notice.
c. Agency officials who respond to Privacy Act/FOIA Act requests.
d. Other sources whom the agency believes have information pertinent to an agency decision on a Privacy Act or Freedom of Information Act request.
e. Other Federal agencies referring the request to the Department of Labor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
The Department of Labor has claimed exemptions from several of its other systems for several of its other systems of records under 5 U.S.C. 552a(k) (1), (2), (3), (5), and (6). During the course of a PA/FOIA action, exempt materials from those other systems may become part of the case record in this system. To the extent that copies of exempt records from those other systems are entered into these PA/FOIA case records, the Department has claimed the same exemptions for the records as they have in the original primary system of records of which they are a part.

DOL/OASAM-25

SYSTEM NAME:
Intergovernmental Personnel Act Assignment Records.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
A. In Washington, D.C.:
(1) OASAM, Office of Employment and Training and personnel offices located in
(2) OASAM, National Capital Service Center;
(3) Office of the Solicitor;
(4) Bureau of Labor Statistics;
(5) Employment Standards Administration;
(6) Employment and Training Administration;
(7) Occupational Safety and Health Administration;
(8) Mine Safety and Health Administration;
(9) Office of the Inspector General; and
B. OASAM Regional Personnel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Current of former State of local government agency or educational institution employees, employees of Indian tribal governments, or other organizations who have completed or are presently on an assignment in a DOL agency under the provisions of IPA.

CATEGORIES OF RECORDS IN THE SYSTEM:
These records consist of a copy of the individual's IPA agreement between a DOL agency and a State or local government, educational institution, Indian tribal government, or other organization; biographical and background information about the assignees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
These records are maintained to document and track mobility assignments under IPA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.
information about them should contact
whether this system contains
STORAGE:
Records are maintained in file folders.
RETRIEVABILITY:
By the name of the individual.
SAFEGUARDS:
Files are maintained in an area with limited access.
RETENTION:
Records are retained for a period of 2 years following the completion of the assignment.
SYSTEM MANAGER(S) AND ADDRESS:
Director, Office of Employment and Evaluation, Room N-5476, 200 Constitution Avenue, NW, Washington, DC 20210.
NOTIFICATION PROCEDURE:
Individuals wanting to inquire whether this system contains information about them should contact the servicing personnel office.
RECORDS ACCESS PROCEDURES:
Contact the servicing personnel office.
RECORDS SOURCE CATEGORIES:
Information provided by the assignee and by officials in DOL agencies, State and local government, educational institutions, Indian tribal governments and other organizations where the assignee is employed.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
Not applicable.
DOL/OASAM–26
SYSTEM NAME:
Frances Perkins Building Parking Management System.
SECURITY CLASSIFICATION:
None.
SYSTEM LOCATION:
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
All individuals assigned or applying for assignment of parking privileges in the Frances Perkins Building, Washington, D.C.
CATEGORIES OF RECORDS IN THE SYSTEM:
This system includes the following information on all individuals assigned or applying for parking privileges in the Frances Perkins Building: Name, office building and room number, office telephone number, employing agency, home address, federal service computation date, handicap certification, automobile license number, make and year of car, permit number (if assigned parking privileges), category of assignment, and office location in/out of zone of special consideration.
NOTIFICATION PROCEDURE:
Access to these records may be obtained by request in writing to: Director, Office of Facilities Management, Room S–1521, 200 Constitution Avenue, NW, Washington, DC 20210.
RECORD ACCESS PROCEDURE:
Individuals wishing to request access to records should contact the proper office listed in the notification procedure section. Individuals must furnish the name or permit number for the record they wish to access.
CONTESTING RECORDS PROCEDURES:
Individuals swishing to request amendment of the records should contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested.
RECORDS SOURCE CATEGORIES:
Information comes from the individuals to whom the information pertains.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.
DOL/OASAM–27
SYSTEM NAME:
Employee/Contractor Identification Program.
SECURITY CLASSIFICATION:
None.
SYSTEM LOCATION:
U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management (OASAM), Directorate of Administrative and Procurement Programs (DAPP), Office of Facilities Management (OFM), Division of Security, Room S–1521, 200 Constitution Avenue, NW, Washington, DC 20210.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individual DOL employees and individual employees of contractors doing business with DOL.
CATEGORIES OF RECORDS IN THE SYSTEM:
Records which contain information on DOL employees and Contract
employees. The information generally includes name, agency, issuance and expiration dates, and photograph.

AUTHORITY OF MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.

PURPOSE(S):
These records permit identification of persons to be rightfully admitted to DOL facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSE OF SUCH USES:
The records and information in this system may be used to:
1. Provide information to Federal, State, or local government agencies for civil, criminal, or regulatory law enforcement;
2. Disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. Disclosure may be made as a routine use to:
   1. Contractor, grantee or other direct recipient of federal funds to allow such entity to effect corrective action in agency’s best interest;
   2. Any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation or audit;
   3. The Office of Government Ethics for any purpose consistent with that office’s mission, including the compilation of statistical data;
   4. The Department of Justice in order to obtain advice regarding civil, criminal and administrative law questions and regarding disclosure obligations under the Freedom of Information Act;
   5. In response to a facially valid subpoena or an order signed by a judge from a court of competent jurisdiction.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:
Manual files in a cabinet housed in a secured room.

RETRIEVABILITY:
Records are maintained until expiration of employment with DOL, at which time they are destroyed.

SYSTEM MANAGERS AND ADDRESS:

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager indicated above.

RECORD ACCESS PROCEDURE:
Individuals requesting access must comply with Privacy Act regulations on verification of identity and access to records. (See 29 CFR part 70a.)

CONTESTING RECORD PROCEDURE:
Same as notification procedure above, except individuals desiring to contest or amend information maintained in the system should direct their written request to the system manager listed above, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:
Sources of information contained in this system are from individuals and from DOL records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/OASAM-28

SYSTEM NAME:
Incident Report/Restriction Notice.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management (OASAM), Directorate of Administrative and Procurement Programs (DAPP), Office of Facilities Management (OFM), Division of Security Room S–1521, 200 Constitution Avenue NW, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Complainants, Witnesses and Suspects.

CATEGORIES OF RECORDS IN THE SYSTEM:
Records which contain information on incidents that occurred in the Frances Perkins Building. Information includes name, agency and date of incident.

AUTHORITY OF MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.

PURPOSE(S):
Records provide a means of identifying security problem areas thereby making it possible to better utilize security resources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSE OF SUCH USES:
Records and information in this system may be used to:
1. Provide information to Federal, State, or local government agencies for civil, criminal, or regulatory law enforcement;
2. Disclose pertinent information to the appropriate Federal, State or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, when the disclosing agency becomes aware of an indication of a violation or potential violation of criminal or civil law or regulation. Disclosure may be made as a routine use to:
   1. Contractor, grantee or other direct recipient of federal funds to allow such entity to effect corrective action in agency’s best interest;
   2. Any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation or audit;
   3. The Office of Government Ethics for any purpose consistent with that office’s mission, including the compilation of statistical data;
   4. The Department of Justice in order to obtain advice regarding civil, criminal and administrative law questions and regarding disclosure obligations under the Freedom of Information Act;
   5. An adjudicative body in response to a facially valid subpoena or an order signed by a judge from a court of competent jurisdiction.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

STORAGE:
Manual files in a cabinet housed in a secured room.

RETRIEVABILITY:
Records are maintained seven years, at which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:
NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager indicated above.

RECORD ACCESS PROCEDURE:
Individuals requesting access must comply with Privacy Act regulations on verification of identity and access to records. (See 29 CFR part 70a.)

CONTESTING RECORD PROCEDURE:
Same as notification procedure above, except individuals desiring to contest or amend information maintained in the system should direct their written request to the system manager listed above, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:
Sources of information contained in this system are from individuals and from DOL records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/OASAM-29

SYSTEM NAME:
OASAM Employee Administrative Investigation File.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
Offices within the Office of the Assistant Secretary for Administration and Management at the National Office and in each of the Regional Offices in addition to all OASAM client agencies in the National Office and in the regions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
OASAM employees and National Capital Service Center client agency personnel against whom allegations of misconduct have been made.

CATEGORIES OF RECORDS IN THE SYSTEM:
Investigative report(s), sworn affidavits, written statements, time and attendance records, earnings and leave statements, applications for leave, notifications of personnel actions, travel vouchers, 171's, certificates of eligible, performance appraisals, interviews and other data gathered from involved parties and organizations which are associated with the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.

PURPOSE(S):
To investigate allegations of misconduct.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USERS:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING IN THE SYSTEM:
Records are stored in file folders in metal cabinets.

RETRIEVABILITY:
By name or case file number.

SAFEGUARDS:
Files are maintained in locked file cabinets with access only to those with a need to know the information to perform their duties.

RETENTION AND DISPOSAL:
Records are retained for four years following the date either: (a) they are referred to the OIG; (b) they are transferred to OPM/GOVT-3 Records of Adverse Actions and Actions Based on Unacceptable Performance; or (c) it is determined that the allegation was without sufficient merit to warrant further action, after which they are destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:
Director, Office of Personnel Management Services, 200 Constitution Avenue, NW, Washington, DC 20210, and appropriate Regional Personnel Officers.

NOTIFICATION PROCEDURE:
Inquiries should be mailed or presented to the system manager noted at the address listed above.

RECORDS ACCESS PROCEDURES:
A request for access shall be addressed to the system manager at the address listed above. Individuals must furnish the following information for their records to be located and identified: Name; approximate date of the investigation; and individuals requesting access must also comply with the Privacy Act regulations regarding verification of identity to records at 29 CFR 70a.4.

CONTESTING RECORD PROCEDURES:
A petition for amendment shall be addressed to the System Manager and must meet the requirements of 29 CFR 70a.7.

RECORD SOURCE CATEGORIES:
Hotline complaints through the Office of the Inspector General’s hotline or through the General Accounting Office; incident reports submitted by employees or members of the general public; statements by subject and fellow employees; and other investigative reports.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/OASAM-30

SYSTEM NAME:
Injury Compensation System (ICS).

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
A. Offices in Washington, DC:
(1) Office of Safety and Health, OASAM;
(2) OASAM, National Capital Service Center;
(3) Office of the Solicitor;
(4) Bureau of Labor Statistics;
(5) Employment Standards Administration;
(6) Employment and Training Administration;
(7) Occupational Safety and Health Administration;
(8) Mine Safety and Health Administration;
(9) Office of the Inspector General; and
B. OASAM Regional Personnel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Current/former employees of the Department of Labor and current/former employees and National Capital Service Center client agencies.

PURPOSE(S):
To provide data to the Office of the Inspector General and the Department of Labor for the purposes of investigations and information processing in connection with the system.

RETENTION AND DISPOSAL:
Records are retained for four years following the date either: (a) they are referred to the OIG; (b) they are transferred to OPM/GOVT-3 Records of Adverse Actions and Actions Based on Unacceptable Performance; or (c) it is determined that the allegation was without sufficient merit to warrant further action, after which they are destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:
Director, Office of Personnel Management Services, 200 Constitution Avenue, NW, Washington, DC 20210, and appropriate Regional Personnel Officers.

NOTIFICATION PROCEDURE:
Inquiries should be mailed or presented to the system manager noted at the address listed above.

RECORDS ACCESS PROCEDURES:
A request for access shall be addressed to the system manager at the address listed above. Individuals must furnish the following information for their records to be located and identified: Name; approximate date of the investigation; and individuals requesting access must also comply with the Privacy Act regulations regarding verification of identity to records at 29 CFR 70a.4.

CONTESTING RECORD PROCEDURES:
A petition for amendment shall be addressed to the System Manager and must meet the requirements of 29 CFR 70a.7.

RECORD SOURCE CATEGORIES:
Hotline complaints through the Office of the Inspector General’s hotline or through the General Accounting Office; incident reports submitted by employees or members of the general public; statements by subject and fellow employees; and other investigative reports.
Job Corps Center enrollees who file, or who have filed on their behalf, workers' compensation claims for traumatic injury, occupational disease, recurrence of disability, and death.

CATEGORIES OF RECORDS IN THE SYSTEM:
This system contains information relating to a DOL employee's/Job Corps Center enrollee's claim for compensation filed under the Act for Federal Employees, and related regulations in Title 20 CFR part 10; The Occupational Safety and Health Act of 1970 (Pub. L. 91–596); Executive Order 12196; Occupational Safety and Health Programs for Federal Employees, and 29 CFR part 1960.

PURPOSE:
The records are used as a reference, by agency officials, to track and monitor DOL employees and/or Job Corps Center enrollees who receive continuation of pay and/or FECA compensation benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:

STORAGE:
Records are maintained in manual and automated files.

RETRIEVABILITY:
Manual files are indexed by agency/region. Automated files are retrieved by agency/region code, case number, claimant's name, fiscal year.

SAFE guard:
Manual files are maintained in locked file cabinets under supervision of Office of Safety and Health personnel. Confidential passwords are required for access to automated records.

RETENTION AND DISPOSAL:
Records are maintained in the ICS system for 5 years.

SYSTEM MANAGER(S) AND ADDRESS:
Director, Office of Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-1301, Washington, DC 20210.

NOTIFICATION PROCEDURE:
Requests, including name, date of injury, agency name, and case file number, if known, should be addressed to the system manager listed above, at the office where the record is located.

RECORD ACCESS PROCEDURES:
Individuals wishing to gain access to records covered by the Privacy Act shall follow the guidelines prescribed by 29 CFR part 70a, and contact the system manager indicated above.

CONTESTING RECORD PROCEDURES:
Not applicable.

RECORD SOURCE CATEGORIES:
Records in this system contain information extracted from OWCP/payroll data files/tapes.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/OAA-1
SYSTEM NAME:
Administrative Appeals File-DOL OAA-1
SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
Office of Administrative Appeals, U.S. Department of Labor, Room S-4309, 200 Constitution Ave., NW, Washington, DC 20210

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Parties in cases which are before the Secretary, Deputy Secretary or other deciding officials of the Department and for which OAA is assigned responsibility.

CATEGORIES OF RECORDS IN THE SYSTEM:
Information assembled in case files pertaining to proceedings relating to administrative adjudications of orders and decisions issued by Departmental officials and Administrative Law Judges.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
Maintained for use in adjudication of cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
The primary uses of the records are for the adjudication of cases by the Secretary, Deputy Secretary or other deciding officials. Disclosures outside the Department of Labor may be made to District Courts or Courts of Appeals, parties and others and are related to litigation.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, REMAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
- Maintained in manual form in file folders and containers, and in a computer system.

RETRIEVABILITY:
- Indexed by name of claimant, respondent, and docket number.

SAFEGUARDS:
- Maintained with safeguards meeting the requirements of 29 CFR part 70a.

RETENTION AND DISPOSAL:
- Case records are returned to Office of Administrative Law Judges after completion of OAA function. A file containing copies of decisions, orders and OAA correspondence related to the case is retained in the office files. OAA retains case record of cases not arising from ALJ decisions.

SYSTEM MANAGER AND ADDRESS:
- Director, Office of Administrative Appeals, Room S–4309, 200 Constitution Avenue, NW, Washington, DC 20210

NOTIFICATION PROCEDURE:
- Inquiries regarding records should be in the form of a written, signed request to the above address.

RECORD ACCESS PROCEDURES:
- As in notification procedure.

CONTESTING RECORD PROCEDURES:
- As in notification procedure.

RECORD SOURCE CATEGORIES:
- Records include information submitted by claimants, respondents, other parties in the case, Administrative Law Judges, government representatives and the deciding official.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
- None.

DOL/OALJ-1

SYSTEM NAME:
- Administrative Law Management System.

SECURITY CLASSIFICATION:
- Unclassified.

SYSTEM LOCATION:

CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:
- Claimants under statutory and Executive Order Jurisdiction assigned to the OALJ.

CATEGORY OF RECORDS IN THE SYSTEM:
- Records that contain information and pertinent data gathered from the claimant’s case file, medical file, and transcript file, necessary to schedule hearings and make a final decision.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
- Primary use of records is for tracking each case through the disposition processes by Administrative Law Judges.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
- None.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
- None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
- Manual files and computer system.

RETRIEVABILITY:
- By name or social security number.

SAFEGUARDS:
- Routine computer precautions limiting access to authorized user codes.

RETENTION AND DISPOSAL:
- Inactive records retained in system for two years before being purged to history files where they are stored for 5 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

NOTIFICATION PROCEDURE:
- Inquiries regarding the existence of records should be in the form of a written, signed request to the above address.

RECORD ACCESS PROCEDURES:
- As in notification procedure.

CONTESTING RECORD PROCEDURES:
- As in notification procedure.

RECORD SOURCE CATEGORIES:
- Individual filing the claim for benefits and the Administrative Law Judges involved in the judicial process of the case.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
- None.

DOL/OALJ-1

SYSTEM NAME:
- Administrative Law Management System.

SECURITY CLASSIFICATION:
- Unclassified.

SYSTEM LOCATION:

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
- Primary use of records is for tracking each case through the disposition processes by Administrative Law Judges.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
- None.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
- None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
- Manual files and computer system.

RETRIEVABILITY:
- By name or social security number.

SAFEGUARDS:
- Routine computer precautions limiting access to authorized user codes.

RETENTION AND DISPOSAL:
- Inactive records retained in system for two years before being purged to history files where they are stored for 5 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

NOTIFICATION PROCEDURE:
- Inquiries regarding the existence of records should be in the form of a written, signed request to the above address.

RECORD ACCESS PROCEDURES:
- As in notification procedure.

CONTESTING RECORD PROCEDURES:
- As in notification procedure.

RECORD SOURCE CATEGORIES:
- Individual filing the claim for benefits and the Administrative Law Judges involved in the judicial process of the case.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
- None.

DOL/OALJ-1

SYSTEM NAME:
- Administrative Law Management System.

SECURITY CLASSIFICATION:
- Unclassified.

SYSTEM LOCATION:
POLICIES AND PRACTICES FOR STORING, RETRIEVAL, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Manual files and manual and computer indices.

RETRIEVABILITY:
By name of union, union officials, individuals investigated, business organizations, labor relations consultants, and other individuals and organizations deemed significant.

SAFEGUARDS:
These records are normally maintained in secured file cabinets with access strictly limited to only these employees of the agency who need such information as part of their official duties. A charge-out system is employed to restrict and monitor withdrawal of records from the files.

RETENTION AND DISPOSAL:
Records pertaining to open investigations are retained in the Regional and District offices. Closed investigations are retained in the Regional and District offices for three years after which they are retired to Federal Records Centers where they are maintained in accordance with the agency's Retention and Destruction Schedule. Records having historical value are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:
OLMS Regional Administrators and District Directors at the addresses listed in the appendix.

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the appropriate systems manager. Individuals must furnish the following information for their records to be located and identified: Name, date of birth, union or business affiliation.

RECORDS ACCESS PROCEDURE:
Individuals wishing to request access to records pertaining to them should contact the appropriate systems manager. Individuals must furnish the following information for their records to be located or identified: Name, date of birth, and union or business affiliation. Individuals requesting access must also comply with DOL's Privacy Act regulations pertaining to verification of identity set forth at 29 CFR 70a.5.

CONTESTING RECORD PROCEDURE:
To the extent the agency elects to allow petitions for amendments to such records, individuals wishing to contest information in their files may, pursuant to 29 CFR 70a.7, write to the system manager at the specified address above, reasonably identify the records pertaining to them, the information which is being contested in those records, the corrective action(s) being sought, and the reasons for the correction(s).

RECORD SOURCE CATEGORIES:
Labor unions, union members, union officials and employees, labor relations consultants, and other individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
To the extent this system of records is maintained for criminal law enforcement purposes, it is exempt pursuant to 5 U.S.C. 552a(j)(2) from all provisions of the Privacy Act except the following: 5 U.S.C. 552a(b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), and (11), and (l).

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for civil law enforcement purposes is exempt for subsections (c)(3); (d); (e)(1), (e)(4)(G), (H), and (l); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individuals, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

Exemption under 5 U.S.C. 552a(j)(2) and (k)(2) of information within this system of records is necessary to undertake the investigative and enforcement responsibilities of OLMS, to prevent individuals from frustrating the investigatory process, to prevent subjects of investigation from escaping prosecution or avoiding civil enforcement, to prevent disclosure of investigative techniques, to protect the confidentiality of witnesses and informants, and to protect the safety and well-being of witnesses, informants, and law enforcement personnel, and their families.

DOL/OW-2
SYSTEM NAME:
Lists of Airline Employees Protected Under the Relire Program.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
The Office of Labor-Management Programs (OLMP), Office of Statutory Programs (OSP), Room N-5411, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Employees of covered air carriers who are protected under the Airline Employee Protection Program. (Covered air carrier means, whenever used in this notice, an air carrier which held a certificate under Section 401 of the Federal Aviation Act of 1958, as amended, prior to October 24, 1978.)

CATEGORIES OF RECORDS IN THE SYSTEM:
Lists that contain employees, names, Social Security numbers (if available), occupational specialties and reporting covered carrier.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
The lists will assist covered air carriers in verifying job applicants, protected status.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Information may be disclosed to covered air carriers that have a duty to hire protected employees in order for those carriers to verify the protected status of job applicants. Information may also be disclosed to protected employees, labor organizations of protected employees to the extent necessary to determine and enforce the rights of protected employees under the Act.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVAL, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Magnetic tape and paper copy.

RETRIEVABILITY:
Alphabetically by covered carrier and name of employee.

SAFEGUARDS:
The records will be maintained in locked storage in OLMP/OSP accessible...
only to authorized personnel during working hours.

RELOCATION AND DISPOSAL:
Records will be retained until they can be incorporated into the records disposition schedule of OLMP/OSP.

SYSTEM MANAGER(S) AND ADDRESS:
Program Officer, Airline Employee Protection Program, Room N–5411, OLMP/OSP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager.

RECORD ACCESS PROCEDURES:
Individuals wishing to request access to the records should contact the Disclosure Officer, Airline Employee Protection Program, Room N–5411, OLMP/OSP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

CONTESTING RECORD PROCEDURES:
Individuals wishing to request amendment of the records should contact the Disclosure Officer, Airline Employee Protection Program, Room N–5411, OLMP/OSP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

RECORD SOURCE CATEGORIES:
Covered air carriers.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/OAW-3
SYSTEM NAME:
Semi-Annual Lists of Hired Employees.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
The Office of Labor-Management Programs (OLMP), Office of Statutory Programs (OSP), Room N–5411, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Employees hired by covered air carriers during each 6 month period who are protected under the Airline Employee Protection Program. Covered air carrier means, whenever used in this notice, an air carrier which held a certificate under Section 401 of the Federal Aviation Act of 1958, as amended, prior to October 24, 1978.

CATEGORIES OF RECORDS IN THE SYSTEM:
Lists of protected employees, names, social security numbers (if available), occupational specialties, dates or hire for each position filled, and reporting covered air carrier.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
These lists will assist covered carriers in verifying job applicants' protected status.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
Opinion letters may be sent to other parties of each application in order to gather complete information for the opinion. Information also may be disclosed to airline employees, labor organizations of protected employees, authorized representatives of airline employees, and covered air carriers to the extent necessary to determine and enforce the rights of protected employees under the Act.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
Storage:
Magnetic disks and manual files.

RETRIEVABILITY:
Name of employee and case control number, if any.

SAFEGUARDS:
The records will be maintained in locked storage in USES/DSP accessible only to authorized personnel during working hours.

RETENTION AND DISPOSAL:
Records will be retained until they can be incorporated into the records disposition schedule of OLMS/OSP.

SYSTEM MANAGER(S) AND ADDRESS:
Programs Officer, Airline Employee Protection Program, Room N–5411, OLMP/OSP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager.

RECORD ACCESS PROCEDURES:
Individuals wishing to request access to the records should contact the Disclosure Officer, Airline Employee Protection Program, Room N–5411, OLMP/OSP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

CONTESTING RECORD PROCEDURES:
Individuals wishing to request amendment of the records should contact the Disclosure Officer, Airline Employee Protection Program, Room N–5411, OLMP/OSP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

RECORD SOURCE CATEGORIES:
Covered air carriers, protected employees, authorized representatives of protected employees and labor organizations of protected employees.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/OAW-4
SYSTEM NAME:
Rehire Program Appellant and Inquiry Files.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
The Office of Labor-Management Programs (OLMP), Office of Statutory Programs (OSP), Room N–5411, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Airline employees who request the Secretary of Labor to determine whether they are protected employees under section 43(d) of the Airline Deregulation Act of 1978, as amended, and may be entitled to benefits under the Rehire Program. Other airline employees and interested parties seeking interpretations under the Rehire Program.

CATEGORIES OF RECORDS IN THE SYSTEM:
Letters of appeal and inquiry and relevant documents from appellants and other parties, such as employing carrier, and agency reports and opinions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
The list will assist covered air carriers in verifying job applicants, protected status.
Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

Information may be disclosed to covered air carriers that have a duty to hire protected employees to permit those carriers to verify the protected status of job applicants. Information may also be disclosed to protected employees, labor organizations of protected employees, and authorized representatives of protected employees, to the extent necessary to determine and enforce the rights of protected employees under the Act.

Disclosure to Consumer Reporting Agencies:

None.

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:

Storage:
The lists of protected employees will be stored on paper printout in OLMP/OSP. All other records will be kept in manual files.

Retrievability:
All records will be accessed by covered carrier, occupational specialty and name of employee.

Safeguards:
The records will be maintained in locked storage in OLMP/OSP, accessible only by authorized personnel during normal business hours.

Retention and Disposal:
Records will be retained until they can be incorporated into the records disposition schedule of OLMP/OSP.

System Manager(s) and Address:
Program Officer, Airline Employee Protection Program, Room N–5411, OLMS/OSP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Notification Procedure:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager.

Record Access Procedures:
Individuals wishing to request access to the records should contact the Disclosure Officer, Airline Employee Protection Program, Room N–5411, OLMS/OSP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Contesting Record Procedures:
Individuals wishing to request amendment of the records should contact the Disclosure Officer, Airline Employee Protection Program, Room N–5411, OLMS/OSP, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Purpose(s):

Records are used for verification and payment of health, welfare, and pension benefits and payment of benefits through the U.S. Treasury.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

Information can be shared with the following agencies: California Employment Development Department; all participating and nonparticipating Health & Welfare Trusts, Administrators, and Pension Insurance Carriers; and other interested parties (e.g., hospitals and medical providers) in order for those agencies to verify eligibility of claimants and payment of health, welfare, and pension benefits.

Disclosure to Consumer Reporting Agencies:

None.

Policies, Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System:

Storage:
Records are maintained in manual files.

Retrievability:
Records are accessed alphabetically by claimant’s name.

Safeguards:
Records are only accessible during normal business hours and maintained in a locked room at all other times.

Retention and Disposal:
Records are closed when claimant retires or accepts severance pay or exhausts period of protection and receives pension entitlement. Records are transferred to the Federal Archives and Record Center when one year old and destroyed when five years old.

System Manager(s) and Address:
Program Officer, Redwood Employee Protection Program, Room N–5411, OLMP/OSP, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Notification Procedure:
Individuals who apply for benefits under the Redwood Employee Protection Program may contact the system manager regarding the existence of records about them. An individual must furnish his/her full name to access these records and may volunteer his/her social security number to facilitate the identification and location of his/her file.

Record Access Procedures:
Individuals who apply for benefits under the Redwood Employee Protection Program health and welfare program may contact the system manager to request access to records about them. An individual must furnish his/her full name to access these records and may volunteer his/her social security number to facilitate the identification and location of his/her file.
CONTESTING RECORD PROCEDURES:
Individuals who wish to amend their records to correct factual errors should contact the system manager. An individual must furnish his/her full name for the records to be located and identified.

RECORD SOURCE CATEGORIES:
The information in this system is obtained from the following sources:
(a) The individual to whom the information pertains;
(b) California Employment Development Department;
(c) NUMAS, Inc., claims processing contractor;
(d) Providers of medical service; and/or
(e) Claimants, former employers and trust administrators.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/ASP-1
SYSTEM NAME:
National Agricultural Workers Survey (NAWS) Research File (formerly the Seasonal Agricultural Services (SAS) Farmworkers Research File), Case Tracking Files, Name Index, USDOL/ASP.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:
The respondents in the National Agricultural Workers Survey. These will be randomly selected individuals who are engaged in crop activities. There will be approximately 2,600 individuals per year included in the file.

CATEGORIES OF RECORDS IN THE SYSTEM:
The system will contain records of the employment history of crop workers and their families. It will also contain information about the wages, working conditions and recruitment procedures experienced by crop workers. The records will contain the name, Social Security Number (SSN), and addresses of the respondents in the NAWS. All of this data will have been obtained in a personal interview with the respondents. In addition, data obtained about the work record of the respondents (as recorded in their SSN records) obtained from State Employment Security Agencies may be included for many of these individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
Within the mission of the U.S. Department of Labor. In fact, serving migrant farmworkers is one component of the Department's Secretarial Goals and Objectives Program for 1992.

PURPOSE(S):
The demographic characteristics of farmworkers have been gathered by the federal government continuously throughout the postwar period. Until 1987 they were gathered by the CPS through a supplement and then elaborated by USDA's Economic Research Service (ERS). In 1987, the responsibility to carry out this national survey was taken over by the OASP/DOL, initially to accomplish the mandate of the Immigration Reform and Control Act of 1986 to measure the supply of the farm labor during fiscal years 1990 through 1993. Along with the task of carrying out the labor supply estimate assigned to OASP came the responsibility and the associated resources of the traditional survey on farmworkers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
In the initial stages the information will be stored on interview questionnaires which will be handled by Aguirre International of San Mateo California. This company will transfer the questionnaires as quickly as possible to their San Mateo Offices where they will be kept in locked filing cabinets. The information will be entered onto computer and stored on computer tape by Aguirre and by the Assistant Secretary for Policy's office. The computer records will be kept in locked file cabinets at all times.

RETRIEVABILITY:
The names of the respondents will be retrievable since the computer files and the questionnaires will be cross-indexed.

SAFEGUARDS:
Only employees of Aguirre International or the Office of the Assistant Secretary for Policy will have access either to the hard copy or computer tapes. The records will only be accessible through use of confidential procedures and passwords.

RETENTION AND DISPOSAL:
These files will be kept secure from public access in order to protect the privacy of respondents. Names and social security numbers will be removed from the records and destroyed in October, 1995.

SYSTEM MANAGER(S) AND ADDRESS:
Assistant Secretary for Policy, DOL, 200 Constitution Avenue, NW, Washington, DC 20210, and in the office of the system co-manager, Aguirre International, 411 Borel Avenue, Suite 402, San Mateo, CA, 94402.

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the office of one of the co-system managers. Individuals must furnish the following information for their records to be located and identified:
(a) Full name.
b. Date of birth.
c. Social Security Number.
d. Place where interview occurred.
e. Signature.

RECORD ACCESS PROCEDURES:
Individual farmworkers seeking to look at their own files will be permitted access. All other individuals will be denied access. Individuals wishing to request access to their own records should contact one of the co-system managers and include in their request the identification data required in the Notification Procedure section.

CONTESTING RECORD PROCEDURES:
To seek amendment of record procedures individuals should direct their requests to one of the co-system managers and include all the personal identification information required for the Notification Procedure.

RECORD SOURCE CATEGORIES:
The information in this system will be received from respondents answers to questions about their own employment histories. In addition, employment data from UI files may be included in the file for each individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISION OF THE ACT:
None.

DOL/BRB-1
SYSTEM NAME:
Appeals Files—Benefits Review Board (BRB).
SYSTEM LOCATION:
Benefits Review Board, 800 K Street, NW, Suite 500, Washington, DC 20001–8001

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individual persons involved in appeals proceedings before the Benefits Review Board.

CATEGORIES OF RECORDS IN THE SYSTEM:
Information assembled in case files pertaining to hearings proceedings and appeals to the Benefits Review Board relating to appeals raising a substantial question of law or fact taken by any party in interest from decisions with respect to claims of employees for benefits under the Longshoremen’s and Harbor Workers’ Compensation Act as amended, and its extensions and the Federal Coal Mine Health and Safety Act, as amended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
To have a centralized and complete file of all appeals arising before the Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
The primary uses of the records are for the adjudication of issues in appeals proceeding before the Benefits Review Board. Disclosure outside the Department of Labor may be made to federal courts.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Maintained in manual form in file folders.

RETRIEVABILITY:
Indexed by Benefits Review Board docket number and claimant’s name.

SAFEGUARDS:
Maintained with safeguards meeting the requirements of applicable regulations.

RETENTION AND DISPOSAL:
Case materials returned to the Office of Workers’ Compensation Programs,

PURPOSE(S):
To capture and electronically enter time distribution data into the DOL Time Distribution and Accounting Systems. To provide BLS managers a means of monitoring staff hours and pay on assigned functions and tasks.

SYSTEM MANAGER(S) AND ADDRESS:
Clerk of the Board, Benefits Review Board, 800 K Street, NW., Suite 500, Washington, DC 20001–8001.

APPLICATIONS:

APPLICATION NAME:
Staff Utilization System.

APPLICATION SECURITY CLASSIFICATION:
Unclassified.

APPLICATION SYSTEM LOCATION:
Records stored on computer at Boeing Computer Center, Vienna, VA. Access and maintenance occur by remote terminal in Room 4120, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

APPLICATION NOTIFICATION PROCEDURE:
Mail all inquiries or present in writing to System Manager at above address. Give name, SSN, and dates of employment.

APPLICATION RECORD ACCESS PROCEDURES:
As above.

APPLICATION CONTESTING RECORD PROCEDURES:
As above.

APPLICATION RECORD SOURCE CATEGORIES:
Input from DOL bi-weekly payroll tape and time distribution forms (DL 1-129, “Project Reporting Form”).

APPLICATION SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

APPLICATION DOL/BLS-3
SYSTEM NAME:
Regional Office Staff Utilization File.

APPLICATION SECURITY CLASSIFICATION:
Unclassified.

APPLICATION SYSTEM LOCATION:
Records stored on computer at the National Institutes of Health, Bethesda,
Md. Access and maintenance is generally by remote terminal in Room 2935, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
All regular regional office BLS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:
Staff utilization and travel expenditures data: Name, SSN, pay period, hours worked and units accomplished by PAS code for functions such as personal visit, telephone collection, training, and costs for transportation and subsistence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.

PURPOSE(S):
To capture and electronically enter time distribution data into the DOL Time Distribution and Accounting Systems. To provide BLS managers a means of monitoring regional staff hours worked per unit and travel expenditures on assigned functions and tasks.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Magnetic tapes and disks.

RETRIEVABILITY:
Retrievable by data field, including name and SSN.

SAFEGUARDS:
Only authorized employees have access to tapes/disks, to the programs, and to the Regions' backup documents.

RETENTION AND DISPOSAL:
Cumulative file is retained by fiscal year. Original input documents are retained for 4 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:
Chief, Division of Field Collection Activities, Room 2935, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

NOTIFICATION PROCEDURE:
Mail all inquiries or present in writing to System Manager at above address. Give name, SSN, and dates of employment.

RECORD ACCESS PROCEDURES:
As above.

CONTESTING RECORD PROCEDURES:
As above.

RECORD SOURCE CATEGORIES:
"Staff Utilization Report" (Form SO-1) filed out each pay period by each R.O. employee (in place of the DL 1-291, "Project Reporting Form") and SF-1012 (Travel Voucher).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/BLS-4
SYSTEM NAME:
Business Research Advisory Council.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Room 2860, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Past and present members of the Business Research Advisory Council.

CATEGORIES OF RECORDS IN THE SYSTEM:
Biographical information on individuals who are or have been members or are being considered for membership in BRAC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.

PURPOSE(S):
To ensure that all appropriate records are retained and are available for official use.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCY:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:

RETRIEVABILITY:
Retrievable by name.

SAFEGUARDS:
Maintained by liaison for BRAC. Only authorized employees have access to file.

RETENTION AND DISPOSAL:
Records transferred to National Archives 5 years after member resigns from council.

SYSTEM MANAGER(S) AND ADDRESS:
Liaison, Business Research Advisory Council, Room 2860, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

NOTIFICATION PROCEDURE:
Mail all inquiries or present in writing to System Manager at above address.

RECORD ACCESS PROCEDURES:
As in notification procedure.

CONTESTING RECORD PROCEDURES:
As in notification procedure.

RECORD SOURCE CATEGORIES:
From individuals concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/BLS-5
SYSTEM NAME:
Labor Research Advisory Council.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Room 2860, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Past and present members of the LRAC and persons being considered for membership.

CATEGORIES OF RECORDS IN THE SYSTEM:
Biographical information on individuals who are or have been members or are being considered for membership.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.

PURPOSE(S):
To ensure that all appropriate personal records are retained and are available for official use.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCY:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
File cabinets and bookcases.

RETRIEVABILITY:
Retrievable by individual name.
SAFEGUARDS:
Maintained by liaison for BRAC. Only authorized employees have access.

RETENTION AND DISPOSAL:
Files are retained as long as the member is serving on the committee and disposed of 3 years after they have resigned from the committee.

SYSTEM MANAGER(S) AND ADDRESS:
Associate Commissioner, Office of Publications, Room 2860, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

NOTIFICATION PROCEDURE:
Mail all inquiries or present in writing to System Manager at above Address.

RECORD ACCESS PROCEDURES:
As in notification procedure.

CONTESTING RECORD PROCEDURES:
As in notification procedure.

RECORD SOURCE CATEGORIES:
Biographical data received from the members of LRAC, and minutes from meetings that are held twice a year.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/BLS-6
SYSTEM NAME:
Applicant Race and National Origin (ARNO) System, Form E 618.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Room 4280, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Job applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:
Applicant race and National origin data: Records which contain: Name, SSN, grade, title of position, location of position, race, occupational code, date received, RNO Code, title of announcement, number of announcement, authorization number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.

PURPOSE(S):
To comply with the data collection requirements of the Luevano V. Devine decree (November 19, 1981) for applicants. See Civil Service Action Number 79-0271.

DOL/BLS-7
SYSTEM NAME:
BLS Employee Conduct Investigation.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
Offices in the Bureau of Labor Statistics at the National Office and in each of the eight Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
BLS employee(s) against whom any allegations of misconduct, illegal acts, conflicts of interest, etc., have been made.

CATEGORIES OF RECORDS IN THE SYSTEM:
Name, organization and other information relating to the individual involved. It also contains investigative report(s) associated with the case, including interviews and other data gathered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.

PURPOSE(S):
Investigating allegations of problems, misconduct, illegal acts, and conflicts of interest.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Users—OPM; to develop statistical reports on the number and race of applicants.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Magnetic disk packs.

RETRIEVABILITY:
Retrievable by any element, including name and SSN.

SAFEGUARDS:
Only authorized employees have access.

RETENTION AND DISPOSAL:
Cumulative file is retained by fiscal year until all research is completed, then it is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:
Personnel Officer, Division of Personnel and Organization Management, Room 4280, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

NOTIFICATION PROCEDURE:
Requests should be submitted to above address.

RECORD ACCESS PROCEDURES:
As in notification procedure.

CONTESTING RECORD PROCEDURES:
As in notification procedure.

RECORD SOURCE CATEGORIES:
Input from Form E 618, Applicant Race and National Origin Questionnaire.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/BLS-8
SYSTEM NAME:
BLS Employee Adverse Actions.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
Offices in the Bureau of Labor Statistics at the National Office and in each of the eight Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
BLS employee(s) against whom any allegations of misconduct, illegal acts, conflicts of interest, etc., have been made.

CATEGORIES OF RECORDS IN THE SYSTEM:
Name, organization and other information relating to the individual involved. It also contains investigative report(s) associated with the case, including interviews and other data gathered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.

PURPOSE(S):
Investigating allegations of problems, misconduct, illegal acts, and conflicts of interest.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Users—OPM; to develop statistical reports on the number and race of applicants.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
The records are stored in file folders in metal cabinets.

RETRIEVABILITY:
By name or case file number.

SAFEGUARDS:
The files are maintained in locked file cabinets with access only to those with a need to know the information to perform their duties.

RETENTION AND DISPOSAL:
Records are retained for four years following the date either: (a) They are referred to the OIG; (b) they are transferred to OPM/GOVT-3 Records of Adverse Actions and Actions Based on Unacceptable Performance; or (c) it is determined that the allegation was without sufficient merit to warrant further action, after which they are destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:
Division of Personnel and Organization Management, Room 4280, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212, and appropriate Regional Offices.

NOTIFICATION PROCEDURE:
Inquiries should be mailed or presented to the system manager noted at the address listed above.

RECORD ACCESS PROCEDURES:
As noted in notification procedure.
CONTESTING RECORD PROCEDURES:

As noted in notification procedure.

RECORD SOURCE CATEGORIES:

Hotline complaints through the Office of the Inspector General's hotline; hotline complaints through the General Accounting Office's hotline system; incident reports submitted by employees; interview reports and investigative reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (i); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the information to the Government under

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2645, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

BLS employees, BLS contractors, visitors for longer than 30 days, and private, federal or state workers who can pool with a BLS employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Several groups of records exist. Records containing tuition information, which include name of the individual, office name, name of class, cost, and number of hours. Parking permit records include names of drivers and riders, home and work addresses, home zip codes, tag number(s), make of car(s), and permit number. Employee separation records include employee's name, home address, date of separation and ID card number. Contractor ID card records include name, company name, name of COTR, ID card number, date issued and date expired. Parking pass records include name of individuals authorized to sign passes, cost centers, room number, and the name of the building where the individual is authorized to sign passes. Cardkey security records include name, social security number, cost center, organization acronym, supervisor's name, phone number and access levels.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To record and track routine administrative date, to maintain security and to plan expenditures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The paper records are stored in file folders in metal cabinets. Machine-readable versions of the records are kept in a microcomputer database.

RETRIEVABILITY:

Filed and retrieved by course title or other identifying codes such as course number. Also, filed and retrieved by the name of employee attending course.

SAFEGUARDS:

The files are maintained in locked file cabinets with access only to those with a need to know the information to perform their duties. Machine readable data will be limited to those with a need to know basis.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Division of Systems Design, Room 5110, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

NOTIFICATION PROCEDURE:

Inquiries should be mailed or presented to the system manager noted at the address noted above.

RECORD ACCESS PROCEDURES:

As noted in notification procedure.

CONTESTING RECORD PROCEDURES:

As noted in notification procedure.

RECORD SOURCE CATEGORIES:

Application for Training forms such as DL-101 or other application forms BLS may designate. Certificates of course completion.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/BLS-8

SYSTEM NAME:

BLS Employee ADP Training History.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:


CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

BLS employees who take training under BLS's ADP training contract.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, employee organization, course taken, course start date, course end date, total hours for course, indication whether or not the course was completed, and cost of the course for this student to the student's organization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The records are maintained to enable BLS to allocate costs of training to appropriate organization within BLS and to enable employees' managers and employees to determine what courses employees have taken.

RECORD ACCESS PROCEDURES:

As noted in notification procedure.

CONTESTING RECORD PROCEDURES:

As noted in notification procedure.

RECORD SOURCE CATEGORIES:

Application for Training forms such as DL-101 or other application forms BLS may designate. Certificates of course completion.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/BLS-9

SYSTEM NAME:

Routine Administrative Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2645, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

BLS employees, BLS contractors, visitors for longer than 30 days, and private, federal or state workers who can pool with a BLS employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Several groups of records exist. Records containing tuition information, which include name of the individual, office name, name of class, cost, and number of hours. Parking permit records include names of drivers and riders, home and work addresses, home zip codes, tag number(s), make of car(s), and permit number. Employee separation records include employee's name, home address, date of separation and ID card number. Contractor ID card records include name, company name, name of COTR, ID card number, date issued and date expired. Parking pass records include name of individuals authorized to sign passes, cost centers, room number, and the name of the building where the individual is authorized to sign passes. Cardkey security records include name, social security number, cost center, organization acronym, supervisor's name, phone number and access levels.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To record and track routine administrative date, to maintain security and to plan expenditures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on file server with tape backup.

RETRIEVABILITY:

By individual's name.
SAFEGUARDS:
Authorized personnel only. File servers are located in secured rooms. Passwords are necessary to access records.

RETENTION AND DISPOSAL:
All records are temporary, usually one to four years, and disposal is based on BLS records disposition schedule N1257—88—1.

SYSTEM MANAGER(S) AND ADDRESS:
Chief, Division of Administrative Services, Room 2645, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

NOTIFICATION PROCEDURE:
Mail all inquiries or present in writing to System Manager at above address.

RECORD ACCESS PROCEDURES:
As in notification procedure.

CONTESTING RECORD PROCEDURES:
As in notification procedure.

RECORD SOURCE CATEGORIES:

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/BLS—10

SYSTEM NAME:
Commissioner’s Correspondence Control System.

SECURITY CLASSIFICATION:
Unclassified

SYSTEM LOCATION:
Room 4040, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals from whom correspondence is received in the Commissioner's Office of the Bureau of Labor Statistics.

CATEGORIES OF RECORDS IN THE SYSTEM:
Information about correspondence and the originators including the name of the sender, the subject of the correspondence, the name of the individual and office instructed to prepare a response, a control number, dates, and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.

PURPOSE(S):
To record the receipt of correspondence, to monitor the handling of correspondence, and to facilitate a timely response to correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVAL, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Electronic file server with backup tapes.

RETRIEVABILITY:
Name, control number, office assigned response, dates.

SAFEGUARDS:
Access by authorized personnel only. Passwords are used.

RETENTION AND DISPOSAL:
Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:
Chief, Division of Management Systems, Room 3255, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

NOTIFICATION PROCEDURE:
Inquiries should be mailed or presented to the system manager noted at the address listed above.

RECORD ACCESS PROCEDURES:
As noted in notification procedure.

CONTESTING RECORD PROCEDURES:
As noted in notification procedure.

RECORD SOURCE CATEGORIES:
Correspondence received in the Commissioner’s Office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/BLS—11

SYSTEM NAME:
NIH and Boeing User ID Database.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Electronic records stored on computer at Boeing Computer Center, Vienna, VA and the National Institutes of Health, Bethesda, MD. Access and maintenance occur by remote terminal in Room G415, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212. Paper copy kept at above address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
BLS employees, BLS contractors, state agencies employees.

CATEGORIES OF RECORDS IN THE SYSTEM:
Records include name, ID to access system, office address and phone number and account number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.

PURPOSE(S):
To assign and maintain ID numbers to use NIH and Boeing mainframe computers, to locate mainframe users and to run an accounting program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVAL, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Online in mainframe computer and paper copies.

RETRIEVABILITY:
By any of the fields listed under Categories of records in the system.

SAFEGUARDS:
Access by authorized personnel only. Passwords are necessary for electronic retrieval. Paper files maintained in locked office.

RETENTION AND DISPOSAL:
Reviewed at the beginning of each fiscal year to delete inactive IDs from the previous year.

SYSTEM MANAGER(S) AND ADDRESS:
Chief, Division of Automatic Data Processing Support, Room G415, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

NOTIFICATION PROCEDURE:
Mail all inquiries or present in writing to System Manager at above address.

RECORD ACCESS PROCEDURES:
As in notification process.

CONTESTING RECORD PROCEDURES:
As in notification process.

RECORD SOURCE CATEGORIES:
From individuals concerned.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/BLS-12
SYSTEM NAME:
Employee Acknowledgement Letter Control System.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Room 3255, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
BLS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:
Records include name, office address, telephone number, supervisor’s name, last day of individual’s first pay period, region, cost center, date acknowledgement was signed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
29 CFR 0.735-8 and 0.735-11(b).

PURPOSE(S):
Used by BLS to monitor whether employees have signed the acknowledgement letter regarding the safeguarding of confidential information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
None, except for those routine uses listed above.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Electronic file server with backup tapes. Paper files of the signed letters are also maintained.

RETRIEVABILITY:
Name, date signed, Social Security Number, regional office.

SAFEGUARDS:
Access by authorized personnel only. Passwords are used for electronic system. Paper files are kept in an office which is locked after working hours.

RETENTION AND DISPOSAL:
Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:
Chief, Division of Management Systems, Room 3255, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

NOTIFICATION PROCEDURE:
Inquiries should be mailed or presented to the system manager noted at the address noted above.

RECORD ACCESS PROCEDURES:
As noted in notification procedure.

CONTESTING RECORD PROCEDURES:
As noted in notification procedure.

RECORD SOURCE CATEGORIES:
Signed employee acknowledgement letters are submitted by employees. Lists of new employees required to sign the letter are prepared by the Division of Personnel and Organization Management.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/BLS-13
SYSTEM NAME:
National Longitudinal Survey of Youth (NLSY) Database.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
NORC, 1155 E. 60th Street, Chicago, IL 60637.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
A random sample of the general population who were ages 14–21 on January 1, 1979, with over representation of blacks, Hispanics, poor whites, and persons serving in the military.

CATEGORIES OF RECORDS IN THE SYSTEM:
Records include name, Social Security Number, control number, marital history, education, military service, job history, unemployment history, training history, fertility/family planning and child health history, alcohol use, drug use, reported police contacts, assets and income, childhood residence, child development outcomes, history of mother/child relationship, time spent on childcare and household chores and immigration history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
To serve a variety of policy-related research interests concerning the labor market problems of youth. Data is used for studies such as: Diffusion of useful information on labor, examination of Department of Labor employment and training, understanding labor markets, guiding military manpower and measuring the effect of military, analysis of social indicators and measuring maternal and child inputs and outcomes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
The National Opinion Research Corporation (NORC) and Ohio State University use the records to compile data tapes for use by individuals of the general public and other federal agencies who are conducting labor force research. All data which is of sufficient specificity that individuals could theoretically be identified through some set of unique characteristics is deleted or masked before release.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Files are stored electronically and on paper.

RETRIEVABILITY:
Name or Control Number.

SAFEGUARDS:
Access by authorized personnel only. Passwords are used for electronically stored data and locked file cabinets for paper files.

RETENTION AND DISPOSAL:
Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:
COTR, NLS Youth Cohort Study, Office of Research and Evaluation, Room 4915, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

NOTIFICATION PROCEDURE:
Mail all inquiries or present in writing to System Manager at above address.

RECORD ACCESS PROCEDURES:
As in notification procedure.

CONTESTING RECORD PROCEDURES:
As in notification procedure.

RECORD SOURCE CATEGORIES:
From individuals concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.
DOL/BLS-14

SYSTEM NAME:
Collection Procedures Research Lab Project Files.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
BLS employees, BLS contractors, volunteer sampling of general population.

CATEGORIES OF RECORDS IN THE SYSTEM:
Records include name, name of project and biographic information on individuals who volunteer for studies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
Biographic data is used by BLS to select subjects for studies. Test results and observations are used by BLS to better understand the psychological process of respondents as it reflects on the accuracy of answers given to BLS during data collection.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Paper files and some electronic files stored on floppy disks.

RETRIEVABILITY:
Name and project.

SAFEGUARDS:
Authorized personnel only. Files are kept in locked offices.

RETENTION AND DISPOSAL:
One to five years.

SYSTEM MANAGER(S) AND ADDRESS:
Director, CPRU, Office of Research and Evaluation, Room 4915, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

NOTIFICATION PROCEDURE:
Mail all inquiries or present in writing to System Manager at above address.

RECORD ACCESS PROCEDURES:
As in notification procedure.

CONTESTING RECORD PROCEDURES:
As in notification procedure.

RECORD SOURCE CATEGORIES:
Volunteer information sheet, consent form and individuals concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

Note—Medical records contained in this system will be disclosed solely in compliance with 29 CFR 70a.6(d).

DOL/BLS-15

SYSTEM NAME:
Management Research Files.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
Records stored on mainframe computer at Boeing Computer Center, Vienna, VA, and on a file server in Room 3105, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212. Mainframe and file server data access and maintenance from remote terminals on the BLS Local Area Network located at Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Regular full- and part-time and intermittent employees of DOL and its agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:
Name, social security number and employee number, job title, grade, step, and salary, organization (code), retirement or social security number and employee number, job title, salary, organization (code), employee account number, leave status and data of all types (including annual, compensatory, jury duty, maternity, military, retirement, disability, sick, transferred, and without pay,) time and attendance records, including flexitime log sheets indicating number of regular, overtime, holiday, Sunday, and other hours worked, pay period number and ending date, cost of living allowances, co-owner and/or beneficiary of bonds, marital status, number of dependents, mailing address and "Notification of Personnel Action."

The individual records listed herein are included only as pertinent or applicable to the individual employee. Records of training received by individual employees for cost and no cost training. Internal reports submitted to prepare the Departmental budget and employment reports. These reports include information such as job title, grade, location, name and social security number. Employee name, employee organization, course taken, course start date, course end date, total hours for course, indication whether or not the course was completed, and cost of the course for this student to the student's organization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
Development of new, experimental measures of labor input cost, quality, and quantity that track changes over time and permit comparisons between organizational units within the Department; development of behavioral models explaining the determinants of employment events, such as hiring, separation, promotion, and participation in benefit programs; development of experimental measures of the distribution of the characteristics of the labor force, including sociodemographic indicators, experience, and components of monetary and nonmonetary compensation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Stored on magnetic disk packs on mainframe with tape backup, and on file server with tape backup.

RETRIEVABILITY:
By individual's name, social security number, PASC code, budget position number, grade, course title, and other identifying codes, such as course number.
SAFEGUARDS:
Authorized personnel only. File servers are located in secured rooms. Passwords are necessary to access records.

RETENTION AND DISPOSAL:
All records are temporary, usually one to four years, and disposal is based on BLS records disposition schedule N1257-88-1.

SYSTEM MANAGER(S) AND ADDRESS:
Chief, Division of Price and Index Number Research, Room 3150, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

NOTIFICATION PROCEDURE:
Mail all inquiries or present in writing to System Manager at above address.

RECORD ACCESS PROCEDURES:
As in notification procedure.

CONTESTING RECORD PROCEDURES:
As in notification procedure.

RECORD SOURCE CATEGORIES:
Employees, supervisors, timekeepers, official personnel records, the IRS, consumer credit reports, personal financial statements, correspondence with the debtor, records relating to hearings on the debt, and from other DOL systems of records; training requests and follow-up evaluations of training received.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/BLS-16
SYSTEM NAME:
Annual Survey of Occupational Injuries and Illnesses.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
Bureau of Labor Statistics national computer center, BLS regional offices, and offices of State agencies participating in the Bureau's occupational safety and health statistics program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Private and public sector employees who experience a job related injury or illness.

CATEGORIES OF RECORDS IN THE SYSTEM:
Employee name, employee social security number, employer name, employer industry, employee demographics (age, sex, race, occupation, length of service with employer), injury/illness circumstances (nature of injury/illness, part of body affected, primary and secondary sources of the injury/illness, and the event or exposure).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
The records are maintained as part of a program of occupational safety and health statistics. They are used in statistical analyses to develop information regarding the causes and prevention of occupational accidents and illnesses; allocating government and private resources for prevention of work place injuries and illnesses; development of strategies for preventing job related injuries and illnesses; and evaluating the effectiveness of occupational safety and health programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
The paper records are stored in file folders in metal file cabinets until completion of all survey processing (18 months). They are then destroyed. Machine readable versions of the records are kept in a mainframe computer database.

RETRIEVABILITY:
Filed by employer identification number, employee name, and employee social security number.

SAFEGUARDS:
Records are maintained in a secured area or automated media with access limited to personnel authorized by BLS whose duties require access.

SYSTEM MANAGER(S) AND ADDRESS:
Assistant Commissioner; Bureau of Labor Statistics; Office of Safety, Health and Working Conditions; Room 4130, Postal Square Building, 2 Massachusetts Ave. NE, Washington, DC 20212.

NOTIFICATION PROCEDURE:
Inquiries should be mailed or presented to the system manager at the address noted above.

RECORD ACCESS PROCEDURES:
As noted in notification procedure.

CONTESTING RECORD PROCEDURES:
As noted in notification procedure.

RECORD SOURCE CATEGORIES:
Data collection forms designated by BLS for the Annual Survey of Occupational Injuries and Illnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/ECAB-01
SYSTEM NAME:
Employees' Compensation Appeals Board Docket Records

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
U.S. Department of Labor, Employees' Compensation Appeals Board, 300 7th Street SW, Suite 300, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Former or current Federal employees appealing final decisions of the Office of Workers' Compensation Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:
Documents pertaining to appeals of final decisions rendered by the Office of Workers' Compensation Programs arising under the Federal Employees Compensation Act, including incoming and outgoing correspondence, a summary of processing transactions, pleadings, motions, orders, and final disposition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 8101 et seq.

PURPOSE(S):
To maintain formal records of appeals and track appeals through processing and disposition operations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Disclosure to officers and employees of the Department of Labor having need for access to the record in the performance of their duties.

1. Reply to correspondence pertaining to pending appeals and their disposition.
2. Adjudicate and determine issues raised on appeal.
3. Disclosure outside the Department of Labor may be made to the Department of Justice when related to litigation or anticipated litigation; information indicating a violation or potential...
violation of a statute, regulation, rule, order or license, may be made to appropriate Federal, State or local agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Maintained in manual hard copy form in file folders; summary data maintained in computer based case tracking system.

RETRIEVABILITY:
Indexed by ECAB Docket case number, can be cross-referenced to individual’s name.

SAFEGUARDS:
Manual Docket records are maintained in a separate file room with access restricted to ECAB employees. Manual records may be reviewed only by Federal employees with a work related need for access and to the appellant or an authorized representative upon presentation of appropriate identification. Standard computer operating procedures restrict access of computer data to authorized users with proper password.

RETENTION AND DISPOSAL:
Manual Docket records are retired to the National Records Center after three years; they are destroyed after 20 years. Historical computer records are stored on diskette in a locked cabinet.

SYSTEM MANAGER AND ADDRESS:
Clerk of the Board, Employees' Compensation Appeals Board, 300 7th Street SW, Suite 300, Washington, DC 20210

NOTIFICATION PROCEDURE:
Inquiries regarding records should be in the form of a written, signed request to the System Manager at the above address and should specify the ECAB Docket number.

RECORD ACCESS PROCEDURES:
Information or assistance regarding access to ECAB Docket records may be obtained by contacting the Clerk of the Board, Employees’ Compensation Appeals Board, 300 7th Street SW, Suite 300, Washington, DC 20210 or by telephoning (202) 401-8781.

CONTESTING RECORD PROCEDURES:
Individuals who wish to contest their records should notify the System Manager in writing.

RECORD SOURCE CATEGORIES:
Records in this system contain information supplied by the appellant and Government officials involved in the appeals proceedings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
Not applicable.

DOL/ECAB-02
SYSTEM NAME:
Employees’ Compensation Appeals Board Disposition Records.

SECURITY CLASSIFICATION:
None

SYSTEM LOCATION:
U.S. Department of Labor, Employees’ Compensation Appeals Board, 300 7th Street SW, Suite 300, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Former or current Federal employees who appealed final decisions of the Office of Workers’ Compensation Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:
Final decisions and/or orders determining appeals of benefits claims under the Federal Employees’ Compensation Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 8101 et seq.

PURPOSE(S):
To maintain formal records of appeal dispositions determined by the Employees’ Compensation Appeals Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Board final decisions and/or orders are public documents and are accessible to any interested persons. Precedent setting decisions are published in an annual Volume, available for sale from the Government Printing Office, and deposited in over 500 Federal Depository Libraries throughout the country. They are used by law schools, law libraries, the Office of Workers’ Compensation Programs, the Office of the Solicitor of Labor, attorneys and those members of the general public interested in federal workers’ compensation.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Recent decisions are maintained in hard copy form in binders in the ECAB library, older decisions are in published, bound volumes. Published volumes are also on deposit in designated Federal Depository Libraries.

RETRIEVABILITY:
Published decisions are indexed by appellant’s last name, by category of medical condition and legal issue, by ECAB Docket number and by ECAB Volume number and page. Unpublished decisions are indexed by ECAB Docket number, and can be cross-referenced to appellant’s name.

SAFEGUARDS:
Access to ECAB Library and Decision Files is by request and available during regular office hours.

RETENTION AND DISPOSAL:
Disposition records are retained indefinitely.

SYSTEM MANAGER AND ADDRESS:
Clerk of the Board, Employees’ Compensation Appeals Board, 300 7th Street SW, Suite 300, Washington, DC 20210

NOTIFICATION PROCEDURE:
Inquiries should be in the form of a written, signed request to the System Manager at the above address and should specify the ECAB Docket number, name of appellant and approximate date of disposition. Alternatively, if disposition is known to be a published decision, inquiry should specify the Volume and page number.

RECORD ACCESS PROCEDURES:
Information or assistance regarding access to ECAB Disposition Records may be obtained by contacting the Clerk of the Board, Employees’ Compensation Appeals Board, 300 7th Street SW, Suite 300, Washington, DC 20210 or by telephoning (202) 401-8781.

CONTESTING RECORD PROCEDURES:
Appellants who wish to contest their Disposition Records should notify the System Manager in writing.

RECORD SOURCE CATEGORIES:
Records in this system are composed of formal, final decisions and/or orders of the Employees’ Compensation Appeals Board.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOLES/A-2

SYSTEM NAME:
Office of Federal Contract Compliance Programs, Complaint Files.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Room C-3325, Department of Labor Building, 200 Constitution Avenue, NW, Washington, DC 20210, and OFCCP Regional and District Offices (see Appendix I to this document).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

CATEGORIES OF RECORDS IN THE SYSTEM:
Medical records, investigative reports and materials, contract coverage information, employment applications, time and attendance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
To maintain information and to provide information to other Federal agencies, Congressional staff and/or to an individual in response to a request from that agency or person regarding information gathered during the course of OFCCP’s operations.

To collect information to investigate complaints by individuals under Executive Order 11246, as amended; the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212; and section 503 of the Rehabilitation Act of 1973, as amended.

RECORD ACCESS PROCEDURES:
Some records in this system of records are exempt from amendment provisions of the Privacy Act. The section of this notice entitled “Systems Exempted from Certain Provisions of the Act” indicates the sections from which this system of records is exempt. However, the Department of Labor will consider all requests for amendments addressed to the OFCCP Regional Director where the case is located, or the system manager, in accordance with 29 CFR Subtitle A, 70a.3—70a.6 and 70a.9—70a.13. Individuals must provide the following information: Name, social security number and signature.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSITION OF RECORDS IN THE SYSTEM:
Power files/Magnetic tape/Manual files.

RETRIEVABILITY:
By name or OFCCP control number.

SAFEGUARDS:
Locked files and computer access codes.

RECORD SOURCE CATEGORIES:
Individual complainants, employers, co-workers, State rehabilitation agencies, physicians.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

STORAGE:
Power files/Magnetic tape/Manual files.

RETENTION AND DISPOSAL:
Active files retained 2–3 years from date of closure, referred to storage for additional 4 years then they are destroyed.

CONTENDING RECORD PROCEDURES:
Some records in this system of records are exempt from amendment provisions of the Privacy Act. The section of this notice entitled “Systems Exempted from Certain Provisions of the Act” indicates the sections from which this system of records is exempt. However, the Department of Labor will consider all requests for amendments addressed to the OFCCP Regional Director where the case is located, or the system manager, in accordance with 29 CFR Subtitle A, 70a.3—70a.6 and 70a.9—70a.13. Individuals must provide the following information: Name, social security number and signature.

COMPUTERIZED SYSTEMS:
None.

SYSTEM MANAGER(S) AND ADDRESS:
Director, OFCCP, Room C-3325, 200 Constitution Avenue, NW, Washington, DC 20210; Regional Directors for OFCCP, see Appendix I to this document for addresses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager or the OFCCP Regional Office servicing the State where they are employed (see list of Regional Office addresses in Appendix I to this document).

SURNAME INDEX:
None.

RECORD ACCESS PROCEDURES:
Some records in this system of records are exempt from access provisions of the Privacy Act. The section of this notice entitled “Systems Exempted from Certain Provisions of the Act” indicates the sections from which this system of records is exempt. However, the Department of Labor will consider all requests for access addressed to the OFCCP Regional Director where the case is located, or the system manager, in accordance with 29 CFR Subtitle A, 70a.3—70a.6 and 70a.9—70a.13. Individuals must provide the following information: Name, social security number and signature.

CONTESTING RECORD PROCEDURES:
Some records in this system of records are exempt from amendment provisions of the Privacy Act. The section of this notice entitled “Systems Exempted from Certain Provisions of the Act” indicates the sections from which this system of records is exempt. However, the Department of Labor will consider all requests for amendments addressed to the OFCCP Regional Director where the case is located, or the system manager, in accordance with 29 CFR Subtitle A, 70a.3—70a.6 and 70a.9—70a.13. Individuals must provide the following information: Name, social security number and signature.

RECORD SOURCE CATEGORIES:
Individual complainants, employers, co-workers, State rehabilitation agencies, physicians.

EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
This system contains complaints and investigative files compiled during the course of complaint investigations and compliance reviews. In accordance with paragraph (k)(2) of the Privacy Act, these files have been exempted from subsections (d), (c)(3), (e)(1), (e)(4)(G), (H), and (I) and (f) of the Act. The disclosure of information contained in these files may in some circumstances discourage non-management persons who have knowledge of facts and circumstances pertinent to charges from giving statements or cooperating in investigations. In addition, disclosure of medical records contained in these files may adversely affect the health of individuals without guidance of a responsible physician.

DOLES/A-5

SYSTEM NAME:
Office of Workers’ Compensation Programs, Black Lung Antidiscrimination Files.

SYSTEM CLASSIFICATION:
Unclassified

SYSTEM LOCATION:
Office of Workers’ Compensation Programs, Division of Coal Mine Workers’ Compensation, Department of Labor Building, 200 Constitution Avenue, NW, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals filing complaints against employers on account of discharge or other acts of discrimination by reason of pneumoconiosis disease.
CATEGORIES OF RECORDS IN THE SYSTEM:

- Individual correspondence,
- Investigative records, employment records, payroll records, medical reports, any other documents or reports pertaining to an individual’s work history, education, medical condition or hiring practices of the employer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:


PURPOSE:

These records are used to process complaints against employers who discharge or otherwise discriminate against individuals because of pneumoconiosis disease.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

- Disclosure of file content may be made to any party of interest to the complaint, including the coal company, the claimant, and legal representatives of each, for the purposes related to a complaint under the anti-discrimination provision of the Black Lung Act.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

- Not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

- Manual files.

RETRIEVABILITY:

Coal miner’s name and social security number.

SAFEGUARDS:

Files located in restricted area of a Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Files are destroyed 10 years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

- Director, Division of Coal Mine Workers’ Compensation, Department of Labor Building, Room C–3520, 200 Constitution Avenue, NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:

- Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the above address. Individuals must furnish their name, the coal miner’s social security number and signature.

RECORD ACCESS PROCEDURES:

- Individuals wishing to request access to their records should contact the system manager at the above address. Individuals must furnish their name, the coal miner’s social security number and signature.

CONTESTING RECORD PROCEDURES:

- Individuals wishing to request amendment of any record should contact the system manager at the above address. Individuals must furnish their name, the coal miner’s social security number and signature.

RECORD SOURCE CATEGORIES:

- Individual correspondence, investigative records, employment records, payroll records, medical reports, any other documents or reports pertaining to an individual’s work history, education, medical condition, or hiring practices of the employer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

- Not applicable.

DOL/ESA-6

SYSTEM NAME:

- Office of Workers’ Compensation, Black Lung Benefits Claim File.

SYSTEM CLASSIFICATION:

- Unclassified.

SYSTEM LOCATION:

- Office of Workers’ Compensation Programs, Division of Coal Mine Workers’ Compensation, Department of Labor Building, 200 Constitution Avenue, NW, Washington, DC 20210, and district offices (see addresses in Appendix 1 to this document).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

- Individuals filing claims for black lung (pneumoconiosis) benefits under the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, including claims filed by miners and their surviving widows, children, dependent parents and siblings.

CATEGORIES OF RECORDS IN THE SYSTEM:

- Name, date of birth, SSN, claim type, miner’s date of death, medical, and financial. The system also may contain information gathered in connection with investigations concerning possible violations of Federal law, whether civil or criminal, under the authorizing legislation and related Acts. This record also contains the work product of the Department of Labor and other governmental personnel and consultants involved in the investigations.

- Consumer credit reports of individuals within this system that are indebted to members, correspondence to and from the debtor, information of records relating to the debtor’s current whereabouts, assets, liabilities, income and expenses, debtor’s personal financial statements, and other information such as the nature, amount and history of a claim owed by an individual covered by this system, and other records and reports relating to the implementation of the Debt Collection Act of 1982 including any investigative records or administrative review matters. The individual records listed herein are included only as pertinent of applicable to the individual claimant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:


PURPOSE:

These records are used to process all aspects of claims for black lung (pneumoconiosis) benefits including overpayments under the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, including claims filed by miners and their surviving widows, children, dependent parents and siblings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

- In addition to the DOL-wide routine uses, disclosure of relevant and necessary information may be made to the following:
  a. Mine operators (and/or any party providing the operator with workers’ compensation insurance) who have been determined potentially liable for the claim at any time after report of the injury or report of the onset of occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness, for the purpose of determining liability for payment.
  b. State workers’ compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act.
  c. Doctors and medical services providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services.
  d. Legal representatives for the purpose of claimant, responsible operator and program representation on contested issues.
  e. Labor unions and other voluntary employee associations of which the claimant is a member for the purpose of exercising an interest in claims of members as part of their service to the members.
  f. Contractors providing automated data processing services to the
Department of Labor, or to any agency or entity to whom release is authorized, where the contractor is providing a service relating to the purpose for which the information can be released.

h. Debt collection agency that DOL has contracted for collection services to recover indebtedness owed to the United States.

i. Internal Revenue Service for the purpose of obtaining taxpayer mailing addresses in order to locate such taxpayer to collect, compromise, or write-off a Federal claim against the taxpayer; discharging an indebtedness owed by an individual.

j. Credit Bureaus for the purpose of receiving consumer credit reports identifying the assets, liabilities, income and expenses of a debtor to ascertain the debtor’s ability to pay a debt and to establish a payment schedule.

k. Disclosure to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, of information contained in the file may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information to OWCP personnel. Telephonic disclosure of information is essential to allow OWCP to efficiently perform its functions in adjudicating and servicing claims.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status and history of overdue debts; the name and address, taxpayer identification (SSAN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, are disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681f(f); or in accordance with section 3(d)(4)(A)(iii) of the Federal Claims Collection Act of 1966 as amended (31 U.S.C 3711(f) for the purpose of encouraging the repayment of an overdue debt.
files (see addresses in Appendix 1 to this document).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals filing claims for black lung (pneumoconiosis) benefits under the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, including miners, and their surviving widows, children, dependent parents and siblings.

CATEGORIES OF RECORDS IN THE SYSTEM:
Records included are medical and personal (name, date of birth, SSN, claim type, miner's date of death).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
These records are used as medical documentation in the processing of claims for black lung (pneumoconiosis) benefits under the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
In addition to the DOL-wide routine uses, disclosure may also be made to:

a. Mine operators (and/or any party providing the operator with workers' compensation insurance) who have been determined potentially liable for the claim at any time after report of the injury or report of the onset of occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness, for the purpose of determining liability for payment.

b. State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act.

c. Doctors and medical services providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services.

d. Other Federal agencies conducting scientific research concerning the incidence and prevention of black lung disease.

e. Legal representatives for the purpose of claimant, responsible operator and program representation on contested issues.

f. Labor unions and other voluntary employee associations of which the claimant is a member for the purpose of exercising an interest in claims of members as part of their service to the members.

g. Contractors providing automated data processing or other services to the Department of Labor, or to any agency or entity to whom release is authorized, where the contractor is providing a service relating to the purpose for which the information can be released.

h. Federal, state or local agency if necessary to obtain information relevant to a Department decision concerning the determination of initial or continuing eligibility for program benefits, whether benefits have been or are being paid improperly, including whether dual benefits prohibited under any federal or state law are being paid; and salary offset and debt collection procedures, including any action required by the Debt Collection Act of 1982.

i. Internal Revenue Service for the purpose of obtaining taxpayer mailing addresses in order to locate such taxpayer to collect, compromise, or write-off a Federal claim against the taxpayer; discharging an indebtedness owed by an individual.

j. Credit Bureaus for the purpose of receiving consumer credit reports identifying the assets, liabilities, income and expenses of a debtor to ascertain the debtor's ability to pay a debt and to establish a payment schedule.

k. Disclosure to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, of information contained in the file may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information to OWCP personnel. Telephonic disclosure of information is essential to allow OWCP to efficiently perform its functions in adjudicating and servicing claims.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
Not applicable.

POLICIES AND PRACTICES FOR STORING, RETREIVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Manual files.

RETRIEVABILITY:
Coal miner's name and social security number.

SAFEGUARDS:
Files located in restricted area of a Federal building under guard by security officers.

RETENTION AND DISPOSAL:
Files are destroyed 17 years after final adjudication or denial.

SYSTEM MANAGER(S) AND ADDRESS:
Associate Director, Division of Coal Mine Workers' Compensation, Department of Labor Building Room C-3520, 200 Constitution Ave., NW, Washington, DC 20210, and district office deputy commissioners (see addresses in Appendix 1 to this document).

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the above address or district office deputy commissioner (see addresses in Appendix 1 to this document). Individuals must furnish their name, the coal miner's social security number and signature.

RECORD ACCESS PROCEDURES:
Individuals wishing to request access to their records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish their name, coal miner's social security number and signature.

CONTESTING RECORD PROCEDURES:
Individuals wishing to request amendment of any record should contact the appropriate office listed in the Notification Procedure section. Individual must furnish their name, the coal miner's social security number and signature.

RECORD SOURCE CATEGORIES:
Individual's medical records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
Not applicable.

DOL/ESA-15

SYSTEM NAME:
Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Case Files.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Case files are located in the district offices at the following addresses:
One Congress Street, 11th Floor, Boston, Massachusetts 02114.
ESA/OWCP/Longshore Division, 201 Varick Street, P.O. Box 249, New York, New York 10014-0249.
Gateway Building, Room 13180, 3535 Market Street, P.O. Box 7336, Philadelphia, Pennsylvania 19104.
CATEGORIES OF INDIVIDUALS COVERED BY THE ACT.

Appropriate benefits as provided by the Longshore and Harbor Workers' Compensation Act and related acts to the Longshore and Harbor Workers' Compensation Act and related acts to carriers, employers and injured workers with respect to injuries reported under the Longshore and Harbor Workers' Compensation Act and related acts to ensure that eligible claimants receive appropriate benefits as provided by the Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:


PURPOSE(S):

To monitor the actions of insurance carriers, employers, and injured workers with respect to injuries reported under the Longshore and Harbor Workers' Compensation Act and related acts to ensure that eligible claimants receive appropriate benefits as provided by the Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the DOL-wide routine uses, disclosure may also be made to:

a. The employer at any time after report of the injury or report of the onset of the occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness, and/or any party providing the employer with workers' compensation insurance coverage since the employer and insurance carrier are parties-in-interest to all actions on a case.

b. Doctors and medical service providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services.

c. Public or private rehabilitation agencies to whom the injured worker has been referred for vocational rehabilitation services so that they may properly evaluate the injured worker's experience, physical limitations and future employment capabilities.

d. Federal, state and local agencies conducting similar or related investigations to verify whether prohibited dual benefits were provided, whether benefits have been or are being paid properly, including whether dual benefits prohibited by federal or state law are being paid; salary offset and debt collection procedures including those actions required by the Debt Collection Act of 1982.

e. Contractors providing automated data processing or other services to the Department of Labor, or to any agency or entity to whom release is authorized, where the contractor is providing a service relating to the purpose for which the information is released.

f. Labor unions and other voluntary associations of which the claimant is a member or to an individual acting on behalf of the individual.

g. Internal Revenue Service for the purpose of obtaining taxpayer mailing addresses in order to locate such taxpayer to collect, compromise, or write-off a Federal claim against the taxpayer; discharging an indebtedness owed by an individual.

h. Credit Bureaus for the purpose of receiving consumer credit reports identifying the assets, liabilities, income and expenses of a debtor to ascertain the debtor's ability to pay a debt and to establish a payment schedule.

Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information.

Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case files are maintained in manual files and magnetic tapes.

RETRIEVABILITY:

Case files are retrieved after identification by coded file number, which is cross-referenced to injured worker by name.

SAFEGUARDS:

Files are maintained under supervision of OWCP personnel during normal working hours. Files and magnetic tapes are maintained in locked offices after normal working hours. Confidential passwords are required for access to automated records.

RETENTION AND DISPOSAL:

Time retained varies by type of case, ranging from destroy 20 years after case is closed for lost-time disability cases to destroy 6 years and 3 months after death of last possible beneficiary.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Longshore and Harbor Workers' Compensation, Room C-4315, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210; and District Directors at the location of the district offices listed above.

NOTIFICATION PROCEDURE:

Requests, including name, date of injury, employer at time of injury, and case file number, if known, should be addressed to the system manager listed above, at the office where the case is located.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records should contact the system manager indicated above.

CONTESTING RECORD PROCEDURE:

Individuals wishing to contest the contents of a record should contact the System Manager. Generally, opinions are not subject to amendment, only facts.

RECORD SOURCE CATEGORIES:

The system obtains information from injured employees, their qualified dependents, employers, insurance carriers, physicians, medical facilities.
medical evaluations, physical rehabilitation or other services.

- Public or private rehabilitation agencies to whom the injured worker has been referred for vocational rehabilitation services so that they may properly evaluate the injured worker's experience, physical limitations and future employment capabilities.

- Federal, state and local agencies conducting similar or related investigations to verify whether prohibited dual benefits were provided, whether benefits have been or are being paid properly, including whether dual benefits prohibited by federal or state law are being paid; salary offset and debt collection procedures including those actions required by the Debt Collection Act of 1982.

- Contractors providing automated data processing or other services to the Department of Labor, or to any agency or entity to whom release is authorized, where the contractor is providing a service relating to the purpose for which the information can be released.

- Labor unions and other voluntary associations of which the claimant is a member or to an individual acting on behalf of the individual.

- Internal Revenue Service for the purpose of obtaining taxpayer mailing addresses in order to locate such taxpayer to collect, compromise, or write-off a Federal claim against the taxpayer; discharging an indebtedness owed by an individual.

- Credit Bureaus for the purpose of receiving consumer credit reports identifying the assets, liabilities, income and expenses of a debtor to ascertain the debtor’s ability to pay a debt and to establish a payment schedule.

- Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information. Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

- Not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

- STORAGE:
  - Case files are maintained in manual files and magnetic tapes.

- RETRIEVABILITY:
  - Files are retrieved after identification by injured worker's name.

SAFEGUARDS:

- Files are maintained under supervision of OWCP personnel during normal working hours. Confidential passwords are required for access to automated records. Files and magnetic tapes are in Federal office building.

RETENTION AND DISPOSAL:

- Files are destroyed 7 years after last payment is made.

SYSTEM MANAGER(S) AND ADDRESS:

- Director for Longshore and Harbor Workers' Compensation, Room C-4315, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:

- Requests, including name and case number, if known, should be addressed to system Manager.

RECORD ACCESS PROCEDURES:

- Individuals wishing to request access to records should contact the system manager indicated above.

CONTESTING RECORD PROCEDURE:

- Individuals wishing to contest the contents of a record should contact the System Manager. Generally, opinions are not subject to amendment, only facts. Same as above.

RECORD SOURCE CATEGORIES:

- The system obtains information from injured employees, their qualified dependents, employers, insurance carriers, physicians, medical facilities, educational institutions, attorneys, and State, Federal, and private vocational rehabilitation agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

- Not applicable.

DOL/ESA—25

SYSTEM NAME:

- Office of Federal Contract Compliance Programs, Management Information System (OFCCP/MIS), which includes the Compliance Review Information System (CRIS) and the Complaint Administration System (CAS).

SECURITY CLASSIFICATION:

- Unclassified.

SYSTEM LOCATION:

- Room C-3325, Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210; Computer Science Corporation, 11700 Montgomery Road, Beltsville, MD 20705; OFCCP Regional Offices, see Appendix 1 to this document for addresses.
systems are restricted to authorized personnel have access to files. Computer working hours, and only authorized establishment name and number.

**RETRIEVABILITY:**
By the name, of the complainant, OFCCP control number, contractor establishment name and number.

**SAFEGUARDS:**
Files are locked except during working hours, and only authorized personnel have access to files. Computer systems are restricted to authorized operators and each subsystem has multiple layers of password protection depending upon sensitivity of data.

**RETENTION AND DISPOSAL:**
Inactive records retained in system for two years from last date of action on record before being purged to history files where they are stored for three years. Transfer to NARA and scratch five years after transfer.

**SYSTEM MANAGER(S) AND ADDRESS:**
Director, OFCCP, Room C-3325, 200 Constitution Avenue, NW, Washington, DC 20210; Regional Directors for OFCCP, see Appendix 1 to this document for addresses.

**RECORDS ACCESS PROCEDURES:**
Some records in this system of records are exempt from access provisions of the Privacy Act. The section of this notice entitled “Systems Exempted from Certain Provisions of the Act” indicates the sections from which this systems of records is exempt. However, the Department of Labor will consider all requests for access addressed to the OFCCP Regional Director where the case is located, or the system manager, in accordance with 29 CFR subtitle A, 70a.3-70a.6 and 70a.9-70a.13. Individuals must provide the following information: Name, social security number and signature.

**CONTESTING RECORD PROCEDURES:**
Some records in this system of records are exempt from amendment provisions of the Privacy Act. The section of this notice entitled “Systems Exempted from Certain Provisions of the Act” indicates the sections from which the systems of records is exempt. However, the Department of Labor will consider all requests for amendments addressed to the OFCCP Regional Director where the case is located, or the system manager, in accordance with 29 CFR subtitle A, 70a.3-70a.6 and 70a.9-70a.13. Individuals must provide the following information: Name, social security number and signature.

**RECORD SOURCE CATEGORIES:**
Individuals, correspondents, Federal contractors, Federal Procurement Data Center, OFCCP personnel working in district, regional and national office organizational components, Solicitor of Labor in region and national offices, Department of Justice, and Equal Employment Opportunity Commission.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G). (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

**DOL/ESA-26**

**SYSTEM NAME:**
Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Investigation Files.

**SECURITY CLASSIFICATION:**
Unclassified.

**SYSTEM LOCATION:**
Most case files are located in the district offices at the following addresses:

One Congress Street, 11th Floor, Boston, Massachusetts 02114.
ESA/OWCP/Longshore Division, 201 Varick Street, PO Box 249, New York, New York 10014–0249.
Gateway Building, Room 13180, 3535 Market Street, PO Box 7336, Philadelphia, Pennsylvania 19104.
Federal Building, Room 1026, 31 Hopkins Plaza, Baltimore, Maryland 21201.
Federal Building, Room 212, 200 Granby Mall, Norfolk, Virginia 23510.
214 North Hogan, Suite 1040, Street, Jacksonville, Florida 32202.
701 Loyola Avenue, Room 13032, New Orleans, Louisiana 70113.
525 Griffin Street, Room 100, Dallas, TX 75202.

One South Green Building, Room 105, 12600 N. Featherwood Drive, Houston, Texas 77034.
Room 800, 230 South Dearborn Street, Chicago, Illinois 60604.
ESA/OWCP/Longshore Division, PO Box 3770, San Francisco, California 94119.  
Box 50209, Room 5108, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850.  
401 E. Ocean Boulevard, Suite 720, Long Beach, California 90802.  
1200 Upshur Street, NW, PO Box 56088, Washington, DC 20011.  
Cases involving special issues may be temporarily in the National Office at 200 Constitution Avenue, NW, Room C-4315, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:  
Individuals filing claims for workers' compensation benefits under the Longshore and Harbor Workers' Compensation Act as amended and extended (33 U.S.C. 901 et seq.); individuals providing medical and other Services to the Division; employees of insurance companies and of medical and other services providers to claimants; and other persons suspected of violations of law under the Act, including related civil and criminal provisions.

CATEGORIES OF RECORDS IN THE SYSTEM:  
Records which contain information gathered in connection with investigations concerning possible violations of Federal law, whether civil or criminal, under the Longshore and Harbor Workers' Compensation Act and related Acts. This record also contains the work product of the Department of Labor and other government personnel and consultants involved in the investigations.

AUTHORITY FOR MAINTENANCE OF SYSTEM:  

PURPOSE(s):  
To determine possible violations of Federal law, whether civil or criminal, in connection with reported injuries under the Longshore and Harbor Workers' Compensation Act and its extensions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:  
In addition to the DOL-wide routine uses, disclosure of relevant and necessary information may also be made to:

a. The employer at any time after report of the injury or report of the onset of the occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness, and/or any party providing the employer with workers' compensation insurance coverage since the employer and insurance carrier are parties-in-interest to all actions on a case.

b. Doctors and medical service providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services.

c. Public or private rehabilitation agencies to whom the injured worker has been referred for vocational rehabilitation services so that they may properly evaluate the injured worker's experience, physical limitations and future employment capabilities.

d. Federal, state and local agencies to verify whether prohibited dual benefits were provided, whether benefits have been or are being paid properly, or to conduct salary offset or debt collection procedures required by the Debt Collection Act of 1982.

e. Contractors providing automated data processing or other services to the Department of Labor, or to any agency or entity to whom release is authorized, where the contractor is providing a service relating to the purpose for which the information can be released.

f. Labor unions and other voluntary associations of which the claimant is a member or to an individual acting on behalf of the individual.

g. Credit Bureaus for the purpose of receiving consumer credit reports identifying the assets, liabilities, income and expenses of a debtor to ascertain the debtor's ability to pay a debt and to establish a payment schedule.

Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information. Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:  
Not applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:  
Records are maintained in manual files.

RETRIEVABILITY:  
Records are retrieved by name of individual being investigated.

SAFEGUARDS:  
Files are maintained under the supervision of OWCP personnel and access is provided to only authorized personnel.

RETENTION AND DISPOSAL:  
Time retained varies by type of compensation case involved, and the investigative file is retained according to the same schedule as the particular compensation case to which it relates. For example, if the investigative file is about a lost-time case, it is transferred to the Federal Records Center 2 years after the related compensation case is closed, and destroyed 20 years after the case is closed. If the investigative file is about a death case, it is retained in the office as long as there are qualified dependents, and destroyed 6 years, 3 months after final closing.

SYSTEM MANAGER(S) AND ADDRESS:  
Director for Longshore and Harbor Workers' Compensation, Room C-4315, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210; and District Directors for Longshore and Harbor Workers’ Compensation in each city listed in Systems Location section.

NOTIFICATION PROCEDURE:  
Requests, including name of individual being investigated, should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:  
Individuals wishing to request access to records should contact the System Manager indicated above.

CONTESTING RECORD PROCEDURE:  
Individuals wishing to contest the contents of a record should contact the System Manager. Generally, opinions are not subject to amendment, only facts.

RECORD SOURCE CATEGORIES:  
Records from Division claim and payment files (DOL/ESA-015 and 024) and from employees, insurers, service providers; and information received from parties leading to the opening of an investigation, or developed as a product of interviews held during the course of an investigation.
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(C), (H), and (l); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/ESA-27

SYSTEM NAME:
Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act Claimant Representatives.

SECURITY CLASSIFICATION:
All files and data are unclassified.

SYSTEM LOCATION:
Division of Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, Washington, DC 20210, and the various area and district offices of the Office of Workers' Compensation Programs set forth in the ESA 15 and Appendix to this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals alleged to have violated the provisions of the Longshore and Harbor Workers' Compensation Act and its implementing regulations relating to representation of claimants/beneficiaries before the Department of Labor, those found to have committed such violations and who have been disqualified, and those who are investigated but not disqualified. This system would also include information on those persons who have been reinstated as qualified claimant representatives.

CATEGORIES OF RECORD IN THE SYSTEM:
Records in the system will consist of information such as the representative's name and address, the names and addresses of affected claimants/beneficiaries, copies of relevant documents obtained from claimant/beneficiary files relating to the issue of representation; all documents received or created as a result of the investigation of and/or hearing on the alleged violation of the Longshore Act and/or its regulations relating to representation, including investigations conducted by the DOL Office of Inspector General or other agency; and copies of documents notifying the representative and other interested persons of the disqualification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
These records contain information on activities—including billing—relating to representation of claimant/beneficiaries, including documents relating to the debarment of representatives under other Federal or state programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
In addition to the DOL-wide routine use provisions, disclosure of relevant and necessary information may be made to:

a. A claimant/beneficiary that his/her representative has been disqualified from further representation under the Longshore Act.
b. Employers and/or insurance carriers, employees who request information as to the qualification of person(s) to act as a claimant representative under the Act, to state bar disciplinary authorities, and to the general public.
c. Contractors providing automated data processing services for the Department of Labor.
d. Federal, state or local agency maintaining pertinent records, if necessary to obtain information relevant to a Departmental decision relating to debarment actions.

Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information. Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PROCEDURES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THIS SYSTEM:

STORAGE:
The lists of disqualified representatives are maintained manually, on magnetic tapes or other computer storage media, or on computer printouts. The information collected in connection with complaints is kept in manual files.

RETRIEVABILITY:
The records are retrieved by the name of the representative.

SAFEGUARDS:
Records are stored in locked file cabinets.

RETENTION AND DISPOSAL:
File is retained in the office for three years after the debarment action is final and then transferred to the Federal Records Center, and destroyed thirty years after the debarment action is final. Where the period of exclusion is defined as a set period of time, the file will be retained two years after the period of exclusion expires (or the individual is otherwise reinstated), then transferred to the Federal Records Center, and destroyed thirty years after the debarment action is final.

SYSTEMS MANAGER(S) AND ADDRESS:
Director for Longshore and Harbor Workers' Compensation Act, Rm. C-4315, United States Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, and District Offices set forth in the Appendix.

NOTIFICATION PROCEDURE:
Director for Longshore and Harbor Workers' Compensation Act, Rm. C-4315, United States Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, and District Offices set forth in the Appendix.

RECORD ACCESS PROCEDURES:
Director for Longshore and Harbor Workers' Compensation Act, Rm. C-4315, United States Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, and District Offices set forth in the Appendix.

CONTESTING RECORD PROCEDURE:
DOL rules and regulations for contesting and record contents disclosure, and for appealing same, are promulgated at 29 CFR 70a.9.

RECORD SOURCE CATEGORIES:
Information in this system is obtained from employees, employers, insurance carriers, members of the public, agency investigative reports, and from other DOL systems of records.

DOL systems of records.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOLE/ESA–28

SYSTEM NAME:
Office of Workers’ Compensation Programs, Physicians and Health Care Providers Excluded under the Longshore Act.

SECURITY CLASSIFICATION:
All files and data are unclassified.

SYSTEM LOCATION:
Division of Longshore and Harbor Workers’ Compensation, Office of Workers’ Compensation Programs, Washington, DC 20210; and various area and District Offices of the Office of Workers’ Compensation Programs listed in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Providers of medical goods and services, including physicians, hospitals, and providers of medical support services or supplies excluded or considered for exclusion from payment under the Longshore Act, 33 U.S.C. 907(c).

CATEGORIES OF RECORDS IN THE SYSTEM:
Copies of letters, lists, and documents from Federal and state agencies concerning the administrative debarment of providers from participation in programs providing benefits similar to those of the Federal Employees’ Compensation Act and their reinstatement; materials concerning possible fraud or abuse which could lead to exclusion of a provider; documents relative to reinstatement of providers; materials concerning the conviction of providers for fraudulent activities in connection with any Federal or state program for which payments are made to providers for similar medical services; all letters, memoranda, and other documents regarding the consideration of a provider’s exclusion, the actual exclusion, or reinstatement under the provisions of 20 CFR 702.431 et seq; copies of all documents in a claimant’s file relating to medical care and/or treatment, including bills for such services; as well as letters, memoranda, and other documents obtained during investigations, hearings, and other administrative proceedings concerning exclusion for fraud or abuse, as well as reinstatement, and recommendations and decisions; lists of excluded providers released by the OWCP.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
These records provide information on treatment, billing and other aspects of a medical provider’s actions, and/or documentation relating to the debarment of the medical care provider under another Federal or state program. The information is used in any debarment action initiated under the Longshore Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
In addition to the DOL-wide routine use provisions listed in the General Prefatory Statement to this document, disclosure of may be made to:

a. To Federal and state agencies and claimants, patients, employers, insurance companies and others for the purpose of identifying the excluded or reinstated provider to ensure that authorization is not issued nor payment made to an excluded provider and to provide notice that a formerly excluded provider has been reinstated.
b. Federal, state or local government agencies, state licensing boards, and professional organizations or other individuals in order to obtain information necessary to further identify a provider, the nature of a violation, the penalty, and/or any other information considered necessary to ensure that the list of excluded providers is correct, useful, and updated as appropriate.
c. Contractors providing automated data-processing and other services for the Department of Labor or other entities to whom disclosure is authorized.
d. Federal, state, local or professional agencies maintaining pertinent records, if necessary to obtain information relevant to a Departmental decision relating to debarment actions.

Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information.

Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PROCEDURES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THIS SYSTEM:

STORAGE:
The records are in manual files, magnetic tapes or other computer storage media, or on computer printouts.

RETRIEVABILITY:
Material is maintained by the name of the provider.

SAFEGUARDS:
Material in the possession of the Office of Workers’ Compensation Programs and its contractors will be, when not in use, kept in closed file cabinets, appropriate lockers and storage areas, etc. This does not include the listings of excluded physicians and medical providers distributed by the OWCP which are required to be disclosed.

RETENTION AND DISPOSAL:
File is retained in the office for three years after the debarment action is final and then transferred to the Federal Records Center, and destroyed thirty years after the debarment action is final. Where the period of exclusion is defined as a set period of time, the file will be retained two years after the period of exclusion expires (or the individual is otherwise reinstated), then transferred to the Federal Records Center, and destroyed thirty years after the debarment action is final.

SYSTEM MANAGER(S) AND ADDRESS:
Director for Longshore and Harbor Workers’ Compensation Act, Room C–4315, United States Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, and District Offices set forth in ESA 15 and in Appendix 1 to this document.

NOTIFICATION PROCEDURE:
Director for Longshore and Harbor Workers’ Compensation Act, Room C–
SECURITY CLASSIFICATION:  All files and data are unclassified.

SYSTEM LOCATION:  The Division of Federal Employees’ Compensation, Office of Workers’ Compensation Programs, Washington, DC; and the various area and district offices of the Office of Workers’ Compensation Programs listed in the Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:  Providers of medical goods and services, including physicians, hospitals, and providers of medical support services or supplies excluded or considered for exclusion from payment under the Federal Employees’ Compensation Act for fraud or abuse (20 CFR 10.450–457).

CATEGORIES OF RECORDS IN THE SYSTEM:  Copies of letters, lists and documents from Federal and state agencies concerning the administrative debarment of providers from participation in programs providing benefits similar to those of the Federal Employees’ Compensation Act and their reinstatement; materials concerning possible fraud or abuse which could lead to exclusion of a provider; documents relative to reinstatement of providers, materials concerning the conviction of providers for fraudulent activities in connection with any Federal or state program for which payments are made to providers for similar medical services; all letters, memoranda, and other documents regarding the consideration of a provider’s exclusion, the actual exclusion, or reinstatement under the provisions of 20 CFR 10.450–10.457; copies of all documents in a claim file relating to medical care and/or treatment including bills for such services, as well as letters, memoranda, and other documents obtained during investigations, hearings and other administrative proceedings concerning exclusion for fraud or abuse, as well as reinstatement, along with recommendations and decisions; lists of excluded providers released by the OWCP.


PURPOSE(s):  These records provide information on treatment, billing and other aspects of a medical provider’s actions, and/or documentation relating to the debarment of the medical care provider under another Federal or state program. The information is used in any debarment action initiated under the Federal Employees’ Compensation Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:  In addition to the DOL-wide routine use provisions, disclosure of relevant and necessary information may be made to:

a. To Federal and state agencies and claimants, patients, employers, insurance companies and others for the purpose of identifying the excluded or reinstated provider to ensure that authorization is not issued nor payment made to an excluded provider and to provide notice that a formerly excluded provider has been reinstated.

b. Federal, state or local government agencies, state licensing boards, and professional organizations or other individuals in order to obtain information necessary to further identify a provider, the nature of a violation, the penalty, and/or any other information considered necessary to ensure that the list of excluded providers is correct, useful, and updated as appropriate.

c. Contractors providing automated data-processing and other services for the Department of Labor or other entities to whom disclosure is authorized.

d. Federal, state, local or professional agencies maintaining pertinent records, if necessary to obtain information relevant to a Departmental decision relating to debarment actions.

Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information. Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:  None.

POLICIES AND PROCEDURES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THIS SYSTEM:  

STORAGE:  The records are in manual files, magnetic tapes or other computer storage media, or on computer printouts.

RETRIEVABILITY:  Material is maintained either by the name of the provider, a case citation, or date of release.
SAFEGUARDS:
Material in the possession of the Office of Workers' Compensation Programs and its contractors will be, when not in use, kept in closed file cabinets, appropriate lockers and storage areas, etc. This does not include the listings of excluded physicians and medical providers distributed by the OWCP which are required to be disclosed.

RETENTION AND DISPOSAL:
File is retained in the office for three years after the debarment action is final and then transferred to the Federal Records Center, and destroyed thirty years after the debarment action is final. Where the period of exclusion is defined as a set period of time, the file will be retained two years after the period of exclusion expires (or the individual is otherwise reinstated), then transferred to the Federal Records Center, and destroyed thirty years after the debarment action is final.

SYSTEM MANAGER(S) AND ADDRESS:
Director for Federal Employees' Compensation, Room S–3229, United States Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, and the OWCP District Offices set forth in Appendix 1 to this document.

NOTIFICATION PROCEDURE:
Director for Federal Employees' Compensation, Room S–3229, United States Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, and the OWCP District Offices set forth in Appendix 1 to this document.

RECORD ACCESS PROCEDURE:
Director for Federal Employees' Compensation, Room S–3229, United States Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

CONTESTING RECORD PROCEDURE:
DOL rules and regulations for contesting or appealing any record contents disclosure are promulgated at 29 CFR 70a.9.

RECORD SOURCE CATEGORIES:
Information in this system is obtained from FECA case records, Federal, state and local agencies, state licensing boards, private enterprises, insurance carriers, public documents, newspapers, as well as from other sources furnishing evidence that a provider may have acted in a manner which merits exclusion form participation in the FECA program; investigation reports, claimant and representative submissions, hearing transcripts, as well as to correspondence and records relating to reinstatement or exclusion from payment under the program or to a hearing or other administrative action being taken pursuant to the regulations.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
In accordance with section 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes which is maintained in the investigation files of the Office of Workers' Compensation Programs, is exempt from subsections (c)(3), (d), (e)(1), (e)(2)(G), (H), and (I), and (f) of 5 U.S.C. 552a. The disclosure of information contained in civil investigative files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the investigation. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to, informants and witnesses, and their respective families, and in addition could jeopardize the safety and well-being of investigative personnel and their families.

PUPPOSE(S):
Provide access to data on claimants, beneficiaries and their dependents; attorneys representing claimants; medical service providers; coal mine operators and insurance carriers. Provide means of automated payment of medical and disability benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
Provide access to data on claimants, beneficiaries and their dependents; attorneys representing claimants; medical service providers; coal mine operators and insurance carriers. Provide means of automated payment of medical and disability benefits.

SYSTEM NAME:
Office of Workers' Compensation Programs, Black Lung Automated Support Package.

SYSTEM CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Department of Labor Building, 200 Constitution Ave., NW, Washington, DC 20210, and district offices (see addresses in Appendix 1 to this document).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals filing claims for black lung benefits; claimants receiving benefits; dependents of claimants and beneficiaries; medical providers; attorneys representing claimants; coal mine operators (workers' compensation insurance carriers).

CATEGORIES OF RECORDS IN THE SYSTEM:
Records included are personal (name, date of birth, SSN, claim type, miner's date of death); demographic (state, county, city, congressional district, zip code); mine employment history; medical disability; initial determination; conference results; hearing results; medical and disability payment history; accounting information including data on debts owed to the United States; Social Security Administration black lung benefits data; state workers' compensation claim and benefitS data; coal mine operator names, addresses, states of operation and histories of insurance coverage; and medical service providers names, addresses, license numbers, medical specialties, tax identifications and payment histories.

INFORMATION SUBJECT TO CERTAIN RESTRICTIONS:
This system includes information which is considered protected or private, and where the release of information is prohibited or restricted by law. Any information, personal health information, or claims information which is subject to restrictions under Federal, state or local laws, regulations, or judicial orders is not included in this system.

RURAL USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
In addition to the DOL-wide routine uses, disclosure of relevant and necessary information may be made to the following:

a. Mine operators (and/or any party providing the operator with workers' compensation insurance) who have been determined potentially liable for the claim at any time after report of the injury or report of the onset of occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness, for the purpose of determining liability for payment.

b. State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act.

d. Doctors and medical services providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services.

INFORMATION SUBJECT TO CERTAIN NON-RURAL USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
In addition to the DOL-wide routine uses, disclosure of relevant and necessary information may be made to the following:

a. Claimants and their attorneys for the purpose of determining offsets as specified under the Act.

b. State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act.

c. Doctors and medical services providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services.
d. Other Federal agencies conducting scientific research concerning the incidence and prevention of black lung disease.

e. Legal representatives for the purpose of exercising an interest in claims of members as part of their service to the members.

f. Labor unions and other voluntary employee associations of which the claimant is a member for the purpose of exercising an interest in claims of members.

g. Contractors providing automated data processing services to the Department of Labor, or to any agency or entity to whom release is authorized, where the contractor is providing a service relating to the purpose for which the information can be released.

h. Federal, state or local agency if necessary to obtain information relevant to a Department decision concerning the determination of initial or continuing eligibility for program benefits, whether benefits have been or are being paid improperly, including whether dual benefits prohibited under any federal or state law are being paid; and salary, offset and debt collection procedures, including any action required by the Debt Collection Act of 1982.

i. Debt collection agency that DOL has contracted for collection services to recover indebtedness owed to the United States.

j. Internal Revenue Service for the purpose of obtaining taxpayer mailing addresses in order to locate such taxpayer to collect, compromise, or write-off a Federal claim against the taxpayer; discharging an indebtedness owed by an individual.

k. Credit Bureaus for the purpose of receiving consumer credit reports identifying the assets, liabilities, income and expenses of a debtor to ascertain the debtor's ability to pay a debt and to establish a payment schedule.

Note: Disclosure of information contained in the file to the claimant, a person who is duly authorized to act on his/her behalf, or to others to whom disclosure is authorized by these routine uses, may be made over the telephone. Disclosure over the telephone will only be done where the requestor provides appropriate identifying information. Telephonic disclosure of information is essential to permit efficient administration and adjudication of claims.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

The amount, status and history of overdue debts; the name and address, taxpayer identification (SSAN), and other information necessary to establish the identity of a debtor, the agency and program under which the claim arose, are disclosed pursuant to 5 U.S.C. 552a(b)(12) to consumer reporting agencies as defined by section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f); or in accordance with section 3(d)(4)(A)(ii) of the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3711(f) for the purpose of encouraging the repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

RECORD SOURCE CATEGORIES:

Claim forms, medical reports, correspondence, investigatory reports, employment records, any other record or document pertaining to a claimant or his dependents as it relates to the claimant's age, education, work history, marital history or medical condition. Consumer credit reports, personal financial statements, correspondence with the debtor, records relating to hearings on the debt, and from other DOL systems of records. Enrollment applications from providers of medical services. Medical bills submitted to the beneficiaries or medical service providers. Data exchanges with the Department of Labor and other local agencies. Reports on liability coverage from coal mine operators and insurance carriers.

SAFEGUARDS:

Files secured in a guarded facility; teleprocessing access protected by restrictions on access to equipment and through use of encrypted passwords.

RETENTION AND DISPOSAL:

Electronic file data has permanent retention. Claimant and benefit master file data will be transferred to magnetic tape and transmitted to NARA. This data (which includes both open and closed cases) will not be made available to the public until 90 years after transfer to NARA due to Privacy Act restrictions.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Coal Mine Workers' Compensation, Department of Labor Building, Room C-3520, 200 Constitution Ave., NW, Washington, DC 20210, and district office deputy commissioners (see addresses in Appendix 1 to this document).

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the above address or district office deputy commissioner (see addresses in Appendix 1 to this document). Individuals must furnish their name, the coal miner's social security number and signature.

RECORD ACCESS PROCEDURES:

Individuals wishing to access any of any non-exempt records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish their name, signature, and the coal miner's social security number.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of any non-exempt records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish their name, social security number and signature.

SYSTEM NAME:

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Room C-3325, Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210; Computer Science Corporation, 11700 Montgomery Road, Beltsville, MD 20705; ten Regional offices, see Appendix 1 to this document for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

CATEGORIES OF RECORDS IN THE SYSTEM:
Listing of hours utilized to perform OFCCP program responsibilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
To provide OFCCP Managers with a viable means of tracking the number of hours used in performing OFCCP program responsibilities. This system was instituted for the purpose of tracking the number of hours utilized by Equal Opportunity Specialists and Equal Opportunity Assistants in performing their assigned program duties and responsibilities. It is an internal tracking system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN SYSTEM:

STORAGE:
Manual files for working copies of source documents and magnetic tapes and disks for central computer processing.

RETRIEVABILITY:
By identification numbers assigned to each Equal Opportunity Specialist and Equal Opportunity Assistant.

SAFEGUARD:
Files are locked except during working hours, and only authorized personnel have access to files. Computer systems are restricted to authorized operators and each subsystem has multiple layers of password protection depending upon sensitivity of data.

RECORD SOURCE CATEGORIES:
OFCCP personnel working in district, regional and national offices.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/ESA-32
SYSTEM NAME:
ESA, Employee Conduct Investigations.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Subjects of complaints and/or investigations covered under the authority delegated to the Division of Internal Management Control.

CATEGORIES OF RECORDS IN THE SYSTEM:
Name, organization and other information relating to the individual involved. It also contains investigative report(s) associated with the case, including interviews and other confidential data gathered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C.301.

PURPOSE(S):
To investigate allegations of misconduct.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN SYSTEM:

STORAGE:
The files are maintained in locked file cabinets with access only to those with a need to know the information to perform their duties.

SAFEGUARDS:
The files are maintained in locked file cabinets with access only to those with a need to know the information to perform their duties.

RETRIEVABILITY:
By name of the subject of the complaint or the case file number.

RECORD ACCESS PROCEDURE:
A request for access shall be addressed to the system manager at the address listed above. Individuals must furnish the following information for their records to be located and identified: Name; approximate date of the investigation; and individuals requesting access must also comply with the Privacy Act regulations regarding verification of identity to records at 29 CFR 70a.4.
CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 29 CFR 70a.7.

RECORD SOURCE CATEGORIES:

Hotline complaints through the Office of the Inspector General’s hotline; hotline complaints through the General Accounting Office’s hotline system, personnel records; incident reports submitted by other employees; investigative reports, and individuals.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(C), (H), and (f); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/ESA–33

SYSTEM NAME:

ESA, Wage and Hour Division, Investigator’s Weekly Report.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Sixty District Offices, See Appendix 1 of this document for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Wage and Hour Division Compliance Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listing of hours worked distributed among the various program activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE:

To provide Wage and Hour District Directors a method of monitoring the activities of Compliance Officers by providing a daily record of compliance officer activities including expenditure of hour by case, act and non-case activity, and a record of leave taken.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file cabinets.

RETRIEVABILITY:

By name of compliance officer.

SAFEGUARDS:

Files are locked except during working hours. Only authorized personnel have access to files.

RETENTION AND DISPOSAL:

Records are retained in files for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Wage and Hour Division, Room S–3502, Frances Parking Building, 200 Constitution Avenue, NW, Washington DC 20210; Regional Directors Wage and Hour Division (see Appendix 1 of this document for addresses).

NOTIFICATION PROCEDURES:

Individuals wishing to make inquiries regarding this system should contact the system manager, or the regional office servicing the state where they are employed (see Appendix 1 of this document for addresses).

RECORD ACCESS PROCEDURES:

Individuals wishing to request these records should contact the appropriate office listed in Appendix 1 of this document.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of any nonexempt records should contact the appropriate office listed in Appendix 1 to this document.

RECORD SOURCE CATEGORIES:

Wage and Hour personnel working in district offices.

DOL/ESA–34

SYSTEM NAME:

Farm Labor Contractor Registration File.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

All Wage and Hour Regional Offices and the Florida Department of Labor & Employment Security, Agricultural Programs Section located in Tallahassee, Florida.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and holders of Farm Labor Contractor Certificates of Registration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records which contain personal identification, fingerprints, FBI records, insurance records, court and police records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:


PURPOSE(S):

To maintain a record of applicants for and holders of Farm Labor Contractor Certificates of Registration. Records are used to determine eligibility for issuance of a certificate of registration and for determining compliance with MSPA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

N/A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept in letter size manual files, computer discs and computer printouts. Records are stored in metal file cabinets in Wage and Hour Regional Offices and in the office of the Florida Department of Labor & Employment Security, Agricultural Programs Section located in Tallahassee, Florida.

RETRIEVABILITY:

Indexed by the name of the applicant.

SAFEGUARDS:

Accessible only to persons engaged in the administration of the program and there is screening to prevent unauthorized disclosure.
Records must be retained for a period of three years from the expiration date of a certificate of registration. It is proposed that these records be destroyed when no longer needed.

**SYSTEM MANAGER(S) AND ADDRESS:**
Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S–3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices.

**NOTIFICATION PROCEDURE:**
To System Manager at above address.

**RECORD ACCESS PROCEDURES:**
Write to System Manager indicated above. Accessible only to persons engaged in the administration of the program.

**CONTESTING RECORD PROCEDURES:**
Address inquiries to Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S–3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices. Such inquiries should include the full name and social security number of the requester.

**RECORD SOURCE CATEGORIES:**
The sources for records in the system include information furnished by the applicant, insurance companies, FBI, court and police records, and from investigations conducted by DOL.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**
None.

**DOL/ESA-35**

**SYSTEM NAME:**
Farm Labor Contractor Employee Registration File.

**SECURITY CLASSIFICATION:**
Unclassified.

**SYSTEM LOCATION:**
All Wage and Hour Regional Offices and the Florida Department of Labor & Employment Security, Agricultural Programs Section located in Tallahassee, Florida.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**
Applicants for and holders of Farm Labor Contractor Employee Certificates of Registration.

**CATEGORIES OF RECORDS IN THE SYSTEM:**
Records which contain personal identification, fingerprints, FBI records, insurance records, court and police records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

**RECORD ACCESS PROCEDURES:**
Write to System Manager indicated above. Accessible only to persons engaged in the administration of the program.

**CONTESTING RECORD PROCEDURES:**
Address inquiries to Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S–3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices. Such inquiries should include the full name and social security number of the requester.

**RECORD SOURCE CATEGORIES:**
The sources for records in the system include information furnished by the applicant, insurance companies, FBI, court and police records, and from investigations conducted by DOL.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**
None.

**DOL/ESA-35**

**SYSTEM NAME:**
MSPA/FLCRA Civil Money Penalty Record Files.

**SECURITY CLASSIFICATION:**
Unclassified.

**SYSTEM LOCATION:**
All Wage and Hour Regional Offices and the U.S. Department of Labor, Wage and Hour Division National Office.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**
All persons investigated and assessed civil money penalties (CMPs) under the Farm Labor Contractor Registration Act (FLCRA) and/or the Migrant and Seasonal Agricultural Worker Protection Act (MSPA).

**CATEGORIES OF RECORDS IN THE SYSTEM:**
Names, addresses, Social Security numbers, complaint information, employer information, employer/employee interviews, payroll information, housing and/or vehicle inspection reports, outcome of investigation, notification of determination to assess a CMP, hearing requests and/or subsequent legal documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**
Purpose(s):
To maintain records on persons assessed FLRCA/MSPA Civil Money Penalties and all actions connected therewith.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
N/A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Records are stored in metal file cabinets, computer discs and computer printouts in the Wage and Hour National and Regional Offices.

RETRIEVABILITY:
Indexed by the name of the subject of the investigation.

SAFEGUARDS:
Accessible only to persons engaged in the administration of the program.

RETENTION AND DISPOSAL:
Records must be retained for a period of three years from the last day of the year in which the file is closed after all action has been completed.

SYSTEM MANAGER(S) AND ADDRESS:
Assistant Administrator for the Office of Program Operations, Wage and Hour Division, Room S–3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices whose addresses are listed in attachment I of this document.

NOTIFICATION PROCEDURE:
Write to Assistant Administrator for the Office of Program Operations, Wage and Hour Division and Regional Administrator for Wage and Hour of relevant Regional Offices whose addresses are listed above. Such inquiries should include the full name and social security number of the requester and the date and amount of assessment.

RECORD ACCESS PROCEDURES:
Write to Assistant Administrator for the Office of Program Operations, Wage and Hour Division and Regional Administrator for Wage and Hour of relevant Regional Offices whose addresses are listed above. Such inquiries should include the full name and social security number of the requester and the date and amount of assessment.

CONTESTING RECORD PROCEDURES:
Write to Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S–3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices. Such inquiries should include the full name and social security number of the requester and the date and amount of assessment.

RECORD SOURCE CATEGORIES:
The sources for records in the system include information furnished by the subject, employer(s), employee(s) (present and/or former), insurance companies, other government agencies, court documents, and from previous investigations (if applicable).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (l); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/ESA–37
SYSTEM NAME:
MSPA Public Central Registry Records File.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
All Wage and Hour Regional Offices and the Wage and Hour National Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Holders of Farm Labor Contractor and Farm Labor Contractor Employee Certificates of Registration.

CATEGORIES OF RECORDS IN THE SYSTEM:
Records which contain the name, address, certificate of registration number, authorization to transport, house, or drive (if any), and effective and expiration dates, of holder of Farm Labor Contractor and Farm Labor Contractor Employee Certificates of Registration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
To maintain a record of holders of Farm Labor Contractor and Farm Labor Contractor Employee Certificates of Registration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
A public central registry of all persons issued certificates of registration is maintained by name and address which is available to anyone, upon request, as required by the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), as amended (section 402).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
N/A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Records are stored in computer printouts in the Wage and Hour National and Regional Offices. The National Office also stores these records electronically.

RETRIEVABILITY:
Records are retrieved by name or a coded file identifier.

SAFEGUARDS:
Data on computer disc, accessible only to persons engaged in the administration of the program and there is screening to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:
Record is updated and replaced on a monthly basis. It is proposed that these records be destroyed when they are replaced and are no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:
Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW,
NOTIFICATION PROCEDURE:
To System Manager at above address.

RECORD ACCESS PROCEDURES:
Write to System Manager indicated above. Accessible only to persons engaged in the administration of the program.

CONTESTING RECORD PROCEDURES:
Write to Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S–3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices.

RECORD ACCESS PROCEDURES:
Write to Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S–3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices.

RECORD ACCESS PROCEDURES:
Write to System Manager at above address.

RECORD ACCESS PROCEDURES:
Write to System Manager indicated above. Accessible only to persons engaged in the administration of the program.

RECORD ACCESS PROCEDURES:
Write to System Manager indicated above. Accessible only to persons engaged in the administration of the program.

RECORD ACCESS PROCEDURES:
Write to Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S–3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices.

RECORD ACCESS PROCEDURES:
Write to Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S–3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices.

RECORD ACCESS PROCEDURES:
Write to System Manager at above address.
PURPOSE(S): To provide a list of persons who may not meet eligibility requirements for issuance of a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration to be used as a reference document for screening incoming applications by the Department of Labor and Employment Security, Tallahassee, Florida; New Jersey Department of Labor, Trenton, New Jersey; and Virginia Employment Commission, Exmore, Virginia.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
N/A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Records are stored in computer printouts in the system locations stated above. The National Office also stores the records electronically.

RETRIEVABILITY:
Records are retrieved by name or by a coded file identifier.

SAFEGUARDS:
Data on computer disc, accessible only to persons engaged in the administration of the program and there is screening to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:
Records are updated and replaced on a routine basis. It is proposed that these records be destroyed when they are replaced and are no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:
Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S-3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices.

NOTIFICATION PROCEDURE:
To System Manager at above address.

RECORD ACCESS PROCEDURES:
Write to System Manager indicated above. Accessible only to persons engaged in the administration of the program.

CONTESTING RECORD PROCEDURES:
Write to Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S-3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices. Such inquiries should include the full name and social security number of the requester.

RECORD SOURCE CATEGORIES:
The sources for records in the system include information furnished by the applicant.

SYSTEM NAME:
MSPA/FLCRA Tracer List.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
All Wage and Hour Regional Offices, some Wage and Hour District Offices and the Wage and Hour National Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Farm Labor Contractors, Farm Labor Contractor Employees, Agricultural Employers, Agricultural Associations, and Housing Providers who have been investigated under either the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) or the Farm Labor Contractor Registration Act (FLCRA).

CATEGORIES OF RECORDS IN THE SYSTEM:
Records containing the names, addresses, Social Security numbers, of persons investigated under either MSPA or FLCRA, location and scope of investigation, period covered and results of investigations conducted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
To provide a written compliance history of persons who have been investigated under either MSPA or FLCRA and the results of those investigations as a reference document for Wage and Hour Investigators to determine knowledge of the Act by the person being investigated and whether previous violations are ongoing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
N/A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Records are stored on computer media and/or printouts in all Wage and Hour Regional Offices, some Wage and Hour District Offices and the Wage and Hour National Office.

RETRIEVABILITY:
Records are retrieved by name.

SAFEGUARDS:
Data on computer media, are accessible only to persons engaged in the administration of the program.

RETENTION AND DISPOSAL:
Records are updated and replaced on a monthly basis. These records are destroyed after they have been updated.

SYSTEM MANAGER(S) AND ADDRESS:
Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S–3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices.

NOTIFICATION PROCEDURE:
Write to Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S-3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices. Such inquiries should include the full name and social security number of the requester and the date and location of the investigation.

RECORD ACCESS PROCEDURES:
Write to Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S–3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices. Such inquiries should include the full name and social security number of the requester and the date and location of the investigation.

CONTESTING RECORD PROCEDURES:
Write to Assistant Administrator for the Office of Program Operations, Wage
and Hour Division, 200 Constitution Avenue, NW, Room S–3028, Washington, DC 20210, and Regional Administrator for Wage and Hour of relevant Regional Offices. Such inquiries should include the full name and social security number of the requester and the date and location of the investigation.

**RECORD SOURCE CATEGORIES:**
The sources for records in the system include information obtained from the person investigated, employers, employees, insurance companies, FBI, court and police records, and from investigations conducted by DOL and subsequent legal documents following such investigations.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G); (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

**DOL/ESA–41**

**SYSTEM NAME:**
MSPA/FLCRA Certificate Action Record Files.

**SECURITY CLASSIFICATION:**
Unclassified.

**SYSTEM LOCATION:**
Wage and Hour National Office.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**
Applicants for and holders of Farm Labor Contract/Farm Labor Contractor Employee Certificates of Registration.

**CATEGORIES OF RECORDS IN THE SYSTEM:**
Names, addresses, Social Security numbers, fingerprints, FBI records, insurance records, court and police records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

**PURPOSE:**
To determine eligibility of persons who filed applications for Farm Labor Contractor/Farm Labor Contractor Employee Certificates of Registration.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**
None, except for those routine uses listed in the General Prefatory Statement to this document.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**
N/A.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**
Records are stored in metal file cabinets and on computer media.

**RETRIEVABILITY:**
Indexed by the name of the applicant.

**SAFEGUARDS:**
Accessible only to persons engaged in the administration of the program and there is screening to prevent unauthorized disclosure.

**RETENTION AND DISPOSAL:**
Records must be retained for a period of five years from the expiration date of a certificate of registration or from the date an application is received where no certificate has been issued.

**SYSTEM MANAGER(S) AND ADDRESS:**
Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S–3028, Washington, DC 20210.

**NOTIFICATION PROCEDURE:**
To System Manager at above address.

**RECORD ACCESS PROCEDURES:**
Write to System Manager indicated above.

**CONTESTING RECORD PROCEDURES:**
Write to Assistant Administrator for the Office of Program Operations, Wage and Hour Division, 200 Constitution Avenue, NW, Room S–3028, Washington, DC 20210. Such inquiries should include the full name and social security number of the requester.

**RECORD SOURCE CATEGORIES:**
Applicants, individuals, insurance companies, FBI, court and police records, and from investigations conducted by DOL.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/ESA–42

**SYSTEM NAME:**
Case Registration/Compliance Officer Assignment Form (WH–53).

**SECURITY CLASSIFICATION:**
Unclassified.

**SYSTEM LOCATION:**
Sixty-one Wage and Hour District Offices (DO), see Appendix 1 of this document for addresses.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**
Individual employers.

**CATEGORIES OF RECORDS IN THE SYSTEM:**
Records containing name and address, case investigation number, investigation program, investigating office, prior history of investigations, and investigating officer.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**
5 U.S.C. 301.

**PURPOSE:**
To provide Wage and Hour DOs with an alphabetical index of employers currently undergoing investigation by Wage and Hour within the jurisdiction of that particular DO. Used to record the initial scheduling of an investigation, assignment to a Compliance Officer and subsequent actions.
CONTENDING RECORD PROCEDURES:

In the event information is contested, the reason for contesting it, the request should state clearly: and amend any nonexempt records should be disposed of following a previously submitted disposal schedule.

SAFEGUARDS:

Only authorized personnel have access to files. Files locked in office at close of business day.

RECORD SOURCE CATEGORIES:

Complainants, employers, and Wage and Hour personnel.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ESA-43

SYSTEM NAME:

Office of Workers’ Compensation Programs, Federal Employees’ Compensation Act and Longshore and Harbor Workers’ Compensation Act Rehabilitation Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Rehabilitation files are located in the Federal Employees’ Compensation (FEC) and Longshore and Harbor Workers’ Compensation (Longshore) District Offices where the OWCP case file is located. See appendix 1, Responsible Officials, for District Office addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The rehabilitation records cover other individuals and covered by the Federal Employees’ Compensation Act (FECA) for injured on the job, or individuals covered by the Longshore and Harbor Workers’ Compensation Act (LHWCA), and related acts. See DOL/GOVT-1 for further explanation of employees covered by the FECA, and DOL/ESA-15 for those covered by the LHWCA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records found in the FECA or Longshore case file (see DOL/GOVT-1 and DOL/ESA-15), notes on telephone calls and interviews with rehabilitation counselors, claimants, potential employers, physicians and others who have been contacted as part of the rehabilitation process, notes created by the rehabilitation specialist and the rehabilitation counselor concerning the rehabilitation process relating to the claimant proposed and/or approved rehabilitation plans, and reports submitted in connection with the plans.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:


PURPOSE(S):

These records provide information and verification about covered employees’ work-related injuries, may be the basis for an award of compensation, which entitlement to medical treatment and/or vocational rehabilitation, test results, rehabilitation plans with supporting documentation, medical and other test results and interpretations, and other information concerning rehabilitation under the Act.

DISPOSITION OF RECORDS IN THE SYSTEM:

None.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:
Case files are maintained in manual files, security case files in locked cabinets, and FECA or LHWCA management information system information, chargeback file and other automated data are stored on computer discs or magnetic tapes which are stored in cabinets.

RETRIEVABILITY:
Files and automated data are retrieved after identification by coded file number which is cross-referenced to employee by name.

SAFEGUARDS:
Files and automated data are maintained under supervision of OWCP personnel during normal working hours—only authorized personnel may handle or disclose any information contained therein. Only personnel having security clearance may handle or process security files. After normal working hours, security files are kept in locked cabinets. All files and data are maintained in guarded Federal buildings.

RETENTION AND DISPOSAL:
All rehabilitation files are merged with the FECA or Longshore case file (see DOL Government-wide or ESA-15 and are retained consistent with the retention schedule for the case files.

SYSTEM MANAGER(S) AND ADDRESS:
Director, Division of Planning, Policy and Standards, Office of Workers’ Compensation Programs, U.S. Department of Labor, Frances Perkins Building, Room S-3322, Washington, DC 20210.

NOTIFICATION PROCEDURE:
An individual wishing to inquire whether this system of records contains information about him/her may write or telephone the OWCP District Office which services the State in which the individual resided or worked at the time the individual thinks he/she filed a claim, or the system manager. In order for a record to be located, the individual must provide his/her full name, FECA or LHWCA case number (if known), date of injury (if known), date of birth and Social Security number.

RECORD ACCESS PROCEDURE:
Individuals wishing to request access to non-exempt records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish their name, the claim or social security number and signature.

CONTESTING RECORD PROCEDURES:
Individuals wishing to request amendment of any non-exempt records should contact the appropriate office listed in the Notification Procedure section. Individuals must furnish their name, the claim or social security number and signature.

RECORD SOURCE CATEGORIES:
Claim form, medical reports, correspondence, investigative reports, employment reports; Federal and state agency records, any other record or document pertaining to a claimant or his dependent as it relates to the claimant’s age, education, work history, marital history or medical condition. Notes on telephone conversations conducted by the rehabilitation specialist or counselor with employers, medical providers and others.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/ESA-44

SYSTEM NAME:
Office of Workers’ Compensation Programs, Federal Employees’ Compensation Act (FECA) and Longshore and Harbor Workers’ Compensation Act Rehabilitation Counselor Case Assignment, Contract Management and Performance Files and FEC Field Nurses.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Files concerning rehabilitation counselors are located in the Federal Employees’ Compensation (FECA) and Longshore and Harbor Workers’ Compensation (Longshore) District Offices where the counselor is certified. Files for FECA field nurses are found in FECA district offices. See appendix 1, Responsible Officials, for District Office addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
The rehabilitation counselor/nurse files cover individuals who have entered into a contract with the Office of Workers’ Compensation Programs to provide rehabilitation counselor or nursing services under the Federal Employees’ Compensation Act (FECA) and/or the Longshore and Harbor Workers’ Compensation Act (LHWCA). See DOL/GOVT-1 for further explanation of employees covered by the FECA, and DOL/ESA-15 for those covered by the LHWCA, and DOL/ESA-43.

CATEGORIES OF RECORDS IN THE SYSTEM:
Names, addresses and information on qualifications of rehabilitation counselors/nurses certified by and under contract with OWCP to provide rehabilitation services to injured workers under the FECA and LHWCA or field nurse services under FECA. In addition there are records compiled and maintained by the rehabilitation specialist or the OWCP staff nurse, concerning the assignment of rehabilitation/field nurse cases to the counselor/nurse and the performance of the counselor/nurse in fulfilling the duties under the contract with OWCP. The records are maintained in electronic form within the OWCP rehabilitation data system, or staff nurse monitoring system and in hard copy records maintained in the OWCP district office.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
General government contracting authority.

PURPOSE(S):
These records provide information about the rehabilitation counselor or field nurse, including the name, address, telephone number, counselor/nurse status, skill codes, number of referrals, status of referrals and notes. These notes can include evaluation of performance and other matters concerning performance of the contract.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
In addition to the disclosures authorized by the DOL-wide routine uses, disclosure can be made to:
To contractors providing automated data processing or other services to DOL, who require the data to perform the services for which they have appropriately contracted.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:
Records are principally stored by district office in electronic form, accessed by appropriate codes. Hard copy records may be maintained in the district office in locked cabinets.

RETRIEVABILITY:
Files and automated data are retrieved by the name of the counselor/nurse through the data base and/or files.
systems exempted from certain provisions of the act:
None.

doleta-1
system name:
Bureau of Apprenticeship and Training, Budget and Position Control File.
security classification:
Unclassified.

system location:
Employment and Training Administration (ETA), Bureau of Apprenticeship and Training (BAT), Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210.

categories of individuals covered by the system:
Federal employees currently employed by BAT.

categories of records in the system:
Personnel records concerning grades and salaries.

authority for maintenance of the system:
5 U.S.C. 301

purpose(s):
For ready access in preparing management reports as required by the Employment and Training Administration, and controlling BAT FTE Ceiling (Full Time Equivalent) employment.

routine uses of records maintained in the system, including categories of users and the purposes of such uses:
None, except for those routine uses listed in the General Prefatory Statement to this document.

Disclosure to consumer reporting agencies:
None.

policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

storage:
Kardex files.

retrievability:
By region, budget position number, and name of employee, on a manual basis.

safeguards:
Access to and use of these records are limited to those persons whose official duties require such access.

retention and disposal:
Retained indefinitely for employment reference requests on former employees.

System manager(s) and address:
Director, Bureau of Apprenticeship and Training, Employment and Training Administration, Frances Perkins Building, 200 Constitution Avenue, NW, Room N-4649, Washington, DC 20210.

Notification procedure:
Individuals seeking information concerning the existence of records or the contents of records on himself/herself should furnish a written request to the Director, Bureau of Apprenticeship and Training, Employment and Training Administration, Frances Perkins Building, 200 Constitution Avenue, NW, Room N-4649, Washington, DC 20210.

The following information is needed for records to be located:

a. Full name.
b. Date of birth.
c. Social Security number.

record access procedures:
See Notification procedure above.

contesting record procedure:
See Notification procedure above.

record source categories:
Personnel records, including SF-Form 50.

system exempted from certain provisions of the act:
Not applicable.

doleta-2
system name:
Bureau of Apprenticeship and Training, Program Management Group, Budget and Position Control File.

security classification:
Unclassified.

system location:
Employment and Training Administration, Bureau of Apprenticeship and Training, Frances Perkins Building, 200 Constitution Avenue, NW, Room N-4649, Washington, DC 20210.

categories of individuals covered by the system:
Regional employees currently employed by BAT.

categories of records in the system:
Personnel records concerning grades and salaries, addresses and telephone numbers of employees, and copies of each position description in effect.

authority for maintenance of the system:
5 U.S.C. 301.

purpose(s):
For ready access in preparing management reports on equal
employment opportunity (quarterly), for forecasting grade and salary reports; special reports such as the number of employees eligible for retirement, and special reports for Employment and Training Administration and the Congress.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Kardex files.

RETRIEVABILITY:

By region, budget position number, and name of employee, on a manual basis.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Maintained indefinitely. Frances Perkins Building, 200 Constitution Avenue, NW, Room N-4649, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Individuals seeking information concerning the existence of records or the contents of records on himself/herself should furnish a written request to the Director, Bureau of Apprenticeship and training, Employment and Training Administration, Frances Perkins Building, 200 Constitution Avenue, NW, Room N-4649, Washington, DC 20210. The following information is needed for records to be located:

a. Full name.
b. Date of birth.
c. Social Security number.
d. Occupation.

RECORD ACCESS PROCEDURES:

Individuals can request access to any record pertaining to himself/herself by mailing a request to the Disclosure Officer listed above under "Notification Procedure."

CONTESTING RECORD PROCEDURES:

Individuals wanting to contest or amend information maintained in this system should direct their written request to the Disclosure Officer listed above under "Notification Procedure."

The request to amend should state clearly and concisely what information is being contested, the reasons for contesting, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Personnel records including SF-Form 50.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Not applicable.

DOL/JTA-4

SYSTEM NAME:

Apprenticeship Management System (AMS).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Employment and Training Administration, Bureau of Apprenticeship and Training, Frances Perkins Building, 200 Constitution Avenue, NW, Room N-4649, Washington, DC 20210; and Chicago, Illinois, Department of Labor Region V Data Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Apprentices/Trainees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records include the following identifying information on apprentices/trainees: Social security number, ATR Code, program number, State Code, DOT Code, Job Title, name, birth date, sex, ethnic code, Veteran code, accession date, previous experience date, expected completion date, and apprenticeship school link.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The National Apprenticeship Act, also referred to as the Fitzgerald Act, 29 U.S.C. 50.

PURPOSE(S):

Records of individual apprentice/trainee and apprenticeship/trainee program sponsors are used for the operation and management of the apprenticeship system of training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be disclosed to SOICC (State Occupational Information Coordinating Committee) as basis for skill needs projection; to AFL-CIO, Joint Apprenticeship Committees and Nonjoint Apprenticeship Committees, and other apprenticeship sponsors to determine an assessment of skill needs and provide program information. To provide program information for SACs (State Apprenticeship Agencies) and other State/Federal agencies concerned with apprenticeship/training needs. To community organizations such as the Urban League, Opportunities Industrialization Centers, to utilize apprenticeship information in planning.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Direct Access Storage Devices (DASD); manual files. Magnetic tape is used for archived information.

RETRIEVABILITY:

Records are retrieved by the name or social security number of the apprentice/trainee by program type.

SAFEGUARDS:

Two levels of individual passwords for entry into the system. Locked computer room. Manual system: Locked file cabinet. During working hours, records are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Retain for five years and then destroy. Inactive programs are stored on magnetic tape and archived from online AMS file. Inactive and completed apprentices are maintained on tape indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Apprenticeship and Training, Employment and Training Administration, Frances Perkins Building, 200 Constitution Avenue, NW, Room N-4649, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Individuals seeking information concerning the existence of apprenticeship records or the contents of records on himself/herself should furnish a written request to the Director, Bureau of Apprenticeship and Training, Employment and Training Administration, Frances Perkins Building, 200 Constitution Avenue, NW, Room N-4649, Washington, DC 20210. The following information is needed for records to be located:

a. Full name.
b. Date of birth.
c. Social security number.

RECORD ACCESS PROCEDURES:

Individuals can request access to any record pertaining to himself/herself by
mailing a request to the Disclosure Officer listed above under “Notification Procedure.”

CONTESTING RECORD PROCEDURE:
Individuals desiring to contest or amend information maintained in this system should direct their written request to the Disclosure Officer listed in “Notification Procedure” above. The request to amend should state clearly and concisely what information is being contested, the reasons for contesting, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:
Apprentice/trainee and also Program Sponsor.

SYSTEM NAME:
Employer Application and Attestation File for Permanent and Temporary Alien Workers.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
ETA, USES, Division of Foreign Labor Certifications, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210; 10 ETA Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Employers who file labor certification applications, labor condition applications, or labor attestations to employ one or more alien workers on a permanent or temporary basis. The alien may be known or unknown.

CATEGORIES OF RECORDS IN THE SYSTEM:
Employers names, addresses, type and size of businesses, production data, number of workers needed in certain cases, offer of employment terms to known or unknown aliens, and background and qualifications of certain aliens, along with resumes and applications of U. S. workers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a) {15} (H) (i), and (ii)1184(c), 1182(m), 1182(n), 1182(a) (5)a), 1188, 1288. Sections 122 and 221 of Pub. L. 101-649. 8 CFR 214.2(H).

PURPOSE(S):
To maintain a record of applicants and actions taken by ETA on requests to employ alien workers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Case files developed in processing labor certification applications, labor condition applications, or labor attestations, are released to the employers who filed such applications, their representatives, and to named alien beneficiaries and their representatives, to review ETA actions in connection with appeals of denials before the Office of Administrative Law Judges and Federal Courts; to participating agencies such DOL Office of Inspector General, INS, and Department of State in connection with administering and enforcing related immigration laws and regulations; and to the Office of Administrative Law Judges and Federal Courts in connection with appeals of denials of labor certification requests, labor condition applications, and labor attestations.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Manual and/or computerized files are stored in the national office, and each of the 10 ETA Regional Offices.

RETRIEVABILITY:
Records are maintained on all applications for alien employment certification labor condition applications, and labor attestations filed by employer names. Partial data elements from each case file are stored on the computer and may be accessed by employer or in certain cases, by the named alien beneficiary.

SAFEGUARDS:
Access to records provided only to authorized personnel. The computerized data has a double security access: (1) Initial password entry to the local area network; and (2) restricted access to alien certification data is given only to those employees with a need to know the data in performing their official duties.

RETENTION AND DISPOSAL:
Generally retain case file in office for two years, then transfer to a records center for disposition after three additional years.

SYSTEM MANAGER(S) AND ADDRESS:
Chief, Division of Foreign Labor Certifications, U.S. Employment Service, ETA, 200 Constitution Avenue, NW, Washington, DC 20210, and each Regional Administrator (or designee) of the ETA in the ten Regional Offices.

NOTIFICATION PROCEDURE:
Inquiries concerning this system can be directed to the Disclosure Officer listed in “System Manager(s) and Address” above. The addresses for the 10 Regional Offices are listed under the section “Responsible Officials” included in this notice.

RECORD ACCESS PROCEDURES:
Individuals wanting to contest or amend information maintained in this system should direct their written request to the Disclosure Officer listed in “Notification Procedure” above. The request to amend should state clearly and concisely what information is being contested, the reasons for contesting, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:
Information comes from labor certification applications, labor condition applications, and labor attestations completed by employers. Certain information is furnished by named alien beneficiaries of labor certification applications, State employment Security agencies, and the resumes and applications of U.S. workers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/ETA-8
SYSTEM NAME:
Job Corps Management Information System (JCMIS) File.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Job Corps Data Center, PO Box 1667, San Marcos, Texas 78666. Categories of individuals covered by the system: Job Corps enrollees and terminees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
(1) Program operators: Contractor staff which operate the outreach/screening and placement programs and the center training programs, at the field and headquarters levels; Federal staff in the Departments of Agriculture and the Interior which operate Job Corps centers, at the center and Agency levels.
(2) Federal staff of non-DOL Agencies: Staff at the Regional, Bureau and National Offices which are responsible for monitoring and managing the programs.

(3) Staff of the Selective Service System.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information about the trainees: Pre-enrollment status, such as number of months since enrolled in school, home address; characteristics, such as age, race/ethnic group, sex; summarization of basic education and vocational training received

for monitoring and managing National Offices which are responsible for tracking and managing their programs; to provide descriptive information about the trainees; and to summarize the initial Placement status after termination

Corps; and initial Placement status

or other status) after termination

vocational training received

SUMMARIZATION OF BASIC EDUCATION AND

school, home address; characteristics, Program.

RECORD ACCESSES PROCEDURES:

Individuals can request access to any record pertaining to themselves by mailing a request to the Disclosure Officer listed above under "Notification Procedure."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in this system should direct their written request to the Disclosure Officer listed in "Notification Procedure" above. The request to amend should state clearly and concisely what information is being contested, the reasons for contesting, and the proposed amendment to the information sought. Documentation should be provided supporting any requests for amending records.

RECORD SOURCE CATEGORIES:

Outreach/screening and placement contractors; Job Corps centers

SAFEGUARDS:

Access to files is limited to designated data processing staff (Programmers/analysts). Files are Password-Protected, and are kept in physically-secure vault in limited-access building which is not accessible to the public. Back-up tape files are kept in a physically-secure vault off-site.

RETENTION AND DISPOSAL:

Paper records (source documents) are retained for 90 to 180 days after processing, then destroyed by shredding. (The "Official Record" copies of these documents are filed in the Terminated Corpsmember Records Folders, which are maintained at Job Corps centers from which the enrollees terminated for one to two years after termination; afterwards the folders are deposited in the National GSA archives.) Data file records on Job Corps Terminates are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Job Corps U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N-4508, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Letter to System Manager in accordance with 29 CFR part 70e et seq.

giving the following information about the Job Corps enrollee or terminant:

Full Name, Social Security Number (if available) Job Corps center at which enrolled (if available), Dates of enrollment and termination, if known.

RECORD ACCESS PROCEDURES:

Individuals can request access to any record pertaining to themselves or their family members by mailing a request to the Disclosure Officer listed above under "Notification Procedure."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in this system should direct their written request to the Disclosure Officer listed in "Notification Procedure" above. The request to amend should state clearly and concisely what information is being contested, the reasons for contesting, and the proposed amendment to the information sought. Documentation should be provided supporting any requests for amending records.

RECORD SOURCE CATEGORIES:

Outreach/screening and placement contractors; Job Corps centers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ETA-15

SYSTEM NAME:

DOL/ETA Evaluation, Research, Pilot or Demonstration Contractors' Project Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Individual contractors' and subcontractors' project worksites and the Office of Strategic Planning and Policy Development (OSPPD).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in programs of the Job Training Partnership Act and other research, pilot or demonstration projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system may include characteristics of program participants, description of program activities, services received by participants, program outcomes and participant follow-up information after the completion of the program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Part D. Title IV JTPA; Social Security Act, sec. 441 and 908. (29 U.S.C. 1731-1735) and (42 U.S.C. 841 and 1108) respectively.

PURPOSE(S):

The purpose of this system is to provide necessary information for and other evaluations of Employment and Training Administration (ETA) programs, evaluations of ETA-sponsored pilot and demonstration programs, and other statistical and research studies of employment and training program and policy issues. These records are used solely for statistical research or evaluation and are not used in any way for making any determination about an identifiable individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement to this document. All information coming out of this system is statistical in nature.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disk and magnetic tape.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Access to files is limited to designated data processing staff (Programmers/analysts). Files are Password-Protected, and are kept in physically-secure vault in limited-access building which is not accessible to the public. Back-up tape files are kept in a physically-secure vault off-site.

RETENTION AND DISPOSAL:

Paper records (source documents) are retained for 90 to 180 days after processing, then destroyed by shredding. (The "Official Record" copies of these documents are filed in the Terminated Corpsmember Records Folders, which are maintained at Job Corps centers from which the enrollees terminated for one to two years after termination; afterwards the folders are deposited in the National GSA archives.) Data file records on Job Corps terminates are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Job Corps U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N-4508, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Letter to System Manager in accordance with 29 CFR part 70e et seq.

giving the following information about the Job Corps enrollee or terminant:

Full Name, Social Security Number (if available) Job Corps center at which enrolled (if available), Dates of enrollment and termination, if known.

RECORD ACCESS PROCEDURES:

Individuals can request access to any record pertaining to themselves or their family members by mailing a request to the Disclosure Officer listed above under "Notification Procedure."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in this system should direct their written request to the Disclosure Officer listed in "Notification Procedure" above. The request to amend should state clearly and concisely what information is being contested, the reasons for contesting, and the proposed amendment to the information sought. Documentation should be provided supporting any requests for amending records.

RECORD SOURCE CATEGORIES:

Outreach/screening and placement contractors; Job Corps centers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ETA-15

SYSTEM NAME:

DOL/ETA Evaluation, Research, Pilot or Demonstration Contractors' Project Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Individual contractors' and subcontractors' project worksites and the Office of Strategic Planning and Policy Development (OSPPD).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in programs of the Job Training Partnership Act and other research, pilot or demonstration projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system may include characteristics of program participants, description of program activities, services received by participants, program outcomes and participant follow-up information after the completion of the program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Part D. Title IV JTPA; Social Security Act, sec. 441 and 908. (29 U.S.C. 1731-1735) and (42 U.S.C. 841 and 1108) respectively.

PURPOSE(S):

The purpose of this system is to provide necessary information for and other evaluations of Employment and Training Administration (ETA) programs, evaluations of ETA-sponsored pilot and demonstration programs, and other statistical and research studies of employment and training program and policy issues. These records are used solely for statistical research or evaluation and are not used in any way for making any determination about an identifiable individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement to this document. All information coming out of this system is statistical in nature.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disk and magnetic tape.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Access to files is limited to designated data processing staff (Programmers/analysts). Files are Password-Protected, and are kept in physically-secure vault in limited-access building which is not accessible to the public. Back-up tape files are kept in a physically-secure vault off-site.

RETENTION AND DISPOSAL:

Paper records (source documents) are retained for 90 to 180 days after processing, then destroyed by shredding. (The "Official Record" copies of these documents are filed in the Terminated Corpsmember Records Folders, which are maintained at Job Corps centers from which the enrollees terminated for one to two years after termination; afterwards the folders are deposited in the National GSA archives.) Data file records on Job Corps terminates are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Job Corps U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N-4508, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Letter to System Manager in accordance with 29 CFR part 70e et seq.

giving the following information about the Job Corps enrollee or terminant:

Full Name, Social Security Number (if available) Job Corps center at which enrolled (if available), Dates of enrollment and termination, if known.

RECORD ACCESS PROCEDURES:

Individuals can request access to any record pertaining to themselves or their family members by mailing a request to the Disclosure Officer listed above under "Notification Procedure."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in this system should direct their written request to the Disclosure Officer listed in "Notification Procedure" above. The request to amend should state clearly and concisely what information is being contested, the reasons for contesting, and the proposed amendment to the information sought. Documentation should be provided supporting any requests for amending records.

RECORD SOURCE CATEGORIES:

Outreach/screening and placement contractors; Job Corps centers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ETA-15

SYSTEM NAME:

DOL/ETA Evaluation, Research, Pilot or Demonstration Contractors' Project Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Individual contractors' and subcontractors' project worksites and the Office of Strategic Planning and Policy Development (OSPPD).
RECORDS which are individually identified are retained by the contractors until the conclusion of the studies, then the identifiers are destroyed. After the conclusion of the studies the records are retired to the Federal Records Center for eventual disposal.

SYSTEM MANAGER(S) AND ADDRESS:
Administrator, Office of Strategic Planning and Policy Development, Employment and Training Administration, Frances Perkins Building, 200 Constitution Ave., NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:
Address inquiries to the Administrator, Office of Strategic Planning and policy Development, Employment and Training Administration, Frances Perkins Building, 200 Constitution Ave., NW, Washington, DC 20210.

RECORD ACCESS PROCEDURES:
Individuals wishing access to a record should contact the office indicated in the notification procedures section above. Individuals requesting access to records must comply with the office’s Privacy Act regulations on verification of identity and access to records.

CONTESTING RECORD PROCEDURES:
Individuals wishing to request amendment to records should contact the office indicated in the notification procedures section.

RECORD SOURCE CATEGORIES:
Individual participants, and Federal, State, and local Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/ETA–16

SYSTEM NAME:
Employment and Training Administration Investigatory File.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
Division of Special Review and Internal Control, Employment and Training Administration, Frances Perkins Building, 200 Constitution Ave., NW, Room N–4071, Washington, DC 20210, AND each of the Employment and Training Administration Regional Offices.

RECORD ACCESS PROCEDURES:
Individuals can request access to any record pertaining to himself/herself by mailing a request to the Disclosure Officer(s) listed above under “Notification Procedure.” Such inquiries should include the full name of the requester, name and address of the organization, service delivery area, and the ETA–administered program or project.

CONTESTING RECORD PROCEDURES:
Individuals desiring to contest or amend information maintained in this system should direct their written request, containing specific details of personal and professional data indicated, to the Disclosure Officer(s).
listed in "Notification Procedure" above. The request should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:
Program sponsors, contractors, complainants, witnesses, Office of the Inspector General and other Federal, State and local government records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/ETA-20

SYSTEM NAME:
Federal Bonding Program, Bondees Certification Files.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
State Job Service applicants who are eligible and need bonding to get a job.

CATEGORIES OF RECORDS IN THE SYSTEM:
Personal (name, SSN, employer name), employment data (DOT and SIC codes), employer data (address, city, State, ZIP code), amount of bond (expressed in $500 units), cost of bond (expressed in units), effective date of bond, and termination date of bond.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
The purpose of these records is to provide information to the DOL project officer on the activities of the contracted project—the Federal Bonding Program. These records are used solely for statistical information and not used in any way for making any determination about an identifiable individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Disk Operated System (DOS) and printout.

RETRIEVABILITY:
Retrieved by assigned bond number.

SAFEGUARDS:
Locked in cabinets in offices of Federal, State, and private buildings.

RETENTION AND DISPOSAL:
States and regions dispose of data 3 years and older; punch card processing keeps master DOS of all bondees prior to 1980.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Present and former members of the committees established by ETA and candidates for a position on an advisory committee.

CATEGORIES OF RECORDS IN THE SYSTEM:
Biographical information on individuals who are or have been members or are being considered for membership on the committees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.

PURPOSE(S):
To ensure that all appropriate records are retained and are available for official use in accordance with the requirements of the Federal Advisory Committee Act and GSA’s Rule on Advisory Committee Management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Information in these records may be disclosed to the General Services Administration when necessary to comply with the Federal Advisory Committee Act.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Storage methods vary between program components, but the data will be stored either on magnetic tape or in a manual file, both of which are secured at all times. Also, a copy will be stored in the Executive Secretariat and will be secured with access to the records by means of identification number and password known only to the user and system manager.

RETRIEVABILITY:

Retrievable by member name or committee name, and via identification number if electronically maintained.

SAFEGUARDS:

Maintained in system managers office with only authorized employees having access to the file on a need to know basis.

RETENTION AND DISPOSAL:

Records transferred to National Archives 5 years after member resigns from committee.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager of each file is the Administrator of the Program Office involved, U.S. Department of Labor, Employment and Training Administration, Frances Perkins Building, 200 Constitution Ave., NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Mail all inquiries or present in writing to the appropriate program system manager, or to the Freedom of Information Act/Privacy Act Coordinator, at U.S. Department of Labor/ETA, 200 Constitution Ave., NW, Room N-4671, Washington, DC 20210.

RECORD ACCESS PROCEDURES:

Individuals can request access to any record pertaining to himself/herself by mailing a request to the appropriate program system manager or to the FOIA/PA Coordinator listed above under “Notification Procedure.” The request should include the name of the Committee and the dates requester served on the Committee.

CONTESTING RECORD PROCEDURES:

Individuals wanting to contest or amend information maintained in this system should direct their written request to the appropriate program system manager or to the FOIA/PA Coordinator listed above under “Notification Procedure.” The request should state clearly and concisely what information is being contested, the reasons for contesting, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from the individuals concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ETA-22

SYSTEM NAME:

ETA Employee Conduct Investigations.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Offices in the Employment and Training Administration at the National Office and in each of the ten Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

ETA employee(s) against whom any allegation of misconduct, illegal acts, conflicts of interests, etc., has been made.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, organization and other information relating to the individual involved; investigative report(s), including interviews and other data gathered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 7301, and Executive Order 11222.

PURPOSE(S):

To ensure that all appropriate records of problems, misconduct, illegal acts, conflicts of interest, etc., are retained, documenting actions taken in each case.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for the prefatory routine uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

RECORD ACCESS PROCEDURES:

Individuals can request access to any record pertaining to himself/herself by mailing a request to the Disclosure Officer listed above under “Notification Procedure.” Such inquiries should include full name, agency, organization, and office component of the requester.

CONTESTING RECORD PROCEDURES:

Individuals wanting to contest or amend information maintained in this system should direct their written request, containing the data elements listed above, to the Disclosure Officer listed above in “Notification Procedure.” The request to amend should state clearly and concisely what information is being contested, the
reasons for contesting, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individuals, hotline complaints through the Office of the Inspector General's hotline; hotline complaints through the General Accounting Office's hotline system; incident reports submitted by other employees; investigative reports and interviews.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G); (H), and (l); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/ETA-23

SYSTEM NAME:

Federal Committee on Apprenticeship (FCA).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Department of Labor (DOL); Employment and Training Job Office Training Programs, Bureau of Apprenticeship and Training, 200 Constitution Avenue, NW, Room N-4649, Washington, DC 20010.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former members of the Federal Committee on Apprenticeship and candidates applying for a position on the advisory committee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Membership file listing name, address, occupation, committee name, and term of appointment. Biographical information on committee members and applicants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

For ready access in preparing Advisory Committee reports as required by the Federal Advisory Committee Act and GSA's Interim Rule on Advisory Committee Management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be disclosed to the General Services Administration when necessary to comply with the Federal Advisory Committee Act.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All data is stored on a disk which is located inside the processor, with magnetic tape backup. The hard copies will be stored in the Executive Secretariat and will be secured at all times, access to the records will be by means of identification number and password known only to the user and system manager.

RETRIEVABILITY:

Records will be retrievable by name or by any of the categories listed under "Categories of Records."

SAFEGUARDS:

The records are safeguarded by (1) user identification and password; (2) establishment of permission to view the file by the system or owner of the record; and (3) encryption of documents, records and data elements. All hard copies are stored in a locked storage area and are only accessible by permission of the Committee Management Coordinator.

RETENTION AND DISPOSAL:

Hard copies will be sent to the Archives until such time as we receive instruction from Archives regarding the permanent retention of discs or magnetic tapes. Discs and tapes will be destroyed. Records are retired to the Federal Records Center within five years after a committee becomes inactive. All records over five years old may be retired to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary and DOL Committee Management Office, Department of Labor (DOL), 200 Constitution Avenue, NW, Room N-4644, Washington, DC 20010.

NOTIFICATION PROCEDURE:

Any individual who wishes to be notified if the system of records contains a record pertaining to him/her may apply in writing to the system manager.

RECORD ACCESS PROCEDURES:

Any individual who wishes to review the contents of a record pertaining to him/her may apply in writing to the System Manager at the above address.

CONTESTING RECORD PROCEDURE:

Same as "Record Access Procedures."

APPEALS should be directed to the Secretary of Labor if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from (1) committee sponsor; (2) individuals who apply for advisory committee appointments, and (3) persons who recommend them for appointment. Each applicant must complete a Candidate Biographical Request for Name Check which contains all of the data to be stored in the "Categories of records." and the individual signs a permission statement authorizing the Department of Labor to retain such records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ETA-24

SYSTEM NAME:

Contracting and Grant Officer Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Employment and Training Administration, Office of Grants and Contract Management, Office of Comptroller, and Assistant Secretary for Administration and Management, Office of Acquisition Integrity, 200 Constitution Avenue, NW, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former contracting and grant officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, job title and grade, qualifications, training and experience, request for appointment as Contracting/Grant Officer, Certification of Appointment, copy of Certificate of Appointment, and other correspondence and documents relating to the individual’s qualifications therefor.
AUTHORITIES FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 486; Department of Labor Acquisition Regulations 2901.6; Department of Labor Manual Series 2–800.

PURPOSE(S):

To ascertain an individual's qualifications to be appointed as a contracting/grant officer; to determine if limitations on procurement authority are appropriate; to complete Certificate of Appointment.

ROUTINE USES OF RECORD MAINTAINED IN THE SYSTEMS, INCLUDING CATEGORIES AND USERS AND THE PURPOSES OF SUCH USES:

A. Disclosure to Office of Government Ethics: A record from a system of records may be disclosed, as a routine use, to the Office of Government Ethics for any purposes consistent with that office's mission, including the compilation of statistical data.

B. Disclosure to a Board of Contract Appeals, GAO or any other entity hearing a contractor's protest or dispute. A record from a system of records may be disclosed, as a routine use, to the United States General Accounting Office, to a Board of Contract Appeals, or the Claims Court in bid protest cases or contract dispute cases involving procurement.

C. Disclosure to any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation or audit. A record from a system of records may be disclosed, as a routine use, to any source, either private or government, to the extent necessary to secure from such source information relevant to and sought in furtherance of a legitimate investigation or audit.

D. Disclosure to Office of Management and Budget Relevant information may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

E. A record from a system may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority 44 U.S.C. 2904 and 2906.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by Contracting/Grant Officer Number and Name.

SAFEGUARDS:

Records are maintained in a secured, locked file cabinet accessible to the authorized personnel having need for the information in the performance of their duties.

RETENTION AND DISPOSAL:

All documents relating to and reflecting the designation of Contracting/Grant Officers and terminations of such designations, are destroyed 6 years after termination of appointment.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Acquisition and Assistance, U.S. Department of Labor, ETA, 200 Constitution Avenue, NW, Room C–4305, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the System manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to system manager. Written requests should contain the full name, current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

Documentation should be provided supporting any requests for amending records.

RECORD SOURCE CATEGORIES:

The contract officer's Certification of Appointment and background information on education, SF–171, and specific information on procurement authorities delegated.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/ETA-25

SYSTEM NAME:

DOL/ETA Evaluation Research Projects.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Either in ETA or at an individual contractor's worksite.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employer or employee covered under a State unemployment compensation law.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains claimant records, employer contribution records, and employee wage records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Social Security Act, sec. 303(l), 303(a)(6), and 702 and 906, (42 U.S.C. 503(a)(l), 503(a)(6), 902, 1106); 5 U.S.C. 8506(b).

PURPOSE(S):

These records are used for researching and evaluating the unemployment compensation and other programs for which ETA is responsible and are not used for any purpose other than that specified under agreement with the State from which the records were obtained. These records are not used in any way for making any determination affecting an identifiable individual's entitlement to unemployment compensation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USE:

None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tape and disks by ETA and various contractors.

RETRIEVABILITY:

Records may be retrieved by individual identifiers; specifically, by name, social security account number, or employer identification number.

SAFEGUARDS:

Records are maintained on secure computer systems and can only be retrieved with the proper access code.

RETENTION AND DISPOSAL:

Records are retained by ETA or its contractor until the end of each project. At the conclusion of each project the individually identifiable records obtained from the State are returned to the State from which they were obtained.
OF THE ACT:

CONTESTING RECORD PROCEDURES:

and access to records.

regulations on verification of identity

Individuals requesting access to records

Administration, Frances Perkins

Building, 200 Constitution

Avenue, NW, Washington, DC 20210.

RECORD ACCESS PROCEDURES:

Individuals wishing access to a record

should contact the office indicated in

the notification procedure section.

Individuals requesting access to records

must comply with the Privacy Act

rules on verification of identity and

access to records.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request

amendment to records should contact

the office indicated in the notification

procedures section.

RECORD SOURCE CATEGORIES:

State records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS

OF THE ACT:

None.

DOL/ETA-26

SYSTEM NAME:

Standardized Program Information

Report (SPIR).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Database management contractor's

work site.

CATEGORIES OF INDIVIDUALS COVERED BY THE

SYSTEM:

Terminese from Titles II (including

Older Workers Set-aside), III, and III of

the Job Training Partnership Act (JTPA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system include the Social Security number and various

characteristics of each participant, the description of program activities and

services they received, and program outcome and participant follow-up

information obtained after completion of the program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

JTPA section 165(c)(2) (29 U.S.C.

1575(c)(2)).

PURPOSE(S):

To maintain a management information system designed to

facilitate the uniform compilation and

analysis of programmatic data necessary for reporting, monitoring and evaluation

purposes. These records are not used for making determinations about

identifiable individuals. The system will:

(1) Generate statistical reports that will present detailed information on the

characteristics of program participants, program activities and outcomes. These data

will be reported at the national, state and local levels; and will allow the

Department to respond to a variety of requests for specific information

regarding the scope of services and the nature of employment that JTPA is

providing to its clients.

(2) Provide information that will enable the Department to evaluate the

program at different levels (nationally, or at a regional, State or local level) and

to provide feedback to States and localities on such evaluations.

(3) Provide a suitable national database to enable the Department to

provide technical guidance to local programs in establishing performance

goals for their service providers.

ROUTINE USES OF RECORDS MAINTAINED IN THE

SYSTEM, INCLUDING CATEGORIES OF USERS AND

THE PURPOSES OF SUCH USES:

Disclosure to State and local JTPA

organizations those records that are

relevant and necessary to allow for

comparative self-analysis of their

programs' performance.

Disclosure to researchers and public

interest groups those records that are

relevant and necessary to evaluate the

effectiveness of the overall program and

its various training components in

serving different subgroups of the

eligible population.

DISCLOSURE TO CONSUMER REPORTING

AGENCIES:

Not applicable.

POLICIES AND PRACTICES FOR STORING,

RETRIEVING, ACCESSING, RETAINING, AND

DISPOSING OF RECORDS IN THE SYSTEM:

Storage:

Records are maintained on magnetic

tape and disks at the database

management contractor's work site.

RETRIEVABILITY:

Primarily by participant

characteristic. Occasionally by Social

Security Number.

SAFEGUARDS:

Records are maintained on a secure

computer system and can only be

retrieved with the proper access code.

Public access files and files used for

analysis outside the database manager's

computer system will be purged of

participant identifiers and records will

be sufficiently aggregated to prevent

identification of any individual.

RETENTION AND DISPOSAL:

Data files will be retained

indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Office of Strategic

Planning and Policy Development,

Employment and Training

Administration, 200 Constitution

Avenue, NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Address inquiries to the

Administrator, Office of Strategic

Planning and Policy Development,

Employment and Training

Administration, 200 Constitution

Avenue, NW, Washington, DC 20210.

RECORD ACCESS PROCEDURES:

Individuals wishing access to a record

should contact the office indicated in

the notification procedure above.

Individuals requesting access to records

must comply with the Department of

Labor's Privacy Act regulations on

verification of identity and access to

records.

CONTESTING RECORD PROCEDURES:

Individuals wishing access to a record

should contact the office indicated in

the notification procedure above.

Individuals requesting access to records

must comply with the Department of

Labor's Privacy Act regulations on

verification of identity and access to

records.

RECORD SOURCE CATEGORIES:

Individual participant, State and local

JTPA program offices.

SYSTEMS EXEMPT FROM CERTAIN PROVISIONS

OF THE ACT:

None.

DOL/OIG-1

SYSTEM NAME:

General Investigative Files, Case

Tracking Files, and Subject/Title Index.

USDOL/OIG.

SECURITY CLASSIFICATION:

N/A.

SYSTEM LOCATION:

Office of Inspector General, U.S.

Department of Labor, 200 Constitution

Avenue, NW, Washington, DC 20210,

and in the OIG regional and field

offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE

SYSTEM:

DOL employees, applicants,

contractors, subcontractors, grantees,

subgrantees, claimants, complainants,

individuals threatening DOL employees

or the Secretary of Labor, alleged

violators of Labor laws and regulations,
union officers, individuals investigated and interviewed, and individuals filing claims for entitlement or benefits under laws administered by the Department of Labor, individuals providing medical and other services to OWCP, employees of insurance companies and of medical and other services provided to OWCP, and other persons suspected of violations of law and related administrative, civil and criminal provisions.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records related to administrative, civil and criminal investigations which include: statements and other information from subjects, targets, and witnesses; material from governmental investigatory or law enforcement organizations (federal, state, local or international) and intelligence information; information of criminal, civil or administrative referrals and/or results of investigations; investigative notes and investigative reports; summary information for investigative referrals and/or results of investigations; intelligence information; information of subjects, targets, and witnesses; material during the course of investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A. Referral to federal, state, local and foreign investigative and/or prosecutive authorities. A record from a system of records, which indicates either by itself or in combination with other information within the agency's possession a violation or potential violation of law, whether civil, criminal or regulatory and whether arising by statute or relevant program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed as a routine use, to the appropriate federal, foreign, state or local agency or professional organization charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing or investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

B. Introduction to a grand jury. A record from a system of records may be disclosed, as a routine use, to a grand jury agent pursuant to a federal or state grand jury subpoena or to a hearing a contractor protest or dispute. A record from a system of records may be disclosed, as a routine use, to a board of contract appeals, or to the claims court in bid protest cases or contract dispute cases involving procurement.

C. Referral to suspension/debarment authorities. A record from a system of records may be disclosed, as a routine use, to any federal agency responsible for considering suspension/debarment actions where such record would be germane to a determination of the propriety/necessity for such an action.

D. Referral to federal, state, local or professional licensing boards. A record from a system of records may be disclosed, as a routine use, to any governmental, professional or licensing authority when such record reflects on qualifications, either moral, educational or vocational, of an individual seeking to be licensed or to maintain a license.

E. Disclosure to contractor, grantee or other direct recipient of federal funds to allow such entity to effect corrective action in agency's best interest. A record from a system of records may be disclosed, as a routine use, to any direct or indirect recipient of federal funds where such record reflects serious inadequacies with a recipient's personnel, and disclosure of the record is made to permit a recipient to take corrective action beneficial to the Government.

F. Disclosure to any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation, audit or inspection.

G. Disclosure to any domestic or foreign governmental agencies for personnel or other action. A record from a system of records may be disclosed, as a routine use, to a federal, state, local, foreign or international agency, for their use in connection with such entity's assignment, hiring or retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter.

H. Disclosure to Office of Government Ethics record from a system of records may be disclosed, as routine use, to the Office of Government Ethics for any purpose consistent with that office's mission, including the compilation of statistical data.

I. Disclosure to a board of contract appeals, GAO or any other entity hearing a contractor protest or dispute.

J. Disclosure to domestic or foreign governmental law enforcement agency in order to obtain information relevant to an OIG or DOL decision. A record from a system of records may be disclosed, as a routine use, to the United States General Accounting Office, to a board of contract appeals, or to the claims court in bid protest cases or contract dispute cases involving procurement.

PURPOSE(S):

This system is established and maintained to fulfill the purposes of the Inspector General Act of 1978 and to fulfill the responsibilities assigned by that Act concerning investigative activities. The OIG initiates investigations of individuals, entities and programs, maintains information received and developed in this system during the time the investigation is performed, and after each investigation is completed. This system is the repository of all information developed during the course of investigations.
OIG or DOL investigation, audit, or inspection.

K. Disclosure to OMB or DOJ regarding Freedom of Information Act and Privacy Act advice. Information from a system of records may be disclosed, as a routine use, to the Office of Management and Budget or the Department of Justice in order to obtain advice regarding statutory obligations under the Freedom of Information Act or Privacy Act.

L. Disclosure to a member of Congress making a request at the behest of a party protected under the Privacy Act. A record from a system of records may be disclosed, as a routine use, to a Member of Congress who submits an inquiry on behalf of an individual when the Member of Congress informs the appropriate agency official that the individual to whom the record pertains has authorized the Member of Congress to have access. In such cases, the member has no greater right to the record than does the individual.

M. Disclosure pursuant to the receipt of a valid subpoena. A record from a system of records may be disclosed, as a routine use, in response to a facially valid subpoena for the record.

Disclosure may also be made when a subpoena or order is signed by a judge from a court of competent jurisdiction. N. Disclosure to Treasury and DOJ in pursuance of an ex parte court order to obtain taxpayer information from the IRS. A record from a system of records may be disclosed, as a routine use, to the Department of Justice and the Department of Justice when the OIG seeks an ex parte court order to obtain taxpayer information from the IRS. A record from a system of records may be disclosed, as a routine use, to the Department of Treasury and the Department of Justice when the OIG seeks an ex parte court order to obtain taxpayer information from the Internal Revenue Service.

O. Disclosure to a consumer reporting agency in order to obtain relevant investigatory information. A record from a system of records may be disclosed, as a routine use, to a "consumer reporting agency" as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(d)(3)), for the purposes of obtaining information in the course of an investigation, audit, or inspection.

P. Disclosure in accordance with computer matching guidelines and/or laws. A record may be disclosed to a federal, state, or local agency for use in computer matching programs to prevent and detect fraud and abuse in benefit programs administered by those agencies and their components, and to collect debts and overpayments owed to the agencies and their components. This routine use does not provide unrestricted access to records for such law enforcement and related anti-fraud activities; each request for disclosure will be considered in light the applicable legal and administrative requirements for the performance of a computer matching program or procedure.

Q. Disclosure to any court or adjudicative body during the course of any litigation to which the agency is a party or has an interest. A record may be disclosed during the course of a proceeding before a court or other adjudicative or administrative body before which the DOL or OIG is authorized to appear, or in the course of settlement negotiations with opposing counsel, when—(1) The DOL or OIG, or any component thereof; or (2) any employee of the DOL in his or her official capacity; or (3) any employee of the DOL in his or her individual capacity, where the DOL or DOJ has agreed to or considering representation of the employee; or (4) the United States or any of its components is a party to litigation, or has an interest in such litigation, or the DOL or OIG will be affected by the litigation, and the DOL or OIG determines that the use of such records is relevant and necessary to the litigation; provided, however, that in each case the DOL or OIG determines that disclosure of the records is a use of the information that is compatible with the purpose for which the records were collected.

R. Disclosure to DOJ or another federal agency's legal representative, to include the Department of Justice and other outside counsel, where DOL is a party to litigation or has an interest in litigation. A record may be disclosed to the Department of Justice or federal agency's legal representative when—(1) the DOL or OIG, or any component thereof; or (2) any employee of the DOL or OIG in his or her official capacity; or (3) any employee of the DOL or OIG in his or her individual capacity, where the Department of Justice has agreed or is considering a request to represent the employee; or (4) the United States or any of its components is a party to litigation, or has an interest in such litigation, or the DOL or OIG will be affected by the litigation, and the DOL or OIG determines that the use of such records by the Department of Justice is relevant and necessary to the litigation; provided, however, that in each case the DOL or OIG determines that disclosure of the records to the Department of Justice is a use of the information that is compatible with the purpose for which the records were collected.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING,
RETIewing, ACCESSING, RETAINING, AND
DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information is maintained in a variety of mediums including paper, microfilm, magnetic tapes or discs, and optical digital data discs. The records are maintained in limited access areas during duty hours and in locked offices at all other times.

RETRIEVABILITY:

The written case records are indexed by case number, while file cards are indexed by subject name. Automated records are retrieved by case number, case name, subject, or, batch retrieval applications.

SAFEGUARDS:

Direct access is restricted to authorized staff members of the OIG their attorneys or contractor employees on a need-to-know basis. Automated records can be accessed only through use of confidential procedures and passwords.

RETENTION AND DISPOSAL:

Files containing information of an investigatory nature but not relating to a specific investigation are destroyed after five years being closed. All other investigative case files are placed in inactive files when case is closed and sent to the Federal Record Center and destroyed when closed ten years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations; Assistant Inspector General for Labor Racketeering; and Director, Special Projects Office; Office of Inspector General; U.S. Department of Labor; Room S-1303; 200 Constitution Avenue, NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:

Inquiries concerning this system of records can be directed to: Disclosure Officer, Office of Inspector General; U.S. Department of Labor, Room S1303, 200 Constitution Avenue, NW, Washington, DC 20210. Inquiries must comply with the requirements in 29 CFR 709.4 and 5.

RECORD ACCESS PROCEDURE:

Individuals can request access to any record pertaining to him/her by mailing a request to the Disclosure Officer listed above under "Notification Procedure." See 29 CFR 709.4 and .5.
CONTESTING RECORD PROCEDURES:
Individuals desiring to contest or amend information maintained in the system should direct their request to the Disclosure Officer listed in "Notification Procedure," above.
In addition, the request should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. See 29 CFR 70a.7.

RECORD SOURCE CATEGORIES:
The information contained in this system is received from individual complaints, witnesses, interviews conducted during investigations, Federal, state and local government records, individual or company records, claim and payment files, employer medical records, insurance records, court records, articles from publications, published financial data, corporate information, telephone data, insurers, service providers, grantees, subcontractors, and contractors and subcontractors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
The Secretary of Labor has promulgated regulations which exempt information contained in this system of records from various provisions of the Privacy Act depending upon the purpose for which the information was gathered and for which it will be used. The various law enforcement purposes and the reasons for the exemptions are as follows:
(a) Criminal Law Enforcement: In accordance with 5 U.S.C. 552a(d)(2) information compiled for this purpose is exempt from all of the provisions of the Act except the following sections: (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (l). This material is exempt because the disclosure and other requirements of the Act would substantially compromise the efficacy and integrity of OIG operations in a number of ways. Indeed, disclosure of even the existence of these files would be problematic. Disclosure could enable suspects to take action to prevent detection of criminal activities, conceal evidence, or escape prosecution.
Required disclosure of information contained in this system could lead to the intimidation of, or harm to, informants, witnesses and their respective families or OIG personnel and their families. Disclosure could invade the privacy of individuals other than subjects and disclose their identity when confidentiality was promised or impliedly promised to them. Disclosure could interfere with the integrity of information which would otherwise be privileged, (see, e.g., 5 U.S.C. 552(b)(5)), and which could interfere with other important law enforcement concerns: (see, e.g., 5 U.S.C. 552(b)(7)).

(b) Other Law Enforcement: In accordance with 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes (to the extent it is not already exempted by 5 U.S.C. 552a((j)(2)), is exempt from the following provisions of the Act: (c)(3), (d), (e)(1), (e)(4)(G), (H) and (l), and (f).
This material is exempt because the disclosure and other requirements of the Act could substantially compromise the efficacy and integrity of OIG operations. Disclosure could invade the privacy of other individuals and disclose their identity when they were expressly promised confidentiality. Disclosure could interfere with the integrity of information which would otherwise be subject to privileges, see, e.g., 5 U.S.C. 552(b)(5), and which could interfere with other important law enforcement concerns. See, e.g., 5 U.S.C. 552(b)(7).
(c) Protective Services: In accordance with 5 U.S.C. 552a(k)(3) investigatory material maintained in connection with assisting the U.S. Secret Service to provide protective services to the President of the United States or other individuals pursuant to 18 U.S.C. 3056 is exempt from the following sections of the Act: (c)(3), (d), (e)(1), (e)(4)(G), (H) and (l), and (f). This material is exempt in order to enable the OIG to continue its support of the Secret Service without compromising the effectiveness of either agency’s activities.

(3) Contract Investigations: In accordance with 5 U.S.C. 552a(k)(5), investigatory material compiled solely for the purpose of determining integrity, suitability, eligibility, qualifications, or employment for a DOL contract is exempt from the following sections of the Act: (c)(3), (d), (e)(1), (e)(4)(G), (H), (l) and (f).
This exemption was obtained in order to protect from disclosure the identity of a confidential source when an express promise of confidentiality has been given in order to obtain information from sources who would otherwise be unwilling to provide necessary information. See 29 CFR 70a.13(b)(iv).

DOL/OIG—2
SYSTEM NAME:
Freedom of Information/Privacy Acts Records.

SECURITY CLASSIFICATION:
N/A.

SYSTEM LOCATION:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Persons who request disclosure of records pursuant to the Freedom of Information Act, persons who request access to or correction of records pertaining to themselves contained in the Office of Inspector General’s systems of records pursuant to the Privacy Act; where applicable, persons about whom records have been requested or about whom information is contained in requested records; and persons representing those identified above.

CATEGORIES OF RECORDS IN THE SYSTEM:
The system contains (a) copies of all correspondence and internal memorandums related to the Freedom of Information Act and Privacy Act requests, and related records necessary to the processing of such requests; (b) copies of all documents relevant to appeals and lawsuits under the Freedom of Information and Privacy Acts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
This system of records is maintained in order to accurately reflect the identity of requestors, the substance of each
request, the responses made by the OIG and in order to comply with the reporting and accounting requirements of the Freedom of Information and Privacy Acts. Materials within this system also reflect the reasons for the disclosure and/or denial of requests or portions of requests and any further action on requests which may be appealed and/or litigated.

**Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses:**

A. Referral to federal, state, local and foreign investigative and/or prosecutive authorities. A record from a system of records, which indicates either by itself or in combination with other information within the agency's possession a violation or potential violation of law, whether civil, criminal or regulatory and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed as a routine use, to the appropriate federal, foreign, state or local agency or professional organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing or investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

B. Introduction to a grand jury. A record from a system of records may be disclosed, as a routine use, to a grand jury agent pursuant either to a federal or state grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

C. Referral to suspension/debarment authorities. A record from a system of records may be disclosed, as a routine use, to any federal agency responsible for considering suspension/debarment actions where such record would be germane to a determination of the propriety/necessity for such an action.

D. Referral to federal, state, local or professional licensing boards. A record from a system of records may be disclosed, as a routine use, to any governmental, professional or licensing authority when such record reflects on qualifications, either moral, educational or vocational, of an individual seeking to be licensed or to maintain a license.

E. Disclosure to contractor, grantee or other direct recipient of federal funds to allow such entity to effect corrective action in agency's best interest. A record from a system of records may be disclosed, as a routine use, to any direct or indirect recipient of federal funds where such record reflects serious inadequacies with a recipient's personnel, and disclosure of the record is made to permit a recipient to take corrective action beneficial to the Government.

F. Disclosure to any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation, audit or inspection. A record from a system of records may be disclosed, as a routine use, to any source, either private or governmental, to the extent necessary to secure such information relevant to and sought in furtherance of an investigation, audit, or inspection.

G. Disclosure to any domestic or foreign governmental agencies for personnel or other action. A record from a system of records may be disclosed, as a routine use, to a federal, state, local, foreign or international agency, for their use in connection with such entity's assignment, hiring or retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter.

H. Disclosure to Office of Government Ethics record from a system of records may be disclosed, as routine use, to the Office of Government Ethics for any purpose consistent with that office's mission, including the compilation of statistical data.

I. Disclosure to a board of contract appeals, GAO or any other entity hearing a contractor protest or dispute. A record from a system of records may be disclosed, as a routine use, to the United States General Accounting Office, to a board of contract appeals, or to the claims court in bid protest cases or contract dispute cases involving procurement.

J. Disclosure to domestic or foreign governmental law enforcement agency in order to obtain information relevant to an OIG or DOL decision. A record from a system of records may be disclosed, as a routine use, to a domestic or foreign governmental agency maintaining civil, criminal or other relevant enforcement information, or other pertinent information, in order to obtain information relevant to a OIG or DOL decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit, or which may be relevant to an OIG or DOL investigation, audit, or inspection.

K. Disclosure to OMB or DOJ regarding Freedom of Information Act and Privacy Act advice. Information from a system of records may be disclosed, as a routine use, to the Office of Management and Budget or the Department of Justice in order to obtain advice regarding statutory obligations under the Freedom of Information Act or Privacy Act.

L. Disclosure to a member of Congress making a request at the behest of a party protected under the Privacy Act. A record from a system of records may be disclosed, as a routine use, to a Member of Congress who submits an inquiry on behalf of an individual when the Member of Congress informs the appropriate agency official that the individual to whom the record pertains has authorized the Member of Congress to have access. In such cases, the member has no greater right to the record than does the individual.

M. Disclosure pursuant to the receipt of a valid subpoena. A record from a system of records may be disclosed, as a routine use, in response to a facially valid subpoena for the record.

N. Disclosure to any domestic or foreign governmental agencies for personnel or other action. A record from a system of records may be disclosed, as routine use, to a federal, state, local, foreign or international agency, for their use in connection with such entity's assignment, hiring or retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter.

O. Disclosure to a consumer reporting agency in order to obtain relevant investigatory information. A record from a system of records may be disclosed, as a routine use, to a "consumer reporting agency" as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purposes of obtaining information in the course of an investigation, audit, or inspection.

P. Disclosure in accordance with computer matching guidelines and/or laws. A record may be disclosed to a federal, state, or local agency for use in computer matching programs to prevent and detect fraud and abuse in benefit programs administered by those agencies, to support civil and criminal law enforcement activities of those agencies and their components, and to collect debts and overpayments owed to the agencies and their components. This routine use does not unrestricted access to records for such law enforcement and related anti-fraud.
activities; each request for disclosure will be considered in light the applicable legal and administrative requirements for the performance of a computer matching program or procedure.

Q. Disclosure to any court or adjudicative body during the course of any litigation to which the agency is a party or has an interest. A record may be disclosed during the course of a proceeding before a court or other adjudicative or administrative body before which the DOL or OIG is authorized to appear, or in the course of settlement negotiations with opposing counsel, when—(1) The DOL or OIG, or any component thereof; or (2) any employee of the DOL in his or her official capacity; or (3) any employee of the DOL in his or her individual capacity, where the DOL or OIG has agreed to considering representation of the employee; or (4) the United States or any of its components is a party to litigation or has an interest in such litigation, or the DOL or OIG will be affected by the litigation, and the DOL or OIG determines that the use of such records is relevant and necessary to the litigation; provided, however, that in each case, the DOL or OIG determines that disclosure of the records is a use of the information that is compatible with the purpose for which the records were collected.

R. Disclosure to DOL or another federal agency’s legal representative, to include the Department of Justice and other outside counsel, where DOL is a party in litigation or has an interest in litigation. A record may be disclosed to the Department of Justice or federal agency’s legal representative when—(1) The DOL or OIG, or any component thereof; or (2) any employee of the DOL or OIG in his or her official capacity; or (3) any employee of the DOL or OIG in his or her individual capacity, where the Department of Justice has agreed or is considering a request to represent the employee; or (4) the United States, or any of its components is a party to litigation or has an interest in such litigation, or the DOL or OIG will be affected by the litigation, and the DOL or OIG determines that the use of such records is relevant and necessary to the litigation; or the DOL or OIG is considered in light the applicable legal and administrative requirements for the performance of a computer matching program or procedure.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
The records in this system are maintained in a variety of mediums including paper, microfilm, magnetic tapes or discs, and optical digital data discs.

RETRIEVABILITY:
A record is retrieved by the name of the individual, the case file numbers or by other subject matter covered by the request.

SAFEGUARDS:
This system of records is maintained at OIG Headquarters which is located in a building protected by twenty-four hour guard service. The system is kept in locked storage when not in use and is accessible only on a need to know basis. Offices containing records are restricted to authorized personnel only. Automated data can only be accessed with a password by authorized users.

RETENTION AND DISPOSAL:
These records are destroyed six years after final agency determination or 3 years after final court adjudication, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:
Disclosure Officer, Office of Inspector General, U.S. Department of Labor, Room S1303, 200 Constitution Avenue, NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:
Inquiries concerning this system can be directed to: Disclosure Officer, Office of Inspector General, 200 Constitution Avenue, NW, Washington, DC 20210. Inquiries must comply with the requirements in 29 CFR 70a.4

RECORD ACCESS PROCEDURES:
Individuals can request access to any record pertaining to him/her by mailing a request to the Disclosure Officer listed above under “Notification Procedure.” See 29 CFR 702.4 and 5.

CONTESTING RECORD PROCEDURES:
Individuals desiring to contest or amend information maintained in the system should direct their written request to the Disclosure Officer listed in “Notification Procedure” above. In addition, the request should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. See 29 CFR 70a.7.

RECORD SOURCE CATEGORIES:
The information contained in this system is received from the persons or entities making requests, the systems of records searched to respond to requests, and other agencies referring requests for access or correction of records originating in the Office of Inspector General.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
Some records obtained and stored in this system originate from other systems of records and have been exempted under the provisions of the Freedom of Information/Privacy Acts to the same extent as the systems of records from which they were obtained.

DOL/OIG-3

SYSTEM NAME:
Case Development Records.

SECURITY CLASSIFICATION:
N/A.

SYSTEM LOCATION:
Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20240 and in the OIG regional and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals known or suspected of being involved in or associated with labor racketeering or other criminal activity, and informants.

CATEGORIES OF RECORDS IN THE SYSTEM:
The system of records contains materials related to criminal and civil investigations which include: Intelligence and other background information; statements and other material from subjects and witnesses; information from government investigatory or law enforcement organizations (federal, state, local or international); investigative notes and reports; summary information for indexing and cross-referencing; other evidence and background materials existing in any form (e.g. audio or video tape, photographs, computer tapes or disks).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
This system of records is maintained as a repository for: (1) Records created as a result of targeting, surveys and
projects for the development of cases and investigations for the Office of Investigations and for the Office of Labor Racketeering; (2) intelligence information concerning individuals identified as potential violators of criminal, labor and labor-related laws and other individuals associated with them; and (3) for other research and analysis.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A. Referral to federal, state, local and foreign investigative and/or prosecutorial authorities. A record from a system of records, which indicates either by itself or in combination with other information within the agency's possession a violation or potential violation of law, whether civil, criminal or regulatory and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed as a routine use, to the appropriate federal, foreign, state or local agency or professional organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing or investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

B. Introduction to a grand jury. A record from a system of records may be disclosed, as a routine use, to a grand jury agent pursuant either to a federal or state grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

C. Referral to potential debarment authorities. A record from a system of records may be disclosed, as a routine use, to any federal agency responsible for considering suspension/debarment actions where such record would be germane to a determination of the propriety/necessity for such an action.

D. Referral to federal, state, local or professional licensing boards. A record from a system of records may be disclosed, as a routine use, to any governmental, professional or licensing authority when such record reflects on qualifications, either moral, educational or vocational, of an individual seeking to be licensed or to maintain a license.

E. Disclosure to contractor, grantee or other indirect recipient of federal funds to allow such entity to effect corrective action in agency's best interest. A record from a system of records may be disclosed, as a routine use, to any direct or indirect recipient of federal funds where such record reflects serious inadequacies with a recipient's personnel, and disclosure of the record is made to permit a recipient to take corrective action beneficial to the Government.

F. Disclosure to any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation, audit or inspection. A record from a system of records may be disclosed, as a routine use, to any source, either private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of an investigation, audit, or inspection.

G. Disclosure to any domestic or foreign governmental agencies for personnel or other action. A record from a system of records may be disclosed, as a routine use, to a federal, state, local, foreign or international agency, for their use in connection with such entity's assignment, hiring or retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter.

H. Disclosure to Office of Government Ethics record from a system of records may be disclosed, as a routine use, to the Office of Government Ethics for any purpose consistent with that office's mission, including the compilation of statistical data.

I. Disclosure to a board of contract appeals, GAO or any other entity hearing a contractor protest or dispute. A record from a system of records may be disclosed, as a routine use, to the United States General Accounting Office, to a board of contract appeals, or to the claims court in bid protest cases or contract dispute cases involving procurement.

J. Disclosure to domestic or foreign governmental law enforcement agency in order to obtain information relevant to an OIG or DOL decision. A record from a system of records may be disclosed, as a routine use, to a domestic or foreign governmental agency maintaining civil, criminal or other relevant enforcement information, or other pertinent information, in order to obtain information relevant to an OIG or DOL decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit, or which may be relevant to an OIG or DOL investigation, audit, or inspection.

K. Disclosure to OMB or DOJ regarding Freedom of Information Act and Privacy Act advice. Information from a system of records may be disclosed, as a routine use, to the Office of Management and Budget or the Department of Justice in order to obtain advice regarding statutory obligations under the Freedom of Information Act or Privacy Act.

L. Disclosure to a member of Congress making a request at the behest of a party protected under the Privacy Act. A record from a system of records may be disclosed, as a routine use, to a Member of Congress who submits an inquiry on behalf of an individual when the Member of Congress informs the appropriate agency official that the individual to whom the record pertains has authorized the Member of Congress to have access. In such cases, the member has no greater right to the record than does the individual.

M. Disclosure pursuant to the receipt of a valid subpoena. A record from a system of records may be disclosed, as a routine use, in response to a facially valid subpoena for the record.

Disclosure may also be made when a subpoena or order is signed by a judge from a court of competent jurisdiction.

N. Disclosure to Treasury and DOJ in pursuance of an ex parte court order to obtain taxpayer information from the IRS. A record from a system of records may be disclosed, as a routine use, to the Department of Treasury and the Department of Justice when the OIG seeks an ex parte court order to obtain taxpayer information from the Internal Revenue Service.

O. Disclosure to a consumer reporting agency in order to obtain relevant investigatory information. A record from a system of records may be disclosed, as a routine use, to a "consumer reporting agency" as that term is defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)), for the purposes of obtaining information in the course of an investigation, audit, or inspection.

P. Disclosure in accordance with computer matching guidelines and/or laws. A record may be disclosed to a federal, state, or local agency for use in computer matching programs to prevent and detect fraud and abuse in benefit programs administered by those agencies, to support civil and criminal law enforcement activities of those agencies and their components, and to collect debts and overpayments owed to the agencies and their components. This routine use does not provide unrestricted access to records for such law enforcement and related anti-fraud
Q. Disclosure to any court or adjudicative body during the course of any litigation to which the agency is a party or has an interest. A record may be disclosed during the course of a proceeding before a court or other adjudicative or administrative body before which the DOL or OIG is authorized to appear, or in the course of settlement negotiations with opposing counsel, when—(1) the DOL or OIG, or any component thereof; or (2) any employee of the DOL in his or her official capacity; or (3) any employee of the DOL in his or her individual capacity, where the DOL or DOJ has agreed to or considered representing the employee; or (4) the United States or any of its components is a party to litigation or has an interest in such litigation, or the DOL or OIG will be affected by the litigation, and the DOL or OIG determines that the use of such records is relevant and necessary to the litigation; provided, however, that in each case the DOL or OIG determines that disclosure of the records is a use of the information that is compatible with the purpose for which the records were collected.

R. Disclosure to DOL or another federal agency's legal representative, to include the Department of Justice and other outside counsel, where DOL is a party in litigation or has an interest in litigation. A record may be disclosed to the Department of Justice or other federal agency's legal representative when—(1) the DOL or OIG, or any component thereof; or (2) any employee of the DOL in his or her official capacity; or (3) any employee of the DOL in his or her individual capacity, where the DOL or DOJ has agreed to or considered representing the employee; or (4) the United States or any of its components is a party to litigation or has an interest in such litigation, or the DOL or OIG will be affected by the litigation, and the DOL or OIG determines that the use of such records is relevant and necessary to the litigation; provided, however, that in each case the DOL or OIG determines that disclosure of the records is a use of the information that is compatible with the purpose for which the records were collected.

The Secretary of Labor has promulgated regulations which exempt information contained in this system of records from various provisions of the Privacy Act depending upon the purpose for which the information was gathered and for which it will be used. The various law enforcement purposes and the reasons for the exemptions are as follows:

(a) Criminal Law Enforcement: Information compiled for this purpose is exempt from all of the provisions of the Act except the following sections: (b), (c), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i).

This material is exempt because the disclosure and other elements of the Act would substantially compromise the efficacy and integrity of OIG operations in a number of ways. Indeed, disclosure of even the existence of these files would be problematic.

Disclosure could enable suspects to take action to prevent detection of criminal activities, conceal evidence, or escape prosecution. Required disclosure of information contained in this system could lead to the intimidation of, or harm to, informants, witnesses and their respective families or OIG personnel and their families.

Disclosure could invade the privacy of individuals other than subjects and disclose their identity when confidentiality was promised to them. Disclosures from these files could interfere with the integrity of other information which would otherwise be privileged, see, e.g., 5 U.S.C. 552(b)(5) and which could interfere with other important law enforcement concerns, see, e.g., 5 U.S.C. 552(b)(7).

The requirement that only relevant and necessary information be included in a criminal investigative file is contrary to good investigative practices which require a full and complete inquiry and exhaustion of all potential sources of information. 5 U.S.C. 552a(e)(1). Similarly, maintaining only those records which are accurate, relevant, timely, and complete and which assure fairness in a determination is contrary to established investigative techniques. 5 U.S.C. 552a(e)(5).

Requiring investigators to obtain information to the greatest extent practicable directly from the subject individual would be counterproductive to performance of a clandestine criminal investigation. 5 U.S.C. 552a(e)(2).

Finally, providing notice to an individual interviewed of the authority of the interviewer, the purpose to which the information provided may be used, the routine uses of that information and

...
the effect upon the individual should he choose not to provide the information sought could discourage the free flow of information in a criminal law enforcement inquiry. 5 U.S.C. 552a(e)(3).

(b) Other Law Enforcement: In accordance with 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes (to the extent it is not already exempted by 5 U.S.C. 552a(j)(2)), is exempted from the following provisions of the Act: (c)(3), (d), (e)(1), (e)(4)(G), (II), (I) and (f). This material is exempt because the disclosure and other requirements of the Act could substantially compromise the efficacy and Integrity of OIG operations. Disclosure could invade the privacy of other individuals and disclose their identity when they were expressly promised confidentiality.

Disclosure could interfere with the integrity of information which would otherwise be subject to privileges, see, e.g., 5 U.S.C. 552(b)(5), and which could interfere with other important law enforcement concerns. See, e.g., 5 U.S.C. 552(b)(7).

DOL/OIG System:

Investigative Case Tracking Systems/ Audit Information Reporting Systems, USDOL/OIG.

Security Classification:

N/A.

System Location:


Categories of Individuals Covered by the System:

Auditors, investigators, certain administrative support staff and contractors of the Office of Inspector General.

Categories of Records in the System:

Records or information contained in the system may include: (1) Employee or OIG contractor; (2) social security number; (3) grade/step; (4) training; (5) audit and investigative case tracking data (e.g. audit/investigative case number, program, findings, results, etc.) on audits/investigations; (6) other statistical information.

Authority for Maintenance of the System:


Purpose(s):

This system is maintained in order to act as a management information system for OIG projects, cases and personnel and to assist in the accurate and timely maintenance of information.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

A. Referral to federal, state, local and foreign investigative and/or prosecutive authorities. A record from a system of records, which indicates either by itself or in combination with other information within the agency's possession a violation or potential violation of law, whether civil, criminal or regulatory and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed as a routine use, to the appropriate federal, foreign, state or local agency or professional organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing or investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

B. Introduction to a grand jury. A record from a system of records may be disclosed, as a routine use, to a grand jury agent pursuant either to a federal or state grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

C. Referral to suspension/debarment authorities. A record from a system of records may be disclosed, as a routine use, to any federal agency responsible for considering suspension/debarment actions where such record would be germane to a determination of the propriety/necessity for such an action.

D. Referral to federal, state, local or professional licensing boards. A record from a system of records may be disclosed, as a routine use, to any governmental, professional or licensing authority when such record reflects on qualifications, either moral, educational or vocational, of an individual seeking to be licensed or to maintain a license.

E. Disclosure to contractor, grantee or other direct recipient of federal funds to allow such entity to effect corrective action in agency's best interest. A record from a system of records may be disclosed, as a routine use, to any direct or indirect recipient of federal funds where such record reflects serious inadequacies with a recipient's personnel, and disclosure of the record is made to permit a recipient to take corrective action beneficial to the Government.

F. Disclosure to any source, either private or governmental, to the extent necessary to solicit information relevant to any investigation, audit or inspection. A record from a system of records may be disclosed, as a routine use, to any source, either private or governmental, to the extent necessary to secure from such source information relevant to and sought in furtherance of an investigation, audit, or inspection.

G. Disclosure to any domestic or foreign governmental agencies for personnel or other action. A record from a system of records may be disclosed, as a routine use, to a federal, state, local, foreign or international agency, for their use in connection with such entity's assignment, hiring or retention of an individual, issuance of a security clearance, reporting of an investigation of an individual, letting of a contract or issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to such agency's decision on the matter.

H. Disclosure to Office of Government Ethics record from a system of records may be disclosed, as routine use, to the Office of Government Ethics for any purpose consistent with that office's mission, including the compilation of statistical data.

I. Disclosure to a board of contract appeals, GAO or any other entity having a contractor purchase or dispute. A record from a system of records may be disclosed, as a routine use, to the United States General Accounting Office, to a board of contract appeals, or to the claims court in bid protest cases or contract dispute cases involving procurement.

J. Disclosure to domestic or foreign governmental law enforcement agency in order to obtain information relevant to an OIG or DOL decision. A record from a system of records may be disclosed, as a routine use, to a domestic or foreign governmental agency maintaining civil, criminal or other relevant enforcement information, or other pertinent information, in order to obtain information relevant to a OIG or DOL decision concerning the assignment, hiring, or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit, or which may be relevant to an OIG or DOL investigation, audit, or inspection.
K. Disclosure to OMB or DOJ regarding Freedom of Information Act and Privacy Act advice. Information from a system of records may be disclosed, as a routine use, to the Office of Management and Budget or the Department of Justice in order to obtain advice regarding statutory obligations under the Freedom of Information Act or Privacy Act.

L. Disclosure to a member of Congress making a request at the behest of a party protected under the Privacy Act. A record from a system of records may be disclosed, as a routine use, to a Member of Congress who submits an inquiry on behalf of an individual when the Member of Congress informs the appropriate agency official that the individual to whom the record pertains has authorized the Member of Congress to have access. In such cases, the member has no greater right to the record than does the individual.

M. Disclosure pursuant to the receipt of a valid subpoena. A record from a system of records may be disclosed, as a routine use, in response to a facsimile valid subpoena for the record. Disclosure may also be made when a subpoena or order is signed by a judge from a court of competent jurisdiction.

N. Disclosure to Treasury and DOJ in pursuance of an ex parte court order to obtain taxpayer information from the IRS. A record from a system of records may be disclosed, as a routine use, to the Department of Treasury and the Department of Justice when the OIG seeks an ex parte court order to obtain taxpayer information from the Internal Revenue Service.

Q. Disclosure to any court or adjudicative body during the course of any litigation to which the agency is a party or has an interest. A record may be disclosed during the course of a proceeding before a court or other adjudicative or administrative body before which the DOL or OIG is authorized to appear, or in the course of settlement negotiations with opposing counsel, when—(1) the DOL or OIG, or any component thereof; or (2) any employee of the DOL in his or her official capacity; or (3) any employee of the DOL in his or her individual capacity, where the DOL or DOJ has agreed to or considering representation of the employee; or (4) the United States or any of its components is a party to litigation or has an interest in such litigation, or the DOL or OIG will be affected by the litigation, and the DOL or OIG determines that the use of such records is relevant and necessary to the litigation; provided, however, that in each case the DOL or OIG determines that disclosure of the records is a use of the information that is compatible with the purpose for which the records were collected.

R. Disclosure to DOL or another federal agency's legal representative, to include the Department of Justice and other outside counsel, where DOL is a party in litigation or has an interest in litigation. A record may be disclosed to the Department of Justice or federal agency's legal representative when—(1) the DOL or OIG, or any component thereof; or (2) any employee of the DOL or OIG in his or her official capacity; or (3) any employee of the DOL or OIG in his or her individual capacity, where the Department of Justice has agreed or is considering a request to represent the employee; or (4) the United States or any of its components is a party to litigation or has an interest in such litigation, and the DOL or OIG determines that the use of such records is relevant and necessary to the litigation; provided, however, that in each case the DOL or OIG determines that disclosure of the records is a use of the information that is compatible with the purpose for which the records were collected.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
The records are stored on a variety of mediums including paper, microfilm, magnetic tapes or discs, and optical digital data discs.

RETRIEVABILITY:
Records are retrieved by computer using individual name(s) or project/case name.

SAFEGUARDS:
Direct access is restricted to authorized staff members and contractors of the OIG. Automated records can be accessed only through use of confidential procedures and passwords by authorized personnel in both OIG Headquarters and regional and field offices.

RETENTION AND DISPOSAL:
Case files are cut off at the end of the Fiscal Year in which the case is closed. File are destroyed after eight years after the cutoff date.

SYSTEM MANAGER(S) AND ADDRESS:

RECORDS SOURCE CATEGORIES:
Official personnel folders; other personnel documents, activity supervisors, audit/investigation report standard forms.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
The Secretary of Labor has promulgated regulations which exempt information contained in this system of records from various provisions of the Privacy Act depending upon the purpose for which the information was gathered and for which it will be used.
The various law enforcement purposes and the reasons for the exemptions are as follow:
(a) Criminal Law Enforcement:
Information compiled for this purpose is exempt from all of the provisions of the Act except the following sections: (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (l). This material is exempt because the
Disclosure and other requirements of the Act would substantially compromise the efficacy and integrity of OIG operations in a number of ways. Indeed, disclosure of even the existence of these files would be problematic. Disclosure could enable suspects to take action to prevent detection of criminal activities, conceal evidence, or escape prosecution.

Required disclosure of information contained in this system could lead to the intimidation of, or harm to, informants, witnesses and their respective families or OIG personnel and their families. Disclosure could invade the privacy of individuals other than subjects and disclose their identity when confidentiality was promised to them. Disclosures from these files could interfere with the integrity of other information which would otherwise be privileged, see, e.g., 5 U.S.C. 552(b)(5), and which could interfere with other important law enforcement concerns, see, e.g., 5 U.S.C. 552(b)(7).

The requirement that only relevant and necessary information be included in a criminal investigative file is contrary to good investigative practices which require a full and complete inquiry and exhaustion of all potential sources of information. 5 U.S.C. 552a(e)(1). Similarly, maintaining only those records which are accurate, relevant, timely and complete and which assure fairness in a determination is contrary to established investigative techniques.

5 U.S.C. 552a(e)(5). Requiring investigators to obtain information to the greatest extent practicable directly from the subject individual would be counterproductive to performance of a clandestine criminal investigation. 5 U.S.C. 552a(e)(2). Finally providing notice to an individual interviewed of: the authority of the interviewer, the purpose to which the information provided may be used, the routine uses of that information and the effect upon the individual should he choose not to provide the information sought could discourage the free flow of information in a criminal law enforcement inquiry. 5 U.S.C. 552a(e)(3).

(b) Other Law Enforcement: In accordance with 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes (to the extent it is not already exempted by 5 U.S.C. 552a(j)(2), is exempted from the following provisions of the Act: (c)(3), (d), (e)(1), (e)(4)(G), (H), and (l), and (f). This material is exempt because the disclosure and other requirements of the Act could substantially compromise the efficacy and integrity of OIG operations. Disclosure could invade the privacy of other individuals and disclose their identity when they were expressly promised confidentiality. Disclosure could interfere with the integrity of information which would otherwise be subject to privileges, see, e.g., 5 U.S.C. 552(b)(5), and which could interfere with other important law enforcement concerns. See, e.g., 5 U.S.C. 552(b)(7).

(c) Protective Services: In accordance with 5 U.S.C. 552a(k)(3) investigatory material maintained in connection with assisting the U.S. Secret Service to provide protective services to the President of the United States or other individuals pursuant to 18 U.S.C. 3056 is exempt from the following sections of the Act: (c)(3), (d), (e)(1), (e)(4)(G), (H), and (l), and (f). This material is exempt in order to enable the OIG to continue its support of the Secret Service without compromising the effectiveness of either agency's activities.

(d) Contract Investigations: In accordance with 5 U.S.C. 552a(k)(5), investigatory material compiled solely for the purpose of determining integrity, suitability, eligibility, or qualifications for a DOL contract is exempt from the following sections of the Act: (c)(3), (d), (e)(1), (e)(4)(G), (H), and (l) and (f). This exemption was obtained in order to protect from disclosure the identity of a confidential source when an express promise of confidentiality has been given in order to obtain information from sources who would otherwise be unwilling to provide necessary information. See 29 CFR 70a.13(b)(2)(iv).

DOL/MSHA—1

SYSTEM NAME:
Coal and Metal and Nonmetal Mine Accident and Injury.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Department of Labor, Mine Safety and Health Administration, Safety and Health Technology Center, PO Box 25367, Denver CO 80225–0367.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individual workers in the coal and metal and nonmetal mining industries.

CATEGORIES OF RECORDS IN THE SYSTEM:
These records contain accident, injury, and occupational illness data which includes the mine name and identification number; date; time, and place of occurrence; type and description of accident; and name and social security number of injured miner. For 1978 and subsequent years, only the last four digits of the social security number are in the records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
The collection of this data provides MSHA timely information for making decisions on improving safety and health enforcement programs, improving education and training efforts, and establishing priorities in technical assistance activities in the mining industry.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to determine probable cause of accidents, injuries, and illnesses and (b) to provide a statistical analytic data base for allocation of MSHA and other resources to reduce occupational injuries and illnesses. Disclosures outside the Department of Labor may be made to a federal agency which has requested information relevant or necessary to the research for Mine Safety and Health its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit. Disclosures outside the Department of Labor may be made to a federal agency which has requested information relevant or necessary to the research for mine safety and health.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

RETRIEVABILITY:
Indexed and filed by mine identification number and date of accident and injury occurrence or illness diagnosis. Accessed by mine identification, date of accident and social security number of individual(s) involved.

SAFEGUARDS:
Computer—In accordance with the National Bureau of Standards publication “Computer Security Guidelines for Implementing the Privacy Act of 1974”. Manual—Locked file cabinets. During working hours hard copy files are accessible only to authorized personnel.

**Categories of Records in the System:**
- Contains records on metal and nonmetal mine safety and health activities which include mine and mill locations, metal and nonmetal mine inspection personnel time and activity, inspections, citations and orders against operators, sampling data on personal exposure of nonidentified miners and MSHA personnel to radiation, dust, noise and other contaminants, and comprehensive health surveys on individual operations.

**Purposes:**
- To determine workload, contaminant levels and schedule performance of Mine inspection personnel.
- To maintain records on violations of health and safety standards and regulations; (c) to determine contaminant exposure level; (d) to maintain employment data at metal and nonmetal mines, e.g. number of workers, etc. Disclosure outside the Department of Labor may be made (1) to the National Institute of Occupational Safety and Health and the Environmental Protection Agency (see (c) above); (2) to state agencies (see (b), (c) above); (3) to unions and company officials (see (c) above); (4) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license.

**Disclosure to Consumer Reporting Agencies:**
- None.

**Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:**
- Computer—Information from source documents to remote disk storage to host disk storage, with final storage on magnetic tape. Manual—8 x 10-1/2 inch reports and forms in standard file cabinets.

**Retrievability:**
- Computerized and manual records are indexed by mine identification number for operator and by Authorized Representative and Right of Entry number for individuals.

**Safeguards:**
- Computer—In accordance with the National Bureau of Standards Publication Computer Security Guidelines for implementing the Privacy Act of 1974. Manual—Locked file cabinets. During working hours records are accessible only to authorized personnel.

**Retention and Disposal:**
- Computer tapes are updated weekly and monthly and retained for one year. Source documents are retained in district offices for 3 years and in archives for 10 years before being destroyed.

**System Manager(s) and Address:**
- Administrative Officer, Metal and Nonmetal Mine Safety and Health, 4015 Wilson Blvd., Arlington, Virginia 22203.

**Notification Procedure:**
- Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required.

**Record Access Procedures:**
- To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:
  a. Full name
  b. Date of birth
  c. Social Security number
  d. Signature

**Record Source Categories:**
- Information in these records is obtained from accident, injury, illness and fatality reports submitted by mine operators.

**Systems Exempted from Certain Provisions of the Act:**
- None.

**DOL/MSHA-3**

**System Name:**
- Metal and Nonmetal Mine Safety and Health Management Information System.

**Security Classification:**
- Unclassified.

**System Location:**
- (1) Office of the Administrator for Metal and Nonmetal Mine Safety and Health, U.S. Department of Labor, 4015 Wilson Blvd., Arlington, Virginia 22203. (2) Substantially all Metal and Nonmetal Mine Safety and Health Offices listed in the appendix. (See appendix for addresses.)

**Categories of Individuals Covered by the System:**
- MSHA personnel who are covered by the Federal Mine Safety and Health Act.
SYSTEM LOCATION:
Office of the Administrator for Coal Mine Safety and Health and Office of the Administrator for Metal and Nonmetal Mine Safety and Health, Mine Safety and Health Administration, U.S. Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203; and some of the Coal and Metal and Nonmetal Mine Safety and Health Field offices (see appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals alleged to have been discriminated against in violation of the Federal Mine Safety and Health Act of 1977 and the Coal Mine Health and Safety Act of 1969.

CATEGORIES OF RECORDS IN THE SYSTEM:
Name, address, telephone number, social security number, occupation, place of employment, and other identifying data along with the type of allegation. This material includes interviews and other data gathered by the investigator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
30 U.S.C. 815(c).

PURPOSE:
To determine validity and gravity of allegations and the amount of civil penalty assessment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
In manila file folders and computerized tracking system.

RETRIEVABILITY:
Filed by docket and status of case, complainant's name, indexed by name of company mine, docket number, and complaint's name.

SAFEGUARDS:
Maintained in locked file cabinets and computer system.

RETENTION AND DISPOSAL:
Retained for 3 years, then transferred to a Federal Records Center where they are retained for 15 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:
Administrator for Coal Mine Safety Health, Ballston Towers No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203; Administrator for Metal and Nonmetal Mine Safety and Health, same address as above.

NOTIFICATION PROCEDURE:
Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required.

RECORDS ACCESS PROCEDURES:
To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:
- Full name.
- Date of birth.
- Social Security number.
- Signature.

CONTESTING RECORD PROCEDURES:
Individuals requesting amendment to the record should contact the System Manager and furnish the following information:
- Full name.
- Date of birth.
- Social Security number.
- Signature.

RECORD SOURCE CATEGORIES:
Individuals alleging discrimination and mine operators witnesses and third party sources submit the information used in this system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(C), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

RETRIEVABILITY:
In manila folders and cabinets and computerized tracking system.

CATEGORIES OF RECORD SOURCE CATEGORIES:
Individuals alleged to have been discriminated against in violation of the law; individuals requesting any information not otherwise available from the source; and some of the Coal and Metal and Nonmetal Mine Safety and Health Field offices (see appendix for addresses).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
30 U.S.C. 815(c).

PURPOSE:
The primary purpose of the records is to determine compliance with mandatory respirable dust standards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
The primary use of the record is to determine compliance with mandatory respirable dust standards.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
None.

RETRIEVABILITY:
None.

SAFEGUARDS:
None.

RETENTION AND DISPOSAL:
None, except for those routine uses listed in the General Prefatory Statement to this document.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
30 U.S.C. 815(c).

PURPOSE:
The primary purpose of the records is to determine compliance with mandatory respirable dust standards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
The primary use of the records is to determine compliance with mandatory respirable dust standards.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
None.

RETRIEVABILITY:
None.

SAFEGUARDS:
None.

RETENTION AND DISPOSAL:
None, except for those routine uses listed in the General Prefatory Statement to this document.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
30 U.S.C. 815(c).

PURPOSE:
The primary purpose of the records is to determine compliance with mandatory respirable dust standards.

SYSTEM NAME:
Coal Mine Respirable Dust Program.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Coal Mine Safety and Health, MSHA, U.S. Department of Labor, 4015 Wilson Blvd., Arlington, Virginia 22203, and substantially all Coal Mine Safety and Health Offices listed in the appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals alleging discrimination and the amount of civil penalty assessment.

CATEGORIES OF RECORDS IN THE SYSTEM:
None.

PURPOSE:
The primary purpose of the records is to determine compliance with mandatory respirable dust standards.

SYSTEM NAME:
Coal Mine Respirable Dust Program.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Coal Mine Safety and Health, MSHA, U.S. Department of Labor, 4015 Wilson Blvd., Arlington, Virginia 22203, and substantially all Coal Mine Safety and Health Offices listed in the appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individual coal miners for whom personal dust samples have been submitted for analysis prior to 1981 with evidence of Coal workers' pneumoconiosis (black lung) defined under 30 CFR part 90 after 1981.

CATEGORIES OF RECORDS IN THE SYSTEM:
These records contain data concerning mine identification, mine section, name of individual (pre 1981 date and part 90 miner date after 1980) and occupation sampled, social security number (pre 1981 date and part 90 miner date after 1980, date of sample, concentration of respirable dust contained in the personal sampler, ton of coal produced during sampling shift, and percentage of quartz contained in the sample.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
30 U.S.C. 813(a), 842.

PURPOSE:
The primary purpose of the records is to determine compliance with mandatory respirable dust standards.

SYSTEM NAME:
Coal Mine Respirable Dust Program.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Nonmetal Mine Safety and Health, Mine Safety and Health Administration, U.S. Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203; and some of the Coal and Metal and Nonmetal Mine Safety and Health Field offices (see appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals alleging discrimination and the amount of civil penalty assessment.

CATEGORIES OF RECORDS IN THE SYSTEM:
None.

PURPOSE:
The primary purpose of the records is to determine compliance with mandatory respirable dust standards.

SYSTEM NAME:
Coal Mine Respirable Dust Program.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Coal Mine Safety and Health, MSHA, U.S. Department of Labor, 4015 Wilson Blvd., Arlington, Virginia 22203, and substantially all Coal Mine Safety and Health Offices listed in the appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals alleging discrimination and the amount of civil penalty assessment.

CATEGORIES OF RECORDS IN THE SYSTEM:
None.

PURPOSE:
The primary purpose of the records is to determine compliance with mandatory respirable dust standards.

SYSTEM NAME:
Coal Mine Respirable Dust Program.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Coal Mine Safety and Health, MSHA, U.S. Department of Labor, 4015 Wilson Blvd., Arlington, Virginia 22203, and substantially all Coal Mine Safety and Health Offices listed in the appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals alleging discrimination and the amount of civil penalty assessment.

CATEGORIES OF RECORDS IN THE SYSTEM:
None.

PURPOSE:
The primary purpose of the records is to determine compliance with mandatory respirable dust standards.

SYSTEM NAME:
Coal Mine Respirable Dust Program.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Coal Mine Safety and Health, MSHA, U.S. Department of Labor, 4015 Wilson Blvd., Arlington, Virginia 22203, and substantially all Coal Mine Safety and Health Offices listed in the appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals alleging discrimination and the amount of civil penalty assessment.

CATEGORIES OF RECORDS IN THE SYSTEM:
None.

PURPOSE:
The primary purpose of the records is to determine compliance with mandatory respirable dust standards.

SYSTEM NAME:
Coal Mine Respirable Dust Program.

SECURITY CLASSIFICATION:
Unclassified.
the following information: possible the records sought and furnish the following information: Manager and describe specifically as miners after collected

RECORDS ACCESS PROCEDURES:
Information concerning records request stating that the requester seeks System Manager. A written, signed

NOTIFICATION PROCEDURE:
Blvd., Arlington, Virginia

SAFEGUARDS:
Access limited to authorized personnel in regard to computerized data. Manual records for part 90 miners are stored in locked steel cabinets with access being granted only to duly authorized personnel. Sample results for other than part 90 miners are kept in regular file cabinets. No other individual records are identifiable.

RETENTION AND DISPOSAL:
Results of analysis are transmitted electronically to Denver Information Systems Center (DISC). Computer tapes are maintained indefinitely. Operator dust data cards maintained at the DISC for 2 years. Laboratory forms and dust data cards inspector sample are maintained in the districts for 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

NOTIFICATION PROCEDURE:
Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required.

RECORDS ACCESS PROCEDURES:
To see your records, for samples collected prior to 1960 and for part 90 miners after 1980 write the System Manager and describe specifically as possible the records sought and furnish the following information: a. Full name b. Date of birth c. Social Security number d. Signature

CONTESTING RECORD PROCEDURES:
To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:

a. Full name
b. Date of birth
c. Social Security number
d. Signature

to mine operators requesting information to verify training required by law; (2) to labor organizations requesting information on training status of its members; (3) to mine operators’ associations which require training for policy and programming utilization; (4) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of, or for enforcing or implementing, a statute, rule, regulation, order or license.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

RETRIEVABILITY:
Computerized records are indexed and accessed by mine identification and individual social security numbers. Microfilm records are retrieved on basis of cycle number, social security number, mine identification numbers, date and course examination.

SAFEGUARDS:
Computer safeguards as described in the National Bureau of Standards Publication “Computer Security Guidelines for Implementing the Privacy Act of 1974” and procedures developed by MSHA under GSA Circular E—34. Files are posted with the appropriate Privacy Act warning. During working hours only authorized personnel have access to files.

RETRIEVABILITY:
Computerized records are indexed and accessed by mine identification and individual social security numbers. Microfilm records are stored in the Qualification and Certification Unit.

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Computerized records are indexed and accessed by mine identification and individual social security numbers. Microfilm records are stored in the Qualification and Certification Unit.
NOTIFICATION PROCEDURE:
Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required.

RECORD ACCESS PROCEDURES:
To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:
- Full name
- Social Security number
- Signature

CONTESTING RECORD PROCEDURES:
Individuals requesting amendment to the record should contact the System Manager and furnish the following information:
- Full name
- Social Security number
- Signature
- Type of Record to be amended

RECORD SOURCE CATEGORIES:
Individuals on whom the records are maintained, instructors of the training courses, mine operators, and MSHA and State personnel.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/MSHA-18
SYSTEM NAME:
Coal Mine Safety and Health Management Information System.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
(2) substantially all Coal Mine Safety and Health offices listed in the appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Coal Mine Safety and Health enforcement and training personnel and key officials at surface and underground installations.

CATEGORIES OF RECORDS IN THE SYSTEM:
- Information on mine status and characteristics; key mine officials; inspections; violations; Coal Mine Safety and Health enforcement personnel; and time utilization for Coal Mine Safety and Health enforcement and training personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
To assist managers, inspectors, and specialists with the enforcement of 30 CFR by providing information for making decisions, monitoring and controlling enforcement, and supporting activities within Coal Mine Safety and Health.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
- To maintain information on (a) status of mining operations; (b) identification of key mine officials; (c) inspections of mines; (d) citations and orders issued for violation of the Mine Act and 30 CFR; and (e) time utilization for Coal Mine Safety and Health enforcement and training personnel. Disclosure outside the Department of Labor may be made to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of, or for enforcing or implementing, a statute, rule, regulation, order or license.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEving, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
- Manual files: Magnetic tape and disk units.

RETENTION AND DISPOSITION:
Source documents are destroyed when no longer needed. Inspection reports and related documents are destroyed after 10 years.

RETRIEVABILITY:
By mine identification number for key mine officials; by Authorized Representative number, organization number, inspection event number, and violation number for enforcement personnel; and Right of Entry number and organization number for training personnel.

SAFEGUARDS:
Access limited to authorized personnel in regard to computerized data. Manual records on Coal Mine Safety and Health enforcement and training personnel are kept in locked file cabinets. Manual records on mine status and characteristics, key mine officials, inspections, violations, and time utilization for Coal Mine Safety and Health enforcement and training personnel are kept in regular file cabinets.

SYSTEM MANAGER(S) AND ADDRESS:
- Administrator for Coal Mine Safety and Health, MSHA, Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:
Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required.

RECORD ACCESS PROCEDURES:
To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:
- Full name
- Date of birth
- Social Security number
- Signature

CONTESTING RECORD PROCEDURES:
Individuals requesting amendment to the record should contact the Systems Manager and describe specifically as possible the records sought and furnish the following information:
- Full name
- Date of birth
- Social Security number
- Signature

RECORD SOURCE CATEGORIES:
Coal Mine Safety and Health personnel submit inspection, time utilization, violation and other enforcement information in accordance with prescribed procedures.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/MSHA-19
SYSTEM NAME:
Employee Conduct Investigations.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Any MSHA employee against whom any allegation of serious misconduct, illegal acts, conflict of interest, etc. has been made.
CATEGORIES OF RECORDS IN THE SYSTEM:

Name, organization, allegation and other pertinent information relating to the individual involved. The investigative report associated with the case including interviews and other data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 7301, Executive Order 11222.

PURPOSE:

The primary use of the records is to determine facts and circumstances relative to allegations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Manual—in manila folders stored in secure file cabinets.

RETRIEVABILITY:

By name or by file number.

SAFEGUARDS:

Stored in GSA approved 3-way combination safe.

RETENTION AND DISPOSAL:

Records are retained for four years following the date either: (a) They are referred to the OIG; (b) They are transferred to OPM/GOVT—3 Records of Adverse Actions and Actions Based on Unacceptable Performance; or (c) it is determined that the allegation was without sufficient merit to warrant further action, after which they are destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration and Management, MSHA, 4015 Wilson Blvd., Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requestor seeks information concerning records pertaining to him/her is required.

RECORD ACCESS PROCEDURES:

To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:

a. Full name.
b. Date of birth.
c. Social Security number.
d. Signature.

CONTESTING RECORD PROCEDURES:

Individuals requesting amendment to the record should contact the System Manager and furnish the following information:

a. Full name.
b. Date of birth.
c. Social Security number.
d. Signature.

RECORD SOURCE CATEGORIES:

Information in these records is obtained from employee conduct investigation records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(2)(C), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/MSHA—20

SYSTEM NAME:

Civil/Criminal Investigations.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of the Administrator for Coal Mine Safety and Health and Office of the Administrator for Metal and Nonmetal Mine Safety and Health, Mine Safety and Health Administration, U.S. Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203 and some of the Coal and Metal and Nonmetal Mine Safety and Health Field offices (see appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who allegedly, knowingly or willfully committed violations of the Federal Mine Safety and Health Act of 1977 and the Coal Mine Health and Safety Act of 1969; individuals who have been criminally prosecuted for such violations; and individuals who have been civilly assessed a monetary penalty for violations of the 1977 mine Act or 1969 Coal Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, social security number, occupation, place of employment, and other identifying data along with the type of allegation. Interviews and other data gathered by the investigator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 815(c).

PURPOSE:

To determine validity and gravity of allegations and the amount of civil penalty assessment or referral for possible criminal prosecution.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

In manila file folders and computerized tracking system.

RETRIEVABILITY:

By docket and status of case, indexed by name of company and mine, docket number, and individual's name.

SAFEGUARDS:

Maintained in locked file cabinets and passworded computer system.

RETENTION AND DISPOSAL:

Retained for 3 years, then transferred to a Federal Records Center where they are retained for 15 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator for Coal Mine Safety Health, Ballston Towers No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203; Administrator for Metal and Nonmetal Mine Safety and Health, same address as above.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requestor seeks...
information concerning records pertaining to him/her is required.

RECORDS ACCESS PROCEDURES:
To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:
- Full name
- Date of birth
- Social Security number
- Signature

CONTESTING RECORD PROCEDURES:
Individuals requesting amendment to the record should contact the System Manager and furnish the following information:
- Full name
- Date of birth
- Social Security number
- Signature

RECORD SOURCE CATEGORIES:
Miners and mine operators, and other individuals. Data gathered by the investigator.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

In accordance with 5 U.S.C. 552a(j)(2), investigatory material in this system of records compiled for criminal law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the

SYSTEM LOCATION:
Regional Offices of the Occupational Safety and Health Administration; see appendix 1 for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals who have filed complaints alleging discrimination against them by their employers for exercising safety and health rights. Complaints are filed pursuant to section 11(c) of the Occupational Safety and Health Act (29 U.S.C. 651-678), section 405 of the Surface Transportation Assistance Act (49 U.S.C. 2301 et seq.), section 211 of the Asbestos Hazard Emergency Response Act (15 U.S.C. 2601) or section of the International Safe Container Act (46 U.S.C. 1501 et seq.)

CATEGORIES OF RECORDS IN THE SYSTEM:
Name, address, telephone number, social security number, occupation, place of employment, and other identifying data along with the type of allegation. This material includes interviews and other data gathered by the investigator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
The records are used to support investigative materials discovered or created during investigation of violations of section 11(c) of the Occupational Safety and Health Act, section 405 of the Surface Transportation Assistance Act, Section 211 of the Asbestos Hazard Emergency Response Act and section 7 of the International Safe Container Act. The records also are used as the basis of statistical reports on such activity by regional administrators, investigators, and their supervisors in the Occupational Safety and Health Administration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

SYSTEM MANAGER(S) AND ADDRESS:
Regional administrator at address in Appendix I where system is located.

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the system location listed above.

RECORD ACCESS PROCEDURE:
Individuals wishing to gain access to non-exempt records should contact the system manager at the system location listed above.

RECORD SOURCE CATEGORIES:
Individual complaints filed alleging discrimination by employers against employees who have exercised job safety and health responsibilities; information compiled in connection with investigations, and other data gathered by investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the
source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/OSHA-4

SYSTEM NAME:
Advisory Committee Candidates' Biographies.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Division of Consumer Affairs, Office of Information & Consumer Affairs, Occupational Safety and Health Administration, Room N–3647, 200 Constitution Avenue, NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals who have been nominated for membership on an OSHA ad hoc advisory committee, or for membership to the statutorily established National Advisory Committee on Occupational Safety and Health (NACOSH) and Advisory Committee on Construction Safety and Health (ACCSH).

CATEGORIES OF RECORDS IN THE SYSTEM:
Nomination letters with attachments such as resumes, biographical sketches, curriculum vitae, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
These records are established as individuals are recommended for membership to an advisory committee. The records consist of nominations and include detailed resumes of the professional background and work history of each nominee. They are used by the Assistant Secretary of Labor to make selections and recommendations to the Secretary of Labor for appointment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Manual files.

RETRIEVABILITY:
By nominee’s name.

SAFEGUARDS:
Locked storage equipment and personnel screening.

RETENTION AND DISPOSAL:

a. Advisory committee members: Permanent transfer to National Archives three years after expiration of term of service.
b. Advisory committee nominees not selected to serve on an advisory committee: destroy when five years old.

SYSTEM MANAGER AND ADDRESS:

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the system location listed above.

RECORD ACCESS PROCEDURE:
Individuals wishing to gain access to non-exempt records should contact the system manager at the system location listed above.

CONTESTING RECORD PROCEDURE:
Individuals wishing to request amendment of any non-exempt records should contact the system manager at the system location listed above.

RECORD SOURCE CATEGORIES:
Nominations submitted by various individuals and organizations in the private sector and by government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
Not applicable.

DOL/OSHA-6

SYSTEM NAME:
Program Activity File.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Office of Management Data Systems, Occupational Safety and Health Administration, Room N–3661, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Compliance Safety and Health Officers of the Occupational Safety and Health Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Time sheets/logs documenting compliance safety and health officers' activities covering inspection, monitoring and other compliance-related data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
These records are maintained to document the amounts of time spent by OSHA compliance safety and health officers on their various compliance-related activities. The data compiled from the time sheets are used to analyze program activity by producing such activity measures as time spent on each of various types of compliance-related activities; the data are used by key agency officials to assist in measuring the effectiveness of OSHA's enforcement activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Magnetic media.

RETRIEVABILITY:
By compliance safety and health officer identifying number or by inspection/investigation number.

SAFEGUARDS:
Computer file accessible only through password system available only to authorized personnel.

RETENTION AND DISPOSAL:
Data files maintained indefinitely.

SYSTEM MANAGER AND ADDRESS:
Director, Office of Management Data Systems, Occupational Safety and Health Administration, Room N–3661, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.
NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the system location listed above.

RECORD ACCESS PROCEDURE:
Individuals wishing to gain access to non-exempt records should contact the system manager at the system location listed above.

CONTESTING RECORD PROCEDURE:
Individuals wishing to request amendment of any non-exempt records should contact the system manager at the system location listed above.

RECORD SOURCE CATEGORIES:
Compliance safety and health officers/investigators’ time logs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
Not applicable.

DOL/OSHA-9
SYSTEM NAME:
OSHA Compliance Safety and Health Officer Training Record.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Regional offices of the Occupational Safety and Health Administration; see appendix 1 for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Compliance safety and health officers of the Occupational Safety and Health Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:
Records reflecting training courses and programs completed by compliance safety and health officers of the Occupational Safety and Health Administration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
These records are used to determine which compliance safety and health officers have completed required training and which need added training. They are used to analyze individual training needs and to assess overall needs for training in upcoming periods; used by Regional Administrators for planning and budgetary purposes.

ROUTE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Manual files.

RETRIEVABILITY:
By name of individual compliance safety and health officer.

SAFEGUARDS:
Locked file cabinets.

RETRIEVAL AND DISPOSAL:
Upon termination of employment of a compliance safety and health officer, or upon transfer.

SYSTEM MANAGER(S) AND ADDRESS:
Regional administrator at address in appendix 1 where system is located.

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the system location listed above.

RECORD ACCESS PROCEDURE:
Individuals wishing to gain access to non-exempt records should contact the system manager at the system location listed above.

CONTESTING RECORD PROCEDURE:
Individuals wishing to request amendment of any non-exempt records should contact the system manager at the system location listed above.

RECORD SOURCE CATEGORIES:
Office of Personnel Management official personnel folders; certificates of training; individuals concerned.

SYSTEM LOCATION:
Office of Training and Education.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
Occupational Safety and Health Administration, U.S. Department of Labor, 1555 Times Drive, Des Plaines, Illinois 60018.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Students who have satisfactorily completed courses 500, 501, 502 and 503 and who, as a result of taking the courses, have elected to participate as an outreach instructor in the Outreach Program conduct 30 an 10 hour versions of the courses for their employing organization or other interested groups; and students who have received instruction from the OSHA certified outreach instructors.

CATEGORIES OF RECORDS IN THE SYSTEM:
Instructor’s name, address, phone number, date certified, and date re-certified; class rosters containing names of students the instructor has taught, dates taught and the number of persons supervised by student, a course content outline, and summary of the student evaluation of the training program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
To maintain a record of individuals who are qualified to present instruction occupational safety and health topics.

ROUTE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
These records are used by staff on the Office of Training Education to determine when individuals are in need of updated instruction to maintain their qualifications as certified instructors; by Office of Training and Education staff to select and provide names of qualified individuals to fulfill requests from employers or their representatives for instructors qualified to teach occupational safety and health topics; and to provide certified instructors with appropriate safety and health instructional materials when the materials become available.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Manual and ADP files.

RETRIEVABILITY:
By name of OSHA certified instructor (manual); by name of OSHA certified
instructor, date certified, state of residence (ADP).

SAFEGUARDS:
Locked file cabinets for manual files and computer discs locked in file cabinets; password system for authorized persons for ADP files.

RETENTION AND DISPOSAL:
Dispose of when no longer needed for administrative purposes.

SYSTEM MANAGER AND ADDRESS:
Chief, Division of Training and Education Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 1555 Times Drive, Des Plaines, Illinois 60018.

NOTIFICATION PROCEDURE:
Inquiries should be made to system managers listed above at addresses listed in appendix 1.

RECORD ACCESS PROCEDURES:
Individuals wishing to gain access to non-exempt records should contact the system manager at the system locations listed in appendix 1.

CONTESTING RECORD PROCEDURE:
Individuals wishing to request amendment of any non-exempt records should contact the system manager at the location listed in appendix 1.

RECORD SOURCE CATEGORIES:
Hotline complaints received through the Office of the Inspector General, or through the General Accounting Office; incident reports submitted by other employees or members of the public; and other investigative reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1), (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/OSHA-13
SYSTEM NAME:
OSHA Office of Training and Education Automated Registration System.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Students from the U.S. Department of Labor, state governments, other Federal
agencies and from the private sector. These students are primarily
compliance safety and health officers, safety specialists, safety engineers,
safety officers, industrial hygienists, instructors, loss control specialists, and
others in occupations related to occupational safety and health.

CATEGORIES OF RECORDS IN THE SYSTEM:
Each student's file contains the following information: Student's name, course
title, course number, date of enrollment, employment origin, company name, address and phone
number. The student's registration information can access by student's
name or by course number. The system administrator can access by student's
name, course number, date of enrollment, employment origin, company name, address and phone
number.

SAFEGUARDS:
Manual files are stored in locked file cabinets. The hard disk in the computer
is secured by the use of a system lock to which only authorized staff have
access. Backup floppy disks are stored in locked file cabinets. Access to all
manual and ADP files is restricted to authorized personnel only.

RETENTION AND DISPOSAL:
Data for the current year and two preceding years will be resident on the
computer hard disk. Data pre-existing to this time will be backed up on floppy disks
and stored in a locked cabinet. In no case will data pre-date fiscal year 1989. Files will be destroyed when no longer of
any administrative use.

SYSTEM MANAGER AND ADDRESS:
Administrative officer, Office of Training and Education, at system
location listed above.

NOTIFICATION PROCEDURE:
Individuals wishing to inquire
whether this system of records contains information about them should contact
the system manager at the system location listed above.

RECORD ACCESS PROCEDURE:
Individuals wishing to gain access to
non-exempt records should contact the
system manager at the system location listed above.

CONTESTING RECORD PROCEDURE:
Individuals wishing to request
amendment of any non-exempt records should contact the system manager at the
system location listed above.

RECORD SOURCE CATEGORIES:
The student's registration information
for students from Federal OSHA is the
Form DL-101. Registration information for other students is obtained by
telephone or by letter.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS
OF THE ACT:
Not applicable.

DOLOS/A-14

SYSTEM NAME:
Office of Training and Education
Computer-based Acquisition/Financial
Records System.

SECURITY CLASSIFICATION:
Unclassified.
an individual's last name; the name of the division the transaction involves; the obligating document number; an identification if the transaction is a draw down account; the accounting code; the delivery date; the vendor name; the dollar amount of the transaction; the invoice number; the name; the dollar amount of the code; the delivery date; the vendor
the obligating document number; an individual's last name; the name of the

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
To provide an acquisition and financial management system which will
improve the acquisition process; and provide an efficient means for the
accurate recording, tracking, reporting, and provide an efficient means for the

ROUTINE USES OF RECORDS MAINTAINED IN THE
SYSTEM, INCLUDING CATEGORIES OF USERS AND
THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement
to this document.

DISCLOSURE TO CONSUMER REPORTING
AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING,
RETRIEVING, ACCESSING, RETAINING, AND
DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
ADP files.

RETRIEVABILITY:
By name of vendor, by name of staff person making a procurement request,
by individual travel authorization number, by individual last name, and by
any of the data elements identified in Categories of Records in the System
section.

SAFEGUARDS:
Computer disks locked in file cabinets; password system for
authorized persons only.

RETENTION AND DISPOSAL:
Dispose of when no longer needed for administrative purposes.

SYSTEM MANAGER AND ADDRESS:
Chief, Division of Administration and Training Information, Occupational
Safety and Health Administration, U.S. Department of Labor, 1555 Times Drive,

NOTIFICATION PROCEDURE:
Individuals wishing to inquire
whether this system of records contains
information about them should contact
the system manager at the system
location listed above.

RECORD ACCESS PROCEDURE:
Individuals wishing to gain access to
non-exempt records should contact the system manager at the system location
listed above.

CONTESTING RECORD PROCEDURE:
Individuals wishing to request
amendment of any non-exempt records
should contact the system manager at
the system location listed above.

RECORD SOURCE CATEGORIES:
Administrative files and procurement
files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS
OF THE ACT:
Not applicable.

DOL/OSHA–15
SYSTEM NAME:
Office of Training and Education
Resource Center Circulation Project.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
Office of Training and Education,
Occupational Safety and Health Administration, U.S. Department of Labor, 1555 Times Drive, Des Plaines,
Illinois 60018.

CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:
Individuals who have become
qualified to borrow from the Resource Center Collection of occupational safety and health materials. These individuals would include OSHA National, Regional, and Area Office employees, employees of State Plan States, New Directions grantees, Consultation Program employees, Voluntary Protection Site employees, and OSHA certified instructors. Qualified borrowers have a current application form on file at the system location.

CATEGORIES OF RECORDS IN THE SYSTEM:
Records contain borrower name, company name and address or home address, telephone number, application form number, application date, borrower category, audiovisual program title and accession number, audiovisual copyright date, transaction identification number, and transaction date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
These records are maintained to facilitate the performance of the
Resource Center Circulation Project which loans occupational safety and
health materials to qualified borrowers, for verification of borrower status and
authorization to borrow, to track borrower requests for materials through
processing and disposition, to maintain material availability and usage
information, to track status and history of overdue materials, to maintain
records on lost and damaged materials.

Data collected will be analyzed to develop more efficient program planning and management.

These records are used by the Office of Training and Education, Division of
Administration and Training Information staff to verify that individuals requesting materials from the Resource Center Collection are qualified borrowers, to develop statistics and reports to determine if further/continued funding of the project is justified, to determine which occupational safety and health topics are of most interest to borrowers and collect other materials on these topics, to determine which material format is the most useful to borrowers and collect materials in these formats when possible, and to periodically provide qualified borrowers with updated Resource Center Collection catalogs.

ROUTINE USES OF RECORDS MAINTAINED IN THE
SYSTEM, INCLUDING CATEGORIES OF USERS AND
THE PURPOSES OF SUCH USES:

None, except for those routine uses listed in the General Prefatory Statement
to this document.

DISCLOSURE TO CONSUMER REPORTING
AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING,
RETRIEVING, ACCESSING, RETAINING, AND
DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Manual files for signed borrower
agreement forms, borrower request
forms, and program booking forms are
maintained in file cabinets. ADP files
for all other records.

RETRIEVABILITY:
By name of borrower for signed
borrower agreement forms (manual), by
any of the data elements in Categories
of Records in the System section (ADP).

SAFEGUARDS:
Manual files and computer disks are
locked in file cabinets. Password system
access to authorized personnel for ADP
files.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

- Biographical, professional and personal data contained in background files on members and prospective members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:


PURPOSE(s):

- To maintain a record of all members of and nominees for the Advisory Council on Employee Welfare and Pension Benefit Plans. These records are a source of professional and personal data and other background information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

- None, except for those routine uses listed in the General Prefatory Statement to this document.

RECORD SOURCE CATEGORIES:

- Information contained in this system is obtained from individuals who become qualified borrowers by completing a Borrower's Agreement Form which contains data which is entered into the record system. Information pertaining to Resource Center materials is taken from Resource Center files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

- Not applicable.

DOL/PWBA-2

SYSTEM NAME:

- Office of Enforcement Index Cards and Investigation Files.

SECURITY CLASSIFICATION:

- None.

SYSTEM LOCATION:

- U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-5702, Washington, DC 20210 and all PWBA field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

- Plan administrators, trustees, and those individuals who provide advice or services to employee benefit plans and other individuals involved in investigations and enforcement actions.

CATEGORIES OF RECORDS IN THE SYSTEM:

- Information including plan name, plan administrator's name, service provider name, trustees and plan participant or beneficiary's name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:


PURPOSE(s):

- This index system is used to access case files and correspondence files of plan administrators, trustees, and those individuals providing advice or services to the plan and other individuals involved in investigations and enforcement actions instituted by the Department of Labor (DOL) under the Employee Retirement Income Security Act of 1974 (ERISA). The investigative files are used in the prosecution of violations of law, whether civil, criminal or regulatory in nature.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

- A record from this system of records may be disclosed to a Federal, State, local or foreign governmental authority,
in response to its request in connection with the hiring or retention of an employee, in the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on such matters.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
The records in this system are maintained on 3 x 5 index cards and manual case files.

RETRIEVABILITY:
Records are retrieved by name of plan, participant or beneficiary's name, service provider name, and/or trustee name, case number, plan EIN/PN, service provider and/or trustee EIN. Index cards are filed alphabetically.

SAFEGUARDS:
Locked storage equipment. Direct access to and use of these records is restricted to authorized personnel in the Office of Enforcement and PWBA field offices.

RETENTION AND DISPOSAL:
Investigative case files are retained in the office for one year upon completion of litigation and/or actions based thereon, transferred to the Federal Records Center for seven years, then destroyed. Index cards are retained permanently.

SYSTEM MANAGER(5) AND ADDRESS:
Director of Enforcement, Pension and Welfare Benefits Administration, Department of Labor, 200 Constitution Avenue, NW, Room N–5702, Washington, DC 20210.

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager indicated above. Individuals should furnish their full name, address and employee benefit plan association, and identify the employee benefit plan by name, address and EIN (if known).

RECORD ACCESS PROCEDURES:
Specific materials in this system have been exempted from Privacy Act provisions under 5 U.S.C. 552a (j) and (k). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. Access procedures are the same as Notification procedure above. Individuals requesting access must also comply with Privacy Act regulations on verification of identity (29 CFR 70a.4 – 70a.6).

CONTESTING RECORD PROCEDURES:
Same as Notification procedure above except individuals desiring to contest or amend information maintained in the system should direct their written request to the system manager listed above, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment the information sought.

RECORD SOURCE CATEGORIES:
Individual complaints, witnesses, interviews conducted during investigations on cases opened in the Office of Enforcement or in any of the field offices of PWBA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
a. Criminal Law Enforcement. In accordance with subsection (j)(2) of the Privacy Act, information maintained for criminal law enforcement purposes in the files of the Office of Enforcement (OE) consisting of index cards and investigatory files is exempted from all provisions contained in 5 U.S.C. 552a, except those requirements set forth in subsections (b), (c) (1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11) and (i) of the Act.
b. Other Law Enforcement: In accordance with 5 U.S.C. 552a (k)(2), investigatory material in this system of records compiled for civil law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

SYSTEM NAME:
DOL/PWBA–3

ERISA Coverage Correspondence Files.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
U.S. Department of Labor, 200 Constitution Avenue, NW, Room N–5646, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
The general public.

CATEGORIES OF RECORDS IN THE SYSTEM:
Letters from the general public relating to certain aspects of Title I of ERISA, the Department’s replies thereto, advisory opinions and related internal memoranda, including notes pertaining to meetings and telephone calls.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:
5 U.S.C. 1135, et seq.

PURPOSE(S):
These records are maintained to take action on or to respond to a complaint or an inquiry concerning certain aspects of Title 1 of ERISA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Manual files and computer storage.

RETRIEVABILITY:
Manual files are indexed alphabetically, by name of correspondent. Data is entered into computer system by a control number.

SAFEGUARDS:
Access to these records is limited to authorized PWBA staff. Computer system is password protected and accessible only to personnel creating the database.

RETENTION AND DISPOSAL:
Manual records are maintained for four years then transferred to the Federal Records Center for five additional years, then destroyed. Computer files will be retained until incorporated into PWBA records disposition schedule.
DOL/PWBA-4

SYSTEM NAME: Inquiry Correspondence Files.

SECURITY CLASSIFICATION: None.

SYSTEM LOCATION:
U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-5658, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Members of Congress, Senators, and private citizens.

CATEGORIES OF RECORDS IN THE SYSTEM:
General and congressional inquiries and correspondence regarding all aspects of pension and welfare benefit plans and the status of individuals under these plans.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:
29 U.S.C. 1135 et seq.

PURPOSE(S):
These records are used to take action on or respond to inquiries and responses from members of Congress, Senators, and private citizens.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
None.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVAL INQUIRIES AND RESPONSES TO INQUIRIES:
None.

RETRIEVABILITY:
Manual files are maintained in file cabinets and on computer system.

RETENTION AND DISPOSAL:
Manual records are maintained for two years, then destroyed. Computer files are destroyed when three years old or when no longer needed for reference.

SYSTEM MANAGER(S) AND ADDRESS:
Director of Program Services, Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N-5670, 200 Constitution Avenue, NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager indicated above. All requests must be in writing and mailed, or presented in person during the Department’s normal working hours.

RECORD ACCESS PROCEDURES:
Same as Notification procedure. Individuals requesting access must also comply with Privacy Act regulations on verification of identity and access to records (5 CFR 297.201 and 297.203).

CONTESTING RECORD PROCEDURES:
Same as Notification procedure. Individuals wishing to contest or amend information maintained in the system should direct their written request to the System Manager listed above, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:
Correspondence from individuals and responses thereto.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/PWBA-5

SYSTEM NAME: Public Disclosure Request Tracking System.

SECURITY CLASSIFICATION: None.

SYSTEM LOCATION:
U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-5507, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Plan participants, general public, private organizations. State or local government.

CATEGORIES OF RECORDS IN THE SYSTEM:
Data regarding the request for information and/or reports regarding employee benefit plans or benefits. Data includes individual’s name, street address, city, state, zip code, and telephone number.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:
5 U.S.C. 1135 et seq.

PURPOSE(S):
These records are maintained to process requests made for information and/or reports in reference to pension and welfare benefit plans.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
These records are used by PWBA managers to document and process requests for information and to compile statistical reports regarding such requests for management information purposes.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
Manual files and computer storage.
what information is being contested, the information about them should contact the system manager indicated above.

RECORD ACCESS PROCEDURE:

Same as Notification procedure. Individuals requesting access must also comply with Privacy Act regulations on verification of identity and access to records. (See 29 CFR part 70a.)

CONTESTING RECORD PROCEDURE:

Same as Notification procedure above, except individuals desiring to contest or amend information maintained in the system should direct their written request to the System Manager listed above, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are the individual requests for disclosure of reports and/or information from the general public.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/PWBA-7

SYSTEM NAME:

PWBA Employee Conduct Investigations.

SECURITY CLASSIFICATION:

None.
SYSTEM LOCATION:
Offices in Pension and Welfare Benefits Administration in the National Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
PWBA employee(s) against whom allegations of misconduct have been made.

CATEGORIES OF RECORDS IN THE SYSTEM:
The file contains investigative report(s) compiled in the course of employee misconduct investigations, including interviews and other data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.

PURPOSE(S):
The records are compiled as an adjunct to investigating allegations of employee misconduct, to make determinations on personnel actions and to document agency action in most cases.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEMS, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
The records are stored in file folders in metal cabinets.

RETRIEVABILITY:
Records are retrieved by name of subjecting investigation.

SAFEGUARDS:
The files are maintained in locked file cabinets with access only to those with a need to know the information to perform their duties. A charge out system is used to monitor and restrict the withdrawal of records from this file.

RETENTION AND DISPOSAL:
Records are retained for four years following the date either: (a) they are referred to the OIG; (b) they are transferred to OPM/GOVT-3 Records of Adverse Actions and Actions Based on Unacceptable Performance; or (c) it is determined that the allegation was without sufficient merit to warrant further action, after which they are destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:
Director, Office of Program Planning, Evaluation, and Management, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:
Inquiries should be mailed or presented to the System Manager noted at the address listed above.

RECORD ACCESS PROCEDURES:
A request for access shall be addressed to the System Manager at the address listed above. Individuals must furnish the following information for their records to be located and identified:

a. Name.
b. Approximate date of the investigation.
c. Individuals requesting access must also comply with the Privacy Act regulations regarding verification of identity at 29 CFR 70a.4.

CONTESTING RECORD PROCEDURES:
A petition for amendment shall be addressed to the System Manager and must meet the requirements of 29 CFR 70a.7

RECORD SOURCE CATEGORIES:
Complaints through the Office of the Inspector General’s and the General Accounting Office’s hotline system; allegations and incident reports submitted by employees; statements by the subject, fellow employees or members of the public; and other investigative reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4) (G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/SOL-1
SYSTEM NAME:
Conflict of Interest File.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
Division of Labor-Management Laws, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210 and Offices of the Regional Solicitors and Associate Regional Solicitors at various field locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Those persons from whom reports may be required under Sections 202 and 203, Labor-Management Reporting and Disclosure Act (LMRDA) (29 U.S.C. 432, 433), are those allegedly having conflicts of interest who must file reports under these sections. Investigation relates to civil litigation or criminal prosecution.

CATEGORIES OF RECORDS IN THE SYSTEM:
Investigative reports, legal analyses, forwarding memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
To enforce LMRDA requirement that persons with conflicts of interest file designated reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Files interchanged in the processing of cases with the Department of Justice and Assistant U.S. Attorneys to enforce the LMRDA by court action.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Manual files.

RETRIEVABILITY:
Indexed by name.

SAFEGUARDS:
Restricted to official business within agency, personnel screening.

RETENTION AND DISPOSAL:
Files are maintained for five years and then destroyed.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Named plaintiffs and complainants in court and administrative proceedings involving the Employment and Training Administration, the Office of the Assistant Secretary of Labor for Veterans, Employment and Training, and the procurement activities of the Office of the Assistant Secretary of Labor for Administration and Management. Individual subjects of administrative investigations under programs of the Employment and Training Administration, the Office of the Assistant Secretary of Labor for Veterans, Employment and Training, and procurement activities of the Office of the Assistant Secretary of Labor for Administration and Management.

CATEGORIES OF RECORDS IN THE SYSTEM:
Court and litigation files contain little, if any, information regarding the individual other than that supplied by the individual in its complaint. Investigatory files include employment and financial information related to possible fraudulent activity on the part of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.

PURPOSE(S):
- Court and administrative files used in court and administrative litigation.
- Investigatory files used in investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:
In addition to those contained in the United States Department of Labor’s prefatory statement, information is disclosed to United States Department of Justice for that agency’s determination regarding potential litigation and in the course of actual litigation.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Manual files.

RETRIEVABILITY:
By name of plaintiffs and complainants and individual subjects being investigated.

SAFEGUARDS:
Physical security; files are kept in office suite that is locked after working hours.

RETENTION AND DISPOSAL:
Upon completion of a case, the files are maintained in the Office of the Solicitor for two years, retired to the appropriate Federal Records Center for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:
Associate Solicitor of Labor for Employment and Training Legal Services, United States Department of Labor, Room N–2101, 200 Constitution Avenue, NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:
As in “System manager(s) and address” above.

RECORD ACCESS PROCEDURES:
As in “System manager(s) and address” above.

CONTESTING RECORD PROCEDURES:
As in “System manager(s) and address” above.

RECORD SOURCE CATEGORIES:
Information normally is obtained from other organizations within the United States Department of Labor.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/SOL-3

SYSTEM NAME:
Federal Tort Claims Act (FTCA).

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
U.S. Department of Labor, 200 Constitution Avenue, NW, Room S–4325, Washington, DC 20210. See appendix 1 for additional locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Claimants under the Federal Tort Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:
Tort claims file, including negligence, medical, personnel and legal reports, summaries, correspondence and memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
28 U.S.C. 2671 et seq.

PURPOSE(S):
To allow adjudication of claims filed under the Federal Tort Claims Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None other than those contained in the Department’s General Prefatory Statement published in the Preamble to this Notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Manual files.

RETRIEVABILITY:
Name of claimant.

SAFEGUARDS:
Files are kept in office suite that is locked after working hours.

RETENTION AND DISPOSAL:
Upon completion of a case, the files are maintained in the Office of the Solicitor for two years, retired to the appropriate Federal Records Center for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:
Associate Solicitor, Division of Employee Benefits, U.S. Department of Labor, 200 Constitution Avenue, NW, Room S–4325, Washington, DC 20210.
NOTIFICATION PROCEDURE:
See system manager(s) and addresses.

RECORD ACCESS PROCEDURES:
Inquirer should provide his full name, plus date and place of incident.

CONTESTING RECORD PROCEDURES:
See record access procedures.

RECORD SOURCE CATEGORIES:
Claimants, current and former employers, witnesses, physicians, insurance companies, attorneys, police, hospitals, other individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/SOL-6
SYSTEM NAME:
Job Training Partnership Act (JTPA).

SECURITY CLASSIFICATION:
Unclassified

SYSTEM LOCATION:
U.S. Department of Labor, 200 Constitution Avenue, NW, Room S–4325, Washington, DC 20210. See appendix 1 for additional locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Claimants.

CATEGORIES OF RECORDS IN THE SYSTEM:
Tort claims file, including negligence, medical, personnel and legal reports, summaries, correspondence, and memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
29 U.S.C. 1501 et seq.

PURPOSE(S):
To allow adjudication of claims filed under the Job Training Partnership Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None other than those contained in the Department's General Prefatory Statement published in the Preamble to this Notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Manual files.

RETRIEVABILITY:
Name of claimant.

SAFEGUARDS:
Files are kept in office suite that is locked after working hours.

RETENTION AND DISPOSAL:
Upon completion of a case, the files are maintained in the Office of the Solicitor for two years, retired to the appropriate Federal Records Center for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:
Associate Solicitor, Division of Employee Benefits, U.S. Department of Labor, 200 Constitution Avenue, NW, Room S–4325, Washington, DC 20210.

NOTIFICATION PROCEDURE:
See system manager(s) and addresses.

RECORD ACCESS PROCEDURES:
Inquirer should provide his full name, plus date and place of incident.

CONTESTING RECORD PROCEDURES:
See record access procedures.

RECORD SOURCE CATEGORIES:
Claimants, current and former employers, witnesses, physicians, insurance companies, attorneys, police, hospitals, other individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/SOL-6
SYSTEM NAME:
Military Personnel and Civilian Employees Claims Act.

SECURITY CLASSIFICATION:
Unclassified.

SYSTEM LOCATION:
U.S. Department of Labor, 200 Constitution Avenue, NW, Room S–4325, Washington, DC 20210. See appendix 1 for additional locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Claimants.

CATEGORIES OF RECORDS IN THE SYSTEM:
Claims file, including negligence, medical, personnel and legal reports, summaries, correspondence and memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
To allow adjudication of claims filed under the Military Personnel and Civilian Employees Claims Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None other than those contained in the Department's General Prefatory Statement published in the Preamble to this Notice.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Manual files.

RETRIEVABILITY:
Name of claimant.

SAFEGUARDS:
Files are kept in office suite that is locked after working hours.

RETENTION AND DISPOSAL:
Upon completion of a case, the files are maintained in the Office of the Solicitor for two years, retired to the appropriate Federal Records Center for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:
Associate Solicitor, Division of Employee Benefits, U.S. Department of Labor, 200 Constitution Avenue, NW, Room S–4325, Washington, DC 20210.

NOTIFICATION PROCEDURE:
See system manager(s) and addresses.

RECORD ACCESS PROCEDURES:
Inquirer should provide his full name, plus date and place of incident.

CONTESTING RECORD PROCEDURES:
See record access procedures.

RECORD SOURCE CATEGORIES:
Claimants, current and former employers, witnesses, physicians, insurance companies, attorneys, police, hospitals, other individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/SOL-7
SYSTEM NAME:
Solicitor's Legal Activity Recordkeeping System.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
Terminals in all Divisional Offices, Washington, D.C.; Regional and Sub-Regional Offices. DOL computer located at SunGuard in Philadelphia, PA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Attorneys employed by the Office of the Solicitor; the names of judges assigned to the cases and the names of the individuals and/or parties involved in the cases.
CATEGORIES OF RECORDS IN THE SYSTEM:
Individual attorney assignments; identification of cases pending, status of litigated cases, opinions requested, case agency record, and miscellaneous assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE:
To track attorney assignments and the status of case files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Precaution Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Manual and computer files.

RETRIEVABILITY:
Currently, by name of attorney; potentially retrievable by name of the judge assigned to the case, and by the name of the individual and/or party involved in the case.

SAFEGUARDS:
Manual files are kept locked. Computer files accessible and/or party involved in the case.

RETENTION AND DISPOSAL:
Records are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:
Associate Solicitors, Office of the Solicitor, Washington, D.C.; Regional Solicitors and Associate Regional Solicitors at various field locations.

NOTIFICATION PROCEDURES:
Same as system manager(s) and address.

RECORD ACCESS PROCEDURE:
Same as system manager(s) and address.

CONTESTING RECORD PROCEDURE:
Same as system manager(s) and address.

RECORD SOURCE CATEGORIES:
Case files, correspondence files, opinion files, and miscellaneous files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

DOL/SOL-8

SYSTEM NAME:
Special Litigation Records.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
U.S. Department of Labor, Office of the Solicitor, Room 4611, Washington, DC. Only current litigation files are maintained in DOL/ D.C. — closed files are in contract warehouse storage.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Defendants, respondents, witnesses and other individuals who may have provided information relating to, or who may have been involved in, matters that are part of the Central States litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:
The system contains records gathered by the Special Litigation Division in connection with the Central States litigation. The records may be derived from materials filed with the Department of Labor, court records, articles from publications, published financial data, information received from materials filed with the Department of Labor, court records, articles from publications, published financial data, information received from employee benefit plans, business organizations and individuals, statements of witnesses, information received from federal, state, local and foreign regulatory and law enforcement organizations and from other sources. The system also contains records that incorporate the work product of the Special Litigation Division and other privileged documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
To maintain investigatory and related litigation files pertaining to the Teamsters' Central States, Southeast and Southwest Areas Health and Welfare and Pension Funds, as well as other matters within the mission and functions of the Special Litigation Unit.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information that is relevant and necessary may be disclosed as follows:
(1) The records may be disclosed to the Department of Justice, Treasury Department, Commerce Department and other Federal Government personnel and consultants investigating possible violations of the Employee Retirement Income Security Act of 1974.

(2) The records may be disclosed pursuant to 29 U.S.C. 1134(a) to any person actually affected by any matter which is the subject of an investigation under ERISA.

(3) The records may be disclosed, when appropriate, to a bar association, court, or federal, state, local or foreign licensing authority for possible disciplinary action.

(4) The records may be given or shown to anyone during the course of litigation if the Department has reason to believe that the person to whom such disclosure is made may have further information about the matter and discussion therein and that those matters may be relevant to such litigation.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
The records are maintained in hard copy, microfilm/microfiche or machine readable (computer/tape) form.

RETRIEVABILITY:
The records are indexed by name.

SAFEGUARDS:
Records are kept in office suites which are locked after working hours. Access to and use of the records are limited to those persons whose official duties require it.

RETENTION AND DISPOSAL:
The records retention will be determined by the National Archives and Records Administration upon completion of the litigation.

SYSTEM MANAGER(S) AND ADDRESS:

NOTIFICATION PROCEDURE:
Mail all inquiries or present in writing to system manager at above address.

RECORD ACCESS PROCEDURES:
As in notification procedure.

CONTESTING RECORD PROCEDURE:
As in notification procedure.

RECORD SOURCE CATEGORIES:
Investigators; other law enforcement personnel; attorneys; witnesses, informants; other individuals; federal, state and local agencies; investigative files, case files; correspondence files; opinion files; miscellaneous files.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/SOL-9

SYSTEM NAME:
Freedom of Information Act and Privacy Act Appeals Files.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
Office of the Solicitor, Division of Legislation and Legal Counsel, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
This system encompasses all individuals who submit administrative appeals under the Freedom of Information and Privacy Acts.

CATEGORIES OF RECORDS IN THE SYSTEM:
Each file generally contains the appeal letter, the initial request, the initial agency determination, and other records necessary to make a determination on the appeal, including copies of unsanitized records responsive to the request. When a determination is made on the appeal, the determination letter is added to the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
These records are maintained to process an individual's administrative appeals made under the provisions of the Freedom of Information and the Privacy Acts. The records are also used to prepare the Department's annual reports to OMB and Congress required by the Privacy and the Freedom of Information Acts.

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, that is relevant and necessary may be used:
b. To disclose information to Federal agencies (e.g., Department of Justice) in order to obtain advice and recommendations concerning matters on which the agency has specialized experience or competence, for use by the Office of the Solicitor in making required appeal determinations and related dispositions under the Freedom of Information Act or the Privacy Act of 1974.
c. To disclose information to any source from which additional information is requested to the extent necessary to identify the individual, inform the source of the purpose of the appeal, and to identify the type of information involved in an appeal, where necessary to obtain information relative to a decision concerning a Freedom of Information or Privacy Act appeal.
d. 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.
e. To disclose information to officials of the Merit System Protection Board or the Office of Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of DOL rules and regulations, investigations or alleged or possible prohibited personnel practices, and such other functions as may be authorized by law.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
These records are maintained in manual form in file folders and are stored using the name of the individual filing the appeal. Information about the status of Freedom of Information and Privacy Act appeals is also maintained on magnetic media for use in a microcomputer.

RETRIEVABILITY:
Manual records are retrieved by the name of the individual making the appeal.

SAFEGUARDS:
These records, are located in metal filing cabinets in a lockable room with access limited to personnel whose duties require access.

RETENTION AND DISPOSAL:
These records are destroyed six years after final agency determination or 3 years after final court adjudication, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system or records contains information about them should contact the system manager at the address listed above.

RECORD ACCESS PROCEDURES:
A request for access shall be addressed to the system manager at the address listed above. Individuals must furnish the following information for their records to be located and identified:
a. Name.
b. Approximate date of the Freedom of Information or Privacy Act Appeal and the approximate date of the determination by the Department (if issued).
c. Individuals requesting access must also comply with the Privacy Act regulations regarding verification of identity and access to records at 29 CFR 70a.4.

Contesting record procedures:
A petition for amendment shall be addressed to the System Manager and must meet the requirements of 70a.7.

RECORD SOURCE CATEGORIES:
Information in this system of records comes from:
a. The individual who is the subject of the records.
b. Official personnel documents of the agency, including records from any other agency system or records included in this notice.
c. Agency officials who respond to Freedom of Information and Privacy Act requests.
d. Other sources whom the agency believes have information pertinent to an agency decision on a Freedom of Information or Privacy Act appeal.
SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS
OF THE ACT:
The Department of Labor has claimed exemptions for several of its other systems of records under 5 U.S.C. 552a(k)(1), (2), (3), (5), and (6). During the course of processing a Freedom of Information or Privacy Act appeal, exempt materials from those other systems may become part of the case record in this system. To the extent that copies or exempt records from those other systems are entered into these Freedom of Information and Privacy appeal files, the Department has claimed the same exemptions for the records as they have in the original primary system or records of which they are a part.

DOL/SOL-10
SYSTEM NAME:
Privacy Act Litigation Files.
SECURITY CLASSIFICATION:
None.
SYSTEM LOCATION:
Office of the Solicitor, Division of Legislation and Legal Counsel, Department of Labor Building, 200 Constitution Avenue, NW, Washington, DC 20210.
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals who have commenced actions against the Department of Labor under the Privacy Act.
CATEGORIES OF RECORDS IN THE SYSTEM:
Pleadings compiled in the course of litigation and relevant supporting documentation.
AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
PURPOSE(S):
These records are maintained to defend the Department of Labor against lawsuits.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Disclosure to the Department of Justice and attorneys of other federal agencies as required in the defense of lawsuits.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Ligation files maintained in manual files.
RETRIEVABILITY:
Requester's (plaintiff's) name.

SAFEGUARDS:
Files are kept in office suite that is locked after working hours.

RETENTION AND DISPOSAL:
Upon completion of a case, third-party recovery files are maintained in the Office of the Solicitor for two years, retired to the appropriate Federal Records Center for three years and then destroyed.

SYSTEMS MANAGER AND ADDRESS:
Associate Solicitor, Division of Legislation and Legal Counsel, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-2428, Washington, DC 20210.

NOTIFICATION PROCEDURE:
As in systems manager and address.

RECORD ACCESS PROCEDURE:
As in systems manager and address.

CONTESTING RECORD PROCEDURE:
As in systems manager and address.

RECORD SOURCE CATEGORIES:
Pleadings generated in course of litigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS
OF THE ACT:
None.

DOL/SOL-11
SYSTEM NAME:
Division of Civil Rights Defensive Litigation Files.
SECURITY CLASSIFICATION:
None.
SYSTEM LOCATION:
United States Department of Labor, Room N-2464, 200 Constitution Avenue, NW, Washington, DC 20210
CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals filing Federal court actions involving civil rights enforcement activities of the Office of Federal Contract Compliance Programs (OFCCP), Employment Standards Administration or the Directorate of Civil Rights (DCR), Office of the Assistant Secretary for Administration and Management, and other department agencies.
CATEGORIES OF RECORDS IN THE SYSTEM:
Correspondence, reports, legal analyses, and employment and related information provided by plaintiffs, gathered in the course of investigations conducted by OFCCP or DCR, and/or derived from materials filed with the Department of Labor or other Federal agencies, or in connection with administrative and court proceedings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
PURPOSE(S):
To defend the Department in legal actions involving the civil rights enforcement activities of OFCCP, DCR or other department agencies.
ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.
DISCLOSURE TO CONSUMER REPORTING AGENCIES:
Not applicable.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Primarily in manual files, some information may be maintained on magnetic media for use in a microcomputer.
RETRIEVABILITY:
Full name of plaintiff.
SAFEGUARDS:
Files located in restricted area of Federal building under guard by security officers; access limited to persons with official business within the agency.
RETENTION AND DISPOSAL:
Upon final court determination, files are maintained by the Department for two years, then transferred to the Federal Records Center where they are kept an additional three years and then destroyed.
SYSTEM MANAGER(S) AND ADDRESS:
Associate Solicitor, Division of Civil Rights/Office of the Solicitor, Room N-2464, 200 Constitution Avenue, NW, Washington, DC 20210
NOTIFICATION PROCEDURE:
Contact system manager.
RECORD ACCESS PROCEDURES:
Contact system manager; requests must comply with the regulations contained at 29 CFR part 70a.
CONTESTING RECORD PROCEDURES:
Contact system manager; petitions for amendment must meet the requirements of 29 CFR part 70a.

RECORD SOURCE CATEGORIES:
Plaintiffs, witnesses, employers, contractors, recipients of Federal financial assistance from the Department of Labor, and Federal, state, and local agency files, and departmental agency files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(C), (F), and (I) and (J). In addition, as this system may contain files or copies of files from other systems of records compiled in the course of the administrative and enforcement activities of other department agencies for which the Department, in accordance with section (k)(2) of the Privacy Act, has claimed exemptions from any of the above mentioned provisions of the Act, the Department claims the same exemptions for the records as they have in the primary system of records of which they are apart.

DOL/SOL-12
SYSTEM NAME:
Third-Party Recovery Files.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
Office of the Solicitor, National Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals potentially or actually entitled to wages and other forms of compensation and relief sought on their behalf by Labor Department.

CATEGORIES OF RECORDS IN THE SYSTEM:
Records include identities of potential claimants and claimants, and information related to their claims including employment information and the amount sought or owed to each of them.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
These records are maintained in order to make determinations about compensation and other forms of relief sought or recovered by the Department of Labor.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEMS INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Files are maintained in storage cabinets and on discs.

RETRIEVABILITY:
By name of claimant.

SAFEGUARDS:
Records are maintained in manned rooms during working hours. During non-working hours, the file room is locked and the building is protected by guards.

RETENTION AND DISPOSAL:
Upon completion of a case, third-party recovery files are maintained in the Office of the Solicitor for two years, then transferred to the appropriate Federal Records Center for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:
Deputy Solicitor for National Operations at headquarters.

NOTIFICATION PROCEDURE:
Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required.

RECORD ACCESS PROCEDURES:
To see your records, write the System Manager and describe specifically as possible the records sought and furnish the following information:
   a. Full name.
   b. Date of birth.
   c. Social Security number.
   d. Signature.

CONTESTING RECORD PROCEDURES:
Individuals requesting amendment to the record should contact the system manager and furnish the following information:
   a. Full name.
   b. Date of birth.
   c. Social Security number.
   d. Signature.

RECORD SOURCE CATEGORIES:
Agency litigation files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
When litigation occurs, information from other systems of records may be incorporated into the case file. Information may be material which the Privacy Act, at 5 U.S.C. 552a(k)(1), (2), (3), (5), and (6), permits an agency to exempt from certain provisions of the Act. To the extent that such exempt material is incorporated into litigation files, the appropriate exemption (k)(1), (2), (3), (5), and (6) has also been claimed for the material as it appears in this system.

The Office of the Solicitor, pursuant to 5 U.S.C. 552a(d)(5), reserves the right to refuse access to information compiled in reasonable anticipation of a civil action or proceeding.

DOL/SOL-13
SYSTEM NAME:
Employee Conduct Investigations.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
Offices in the Office of the Solicitor at the National Office and in each of the Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Employee(s) against whom any allegations of misconduct have been made.

CATEGORIES OF RECORDS IN THE SYSTEM:
Investigative report(s), sworn affidavits, written statements, time and attendance records, earnings and leave statements, applications for leave, notifications of personnel actions, travel vouchers, 171's, certificates of eligible, performance appraisals, interviews and other data gathered from involved parties and organizations which are associated with the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
5 U.S.C. 301.
PURPOSE(S):
To investigate allegations of misconduct.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USERS:
None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING IN THE SYSTEM:

STORAGE:
Records are stored in file folders in metal cabinets.

RETRIEVABILITY:
By name or case file number.

SAFEGUARDS:
Files are maintained in locked file cabinets with access only to those with a need to know the information to perform their duties.

RETENTION AND DISPOSAL:
Records are retained for four years following the date either: (a) They are referred to the OIG; (b) they are transferred to OPM/GOVT-3. Records of Adverse Actions and Actions Based on Unacceptable Performance; or (c) it is determined that the allegation was without sufficient merit to warrant further action, after which they are destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:
Office of Management, Office of the Solicitor, 200 Constitution Avenue, NW., Washington, DC 20210, and appropriate Regional Offices.

NOTIFICATION PROCEDURE:
Inquiries should be mailed or presented to the system manager noted at the address listed above.

RECORDS ACCESS PROCEDURES:
A request for access shall be addressed to the system manager at the address listed above. Individuals must furnish the following information for their records to be located and identified: Name; approximate date of the investigation; and individuals requesting access must also comply with the Privacy Act regulations regarding verification of identity to records at 29 CFR 70a.4.

CONTESTING RECORD PROCEDURES:
A petition for amendment shall be addressed to the System Manager and must meet the requirements of 29 CFR 70a.(r).

RECORD SOURCE CATEGORIES:

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

DOL/SOL-14
SYSTEM NAME:
Subpoena Tracking System.

SECURITY CLASSIFICATION:
None.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
DOL employee(s), former employees, contractors and consultants who have been subpoenaed or whose testimony has been requested in actions in which DOL is not a party.

CATEGORIES OF RECORDS IN THE SYSTEM:
Information relating to the request for testimony or production of records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
These records are maintained in order to keep track of when DOL employees, former employees, contractors and consultants have been subpoenaed or whose testimony has been requested.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USERS:
Disclosure to attorneys who issued the subpoena, U.S. attorneys and attorneys of other federal agencies as appropriate in order to properly respond to such subpoenas.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
These records are maintained in manual form in metal file cabinets using the name of the individual who has been subpoenaed. Information about the status of the subpoena is also maintained on magnetic media for use in a micro-computer.

RETRIEVABILITY:
Records are retrieved by the name of the individual making the appeal.

SAFEGUARDS:
These records are located in metal filing cabinets in a lockable computer room with access limited to personnel whose duties require access.

RETENTION AND DISPOSAL:
These records are maintained as long as a case is open. Upon conclusion of the matter, files are retained for five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:
Associate Solicitor, Division of Legislation and Legal Counsel, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N–2428, Washington, DC 20210.

NOTIFICATION PROCEDURE:
Individuals wishing to inquire whether this system of records contains information about them should contact the system manager at the address listed above.

RECORD ACCESS PROCEDURES:
A request for access shall be addressed to the system manager at the address listed above. Individuals must furnish the following information for their records to be located and identified:

a. Name.

b. Approximate date of subpoena or request for testimony.

CONTESTING RECORD PROCEDURES:
A request to amend a record shall be addressed to the system manager.

RECORD SOURCE CATEGORIES:
Information in this system of records comes from:

a. The individual who is requesting the testimony or who has issued the subpoena.
b. The individual who has been subpoenaed or whose testimony has been requested.

c. DOL attorneys, Assistant U.S. Attorneys, judges, clerks of courts involved in handling responses to subpoenas.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DOL/SOL-15

SYSTEM NAME:

Solicitor's Office Litigation Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Offices of the Associate Solicitors, Office of the Solicitor, Washington, DC; Offices of the Regional Solicitor and Associate Regional Solicitors at various field locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Plaintiffs, defendants, respondents, witnesses and other individuals who may have provided information relating to, or who may have been involved in matters that are part of Labor Department litigation, where the Department is either the plaintiff or the defendant.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records gathered by the various Offices of the Associate Solicitors, Regional Solicitors and Associate Regional Solicitors. The records may be derived from materials filed with the Department of Labor, court records, pleadings, statements of witnesses, information received from federal, state, local and foreign regulatory organizations and from other sources. The system also contains records that incorporate the work product of the various offices and other privileged documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

These records are maintained for the purpose of prosecuting violations of labor laws, as well as for defending suits brought against the Secretary of Labor.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

None, except for those routine uses listed in the General Prefatory Statement to this document.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Ligation files maintained in manual files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Files are kept in office suites which are locked after working hours.

RETENTION AND DISPOSAL:

Upon final court determination, files are maintained by the Department for two years, then transferred to the Federal Records Center where they are kept an additional three years and then destroyed.

SYSTEM MANAGER AND ADDRESS:

The appropriate Deputy Solicitor, Office of the Solicitor, U.S. Department of Labor, Room S-2002, 200 Constitution Avenue, NW., Washington, DC 20210

NOTIFICATION PROCEDURES:

Inquiries should be mailed or presented to the system manager noted at the address listed above.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the system director at the address listed above. Individuals must furnish the following information for their records to be located and identified:

a. Name.
b. Approximate date for the investigation.
c. Individuals requesting access must also comply with the Privacy Act regulations regarding verification of identity to records at 29 CFR 70a.4.

CONTESTING RECORD PROCEDURES:

A petition for amendments shall be addressed to the System Manager and must meet the requirements of 29 CFR 70a.7.

RECORD SOURCE CATEGORIES:

Component agency investigative files; investigators; other law enforcement personnel; attorneys; witnesses, informants; other individuals; federal, states and local agencies; investigative files, case files; opinion files; miscellaneous files.

SYSTEM EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of the Act.

Disclosure of information could enable the subject of the record to take action to escape prosecution and could avail the subject greater access to information than that already provided under rules of discovery. In addition, disclosure of information might lead to intimidation of witnesses, informants, or their families, and impair future investigations by making it more difficult to collect similar information.

DOL/SOL-16

SYSTEM NAME:

Solicitor's Office, Directory of Senior Management.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the Solicitor, Office of Administration, Management & Litigation Support (OAMLS), Department of Labor, Frances Perkins Building, Room N-2414, 200 Constitution Avenue, NW., Washington, DC 20210.

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:

Senior management employees from the Office of the Solicitor including both those from the National Office and the Regional Offices of the Solicitor.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the names the office location, the home address, the home telephone number and the office telephone number of all the senior management employees from the Office of the Solicitor including both the National and Regional Offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The directory enables senior management to communicate amongst themselves by telephone in a fast and efficient manner.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USE:

None, except for those routine uses listed in the General Prefatory Statement to this document.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.
POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in the form of a spiral-bound directory.

RETRIEVABILITY:

Record are retrieved by the name of the senior management employee.

SAFEGUARDS:

These records are kept in office suites which are locked after working hours.

RETENTION AND DISPOSAL:

The directory is updated every two years and the old directory is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration, Management & Litigation Support, Room N–2414, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

NOTIFICATION PROCEDURES:

Inquiries should be mailed or presented to the system manager noted at the address listed above.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the system manager at the address listed above. Individuals must furnish the following information for their records to be located and identified:

a. Name.
b. Approximate date for investigation.
c. Individuals requesting access must also comply with the Privacy Act regulations regarding verification of identity to records at 29 CFR 70a.4.

CONTESTING RECORD PROCEDURES:

A petition for amendments shall be addressed to the System Manager and must meet the requirements of 29 CFR 70a.4.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the system manager at the system location.

RECORD SOURCE CATEGORIES:

Agency personnel files, and information submitted by the employee.

SYSTEM EXEMPTED FROM CERTAIN PROVISION OF THE ACT:

None.

DOL/VETS–1

SYSTEM NAME:

Veterans’ Reemployment Complaint File—VETS–1.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Veterans’ Reemployment Rights (VCR) Area Offices, Veterans’ Employment and Training Service (VETS) Regional Offices, VETS National Office, Regional Solicitors’ Offices, National Solicitor’s Office.

CATegories of individuals covered by the system:

Veterans, enlistees, examinees, reservists or members of the National Guard of the U.S. Armed Forces on active or reserve service or training duty.

Categories of records in the system:

Investigatory files which pertain to Veterans’ Reemployment Complaints. These records contain investigative information regarding rights of veterans, reservists, and members of the national guard to return to pre-military civilian employment; reports of interviews with individuals; and other information relevant to a determination of veteran’s reemployment rights.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

38 U.S.C., 2021 et seq.

PURPOSE:

Records are maintained for enforcement of federal laws pertaining to rights of veterans, reservists and members of the national guard upon their return to pre-military civilian
employment following periods of active and inactive military duty and related to non-discrimination based on such service or periods of duty.

**Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:**

None, except for those routine uses in the General Prefatory Statement to this document.

**Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:**

**Storage:**

Data processing storage and manual records.

**Retrievability:**

By name of complainant or name of employer.

**Safeguards:**

Secured room, or locked cabinets, and passwords for ADP system.

**Retention and Disposal:**

Records will be maintained by the VETS for 5 years at which time they will be destroyed in accordance with National Archives and Record Service retention retirement and disposal schedule.

**System Manager(s) and Address:**

United States Department of Labor, Veterans' Employment and Training Service, Room 1315, 200 Constitution Avenue, NW, Washington, DC 20210, and Regional Offices.

**Notification Procedures:**

See System Managers and Address.

**ConTESTING Record Procedures:**

See System Managers and Address.

**Record Source Categories:**

Veterans, Reserve and National Guard members, employees, employers, Departments of Defense or Veterans Affairs, physicians, fellow employees, union officers.

**Systems Exempted from Certain Provisions of the Act:**

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(C), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of such source whose information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

**DOL/VEts-2**

**System Name:**

Veterans' Preference Complaint File—VETS-2.

**Security Classification:**

None.

**System Location:**


**Categories of Individuals Covered by the System:**

Veterans of the U.S. Armed Forces who believe that they have been denied veterans preference or other special considerations provided by law(s).

**Categories of Records in the System:**

Investigatory files for enforcement of federal laws pertaining to veterans' preference and other special consideration related to employment with Federal agencies; reports of interviews with individuals; personal records; service records; another information relevant to a determination of veterans' preference.

**Authority for Maintenance of the System:**

38 U.S.C., 2003(c)(13) and (14).

**Purposes:**

Records are maintained for enforcement of federal laws pertaining to veterans' preference and other special consideration related to employment with Federal agencies.

**Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:**

Information that is relevant and necessary may be disclosed to the federal labor unions if queries arise with regard to the veteran's preference versus the collective bargaining agreement.

**Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:**

**Storage:**

Data processing storage and manual records.

**Retrievability:**

By name of complainant or name of Federal agency.

**Safeguards:**

Secured room, or locked cabinets, and passwords for ADP system.

**Retention and Disposal:**

Records will be maintained by the VETS for 5 years at which time they will be destroyed in accordance with National Archives and Record Administration retention retirement and disposal schedule.

**System Manager(s) and Address:**

United States Department of Labor, Veterans' Employment and Training Service, Room S–1315, 200 Constitution Avenue, NW, Washington, DC 20210, and Regional Offices.

**Notification Procedures:**

See System Managers and Address.

**Record Access Procedures:**

See System Managers and Address.

**ConTESTING Record Procedures:**

See System Managers and Address.

**Record Source Categories:**

Veterans, federal employment applicants or employing federal agencies, Department of Defense, Department of Veterans Affairs, Office of Personnel Management, fellow employees, union officers.

**Systems Exempted from Certain Provisions of the Act:**

In accordance with 5 U.S.C. 552a(k)(2), investigatory material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(C), (H), and (I); and (f) of 5 U.S.C. 552a, provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of such material would reveal the identity of such source whose information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source would be held in confidence.

**DOL/VEts-3**

**System Name:**

Veterans' Transition Assistance Program (TAP) Tracking System-VETS-3.
SECURITY LOCATION:
Veterans' Employment and Training Service (VETS) State Directors' Offices, VET Regional Offices, VETS National Office, National and Regional Solicitors' Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Servicemembers, and their spouses, for 180 days after separation of the servicemember from the U.S. Armed Forces.

CATEGORIES OF RECORDS IN THE SYSTEM:
Registration data on participants in the TAP workshops including the name, address, social security number, and duty station.

AUTHORITY FOR MAINTENANCE OF SYSTEM:
10 U.S.C. 1144.

PURPOSE:
Records are maintained to monitor achievement levels in TAP workshops, develop demographic data, and research programs effectiveness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:
Social security numbers are disclosed to the Defense manpower Data Center at the Department of Defense in order to ascertain the duty status of veterans.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:
Data processing storage and manual records.

RETRIEVABILITY:
Attendance numbers by name, state, base, or VETS region.

SAFEGUARDS:
Secured room.

RETENTION AND DISPOSAL:
Records may be maintained by the VETS for 5 years in accordance with NARA retention retirement and disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:
United States Department of Labor, Veterans' Employment and Training Service, Room S–1315, 200 Constitution Avenue, NW, Washington, DC 20210, and Regional Offices.

NOTIFICATION PROCEDURES:
Inquires should be mailed or presented to the system manager noted at the address listed above.

RECORD ACCESS PROCEDURES:
A request for access shall be addressed to the systems manager at the address listed above. Individuals must furnish the following information for their records to be located and identified:
- Name.
- Approximate date of separation.
- Individuals requesting access must also comply with Privacy Act regulations regarding verification of identity of records at 29 CFR 70a.4.

CONTESTING RECORD PROCEDURES:
A petition for amendment shall be addressed to the System Manager and must meet the requirements of 29 CFR 70a.7.

RECORD SOURCE CATEGORIES:
Participants in TAP workshops.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:
None.

Appendix 1-Responsible Officials
National Office
The titles of the responsible officials of the various independent agencies in the Department of Labor are listed below. This list is provided for information only, to assist requesters in locating the office most likely to have responsive records. The officials may be changed by appropriate designation. Unless otherwise specified, the mailing addresses of the officials shall be:
U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.
Secretary of Labor, ATTENTION: Assistant Secretary for Administration and Management (OASAM)
Deputy Solicitor, Office of the Solicitor Chief Administrative Law Judge, Office of the Administrative Law Judges (OALJs)
Assistant Secretary for Administration and Management (OASAM)
Deputy Assistant Secretary for Administration and Management (OASAM)
Director, National Capital Service Center (NCSC)
Deputy Director, National Capital Service Center (NCSC) Director, Office of Personnel Management Services (NSC)
Director, Office of Procurement Services (NCSC)
Director, Directorate of Personnel Management (OASAM)
Deputy Director, Directorate of Personnel Management (OASAM)
Comptroller, Office of the Comptroller (OASAM)
Director, Office of Budget (Comptroller-OASAM)
Director, Office of Accounting (Comptroller-OASAM)
Director, Office of Financial Policy and Systems (Comptroller-OASAM)
Director, Directorate of Administrative and Procurement Programs (OASAM)

Director, Office of Facilities Management (OASAM)
Chief, Division of Security and Emergency Preparedness (OASAM)
Director, Office of Acquisition Integrity (OASAM)
Director, Office of Safety and Health (OASAM)
Director, Directorate of Civil Rights (OASAM)
Director, Directorate of Information Resources Management (DIRM-OASAM)
Director, Office of IRM Policy (DIRM-OASAM)
Director, DOL Academy
Director, Office of Small Business and Minority Affairs
Comptroller, Office of the Comptroller (OASAM)
Director, Office of Safety and Health (OASAM)
Director, Directorate of Civil Rights (OASAM)
Director, Office of Employee and Labor-Management Relations (OASAM)
Director, Office of Employment and Evaluation (OASAM)
Chief, Division of Security and Emergency Preparedness (OASAM)
Director, Office of Acquisition Integrity (OASAM)
Chairperson, Employees' Compensation Appeals Board
Deputy Assistant Secretary for Policy
Director, Office of Information and Public Affairs
Director, Office of Administrative Appeals
Director, Office of Management, Administration and Planning, Bureau of International Labor Affairs (ILAB)
Assistant Secretary for Employment Standards, Employment Standards Administration (ESA)
Assistant Secretary for the Office of the American Workplace (OAW)
Commissioner, Bureau of Labor Statistics
Assistant Secretary for Employment Standards, Employment Standards Administration (ESA)
Director, Office of Workers' Compensation Programs (OWCP), Assistant to the Director, OWCP, ESA
Director for Federal Employees' Compensation, OWCP, ESA
Director for Longshore and Harbor Workers' Compensation, OWCP, ESA
Director for Coal Mine Workers' Compensation, OWCP, ESA
Administrator, Wage and Hour Division, ESA
Deputy Administrator, Wage and Hour Division, ESA
Assistant Administrator, Office of Program Operations, Wage and Hour Division, ESA
Assistant Administrator, Office of Policy, Planning and Review, Wage and Hour Division, ESA
Director, Office of Federal Contract Compliance Programs (OFCCP), ESA
Director, Division of Policy, Planning and Program Development, OFCCP, ESA

NOTES:

1. Responsible officials listed above with addresses identified:
- Office of the Secretary, OASAM
- Deputy Assistant Secretary for Policy, OASAM
- Director, Office of Information and Public Affairs, OASAM
- Director, Office of Administrative Appeals, OASAM
- Director, Office of Management, Administration and Planning, Bureau of International Labor Affairs (ILAB)
- Assistant Secretary for Employment Standards, Employment Standards Administration (ESA)
- Assistant Secretary for the Office of the American Workplace (OAW)
- Commissioner, Bureau of Labor Statistics
- Assistant Secretary for Employment Standards, Employment Standards Administration (ESA)
- Director, Office of Workers' Compensation Programs (OWCP), Assistant to the Director, OWCP, ESA
- Director for Federal Employees' Compensation, OWCP, ESA
- Director for Longshore and Harbor Workers' Compensation, OWCP, ESA
- Director for Coal Mine Workers' Compensation, OWCP, ESA
- Administrator, Wage and Hour Division, ESA
- Deputy Administrator, Wage and Hour Division, ESA
- Assistant Administrator, Office of Program Operations, Wage and Hour Division, ESA
- Assistant Administrator, Office of Policy, Planning and Review, Wage and Hour Division, ESA
- Director, Office of Federal Contract Compliance Programs (OFCCP), ESA
- Director, Division of Policy, Planning and Program Development, OFCCP, ESA

2. The titles of the responsible officials listed in the Appendix are current as of September 23, 1993. This list is provided for information only, to assist requesters in locating the office most likely to have responsive records. The officials may be changed by appropriate designation. Unless otherwise specified, the mailing addresses of the officials shall be:
- U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.
- Secretary of Labor, ATTENTION: Assistant Secretary for Administration and Management (OASAM)
- Deputy Solicitor, Office of the Solicitor Chief Administrative Law Judge, Office of the Administrative Law Judges (OALJs)
- Assistant Secretary for Administration and Management (OASAM)
- Deputy Assistant Secretary for Administration and Management (OASAM)
- Director, National Capital Service Center (NCSC)
- Deputy Director, National Capital Service Center (NCSC) Director, Office of Personnel Management Services (NSC)
- Director, Office of Procurement Services (NCSC)
- Director, Directorate of Personnel Management (OASAM)
- Deputy Director, Directorate of Personnel Management (OASAM)
- Comptroller, Office of the Comptroller (OASAM)
- Deputy Comptroller, Office of the Comptroller (OASAM)
- Director, Office of Budget (Comptroller-OASAM)
- Director, Office of Accounting (Comptroller-OASAM)
- Director, Office of Financial Policy and Systems (Comptroller-OASAM)
- Director, Directorate of Administrative and Procurement Programs (OASAM)

3. Individuals must meet the requirements of 29 CFR 70a.7 in order to have responsive records. The officials may be changed by appropriate designation. Unless otherwise specified, the mailing addresses of the officials shall be:
- U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.
- Secretary of Labor, ATTENTION: Assistant Secretary for Administration and Management (OASAM)
- Deputy Solicitor, Office of the Solicitor Chief Administrative Law Judge, Office of the Administrative Law Judges (OALJs)
- Assistant Secretary for Administration and Management (OASAM)
- Deputy Assistant Secretary for Administration and Management (OASAM)
- Director, National Capital Service Center (NCSC)
- Deputy Director, National Capital Service Center (NCSC) Director, Office of Personnel Management Services (NSC)
- Director, Office of Procurement Services (NCSC)
- Director, Directorate of Personnel Management (OASAM)
- Deputy Director, Directorate of Personnel Management (OASAM)
- Comptroller, Office of the Comptroller (OASAM)
- Deputy Comptroller, Office of the Comptroller (OASAM)
- Director, Office of Budget (Comptroller-OASAM)
- Director, Office of Accounting (Comptroller-OASAM)
- Director, Office of Financial Policy and Systems (Comptroller-OASAM)
- Director, Directorate of Administrative and Procurement Programs (OASAM)

4. Records are maintained to monitor achievement levels in TAP workshops, develop demographic data, and research programs effectiveness.
Federal Office Building, 200 N. High Street, Room 620, Columbus, Ohio 43215

US PO & Courthouse Building, 46 East Ohio Street, Room 423, Indianapolis, Indiana 46204

36 Triangle Park Drive, Cincinnati, Ohio 45246

2618 North Ballard Road, Appleton, Wisconsin 54915

Henry S. Reuss Building Room 1180, 310 West Wisconsin Avenue, Milwaukee, Wisconsin 53203

110 South 4th Street, Room 116, Minneapolis, Minnesota 55401

234 North Summit Street, Room 734, Toledo, Ohio 43604

801 South Waverly Road, Suite 306, Lansing, Michigan 48917-4200

4820 East Broadway, Madison, Wisconsin 53716

2918 W. Willow Knolls Road, Peoria, Illinois 61614

8344 East R.L. Thornton Freeway, Suite 420, Dallas, Texas 75228

611 East 6th Street, Grant Building, Room 303, Austin, Texas 78701

Westbank Building, Suite 820, 505 Marquette Avenue NW, Albuquerque, New Mexico 87102

2156 Wooddale Boulevard, Hoover Annex, Suite 200, Baton Rouge, Louisiana 70806

Federal Office Building, 1205 Texas Avenue, Room 422, Lubbock, Texas 79401

350 North Sam Houston Parkway East, Room 120, Houston, Texas 77006

17625 El Camino Real, Suite 400, Houston, Texas 77055

420 West Main Street, Suite 300, Oklahoma City, Oklahoma 73102

North Star II, Suite 430, 8713 Airport Freeway, Fort Worth, Texas 76180-7604

Savers Building, Suite 828, 320 West Capitol Avenue, Little Rock, Arkansas 72201

4171 North Mesa Street, Room C119, El Paso, Texas 79902

6200 Connecticut Avenue, Suite 100, Kansas City, Missouri 64120

911 Washington Avenue, Room 420, St. Louis, Missouri 63101

210 Walnut Street, Room 815, Des Moines, Iowa 50309

300 Epic Center, 301 North Main, Wichita, Kansas 67202

Overland —Wolf Building, Room 100, 6910 Pacific Street, Omaha, Nebraska 68106

5799 Broadmoor, Suite 338, Mission, Kansas 66202

19 North 25th Street, Billings, Montana 59101

220 E. Rosser, Room 348, PO Box 2439, Bismarck, North Dakota 58501

7935 East Prentice Avenue, Suite 209, Englewood, Colorado 80111-2714

1391 Speer Boulevard, Suite 210, Denver, Colorado 80204

1781 South 300 West, PO Box 65200, Salt Lake City, Utah 84165-0200

71 Stevenson Street, Room 415, San Francisco, California 94105

300 Ala Moana Boulevard, Suite 5122, PO Box 50072, Honolulu, Hawaii 96850

3221 North 18th Street, Suite 100, Phoenix, Arizona 85016

1050 East Williams, Suite 435, Carson City, Nevada 89701

301 West Northern Lights Boulevard, Suite 407, Anchorage, Alaska 99503

3050 North Lakeharbor Lane, Suite 134, Boise, Idaho 83703

121 107th Avenue, Northeast, Room 310, Bellvue, Washington 98014

1220 Southwest Third Avenue, Room 640, Portland, Oregon 97204

Pension and Welfare Benefits Administration

Area Director, One Bowdon Square, 7th Floor, Boston, Massachusetts 02114

Area Director, 1833 Broadway, Room 226, New York, NY 10019

Area Director, 3535 Market Street, Room M300, Gateway Building, Philadelphia, Pennsylvania 19104

District Supervisor, 1730 K Street NW, Suite 556, Washington, DC 20006

Area Director, 1371 Peachtree Street NE, Room 205, Atlanta, Georgia 30307

District Supervisor, 111 N.W. 183rd Street, Suite 504, Miami, Florida 33189

Area Director, 1855 Dixie Highway, Suite 210, Ft. Wright, Kentucky 41011

District Supervisor, 231 W. Lafayette Street, Room 619, Detroit, Michigan 48226

Area Director, 401 South State St., Suite 840, Chicago, Illinois 60605

Area Director, Room 1700, 911 Walnut Street, Kansas City, Missouri 64106

District Supervisor, 815 Olive Street, Room 338, St. Louis, Missouri 63101

Area Director, 525 Griffin Street, Room 707, Dallas, Texas 75202

Area Director, 71 Stevenson Street, Suite 915, PO Box 190250, San Francisco, California 94119-0250

District Director, 1111 Third Avenue, Room 860, Seattle, Washington 98101-3212

Area Director, 3560 Wilshire Boulevard, Room 718, Los Angeles, California 90010

Regional Administrators, Veterans' Employment and Training Service (VETS)

Region I:

One Congress Street, 11th Floor, Boston, Massachusetts 02114

Region II:

201 Varick Street, Room 766, New York, New York 10014

Region III:

U.S. Customs House, Room 305, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106

Region IV:

1371 Peachtree Street NE, Room 326, Atlanta, Georgia 30307

Region V:

230 South Dearborn, Room 1064, Chicago, Illinois 60604

Region VI:

525 Griffin Street, Room 205, Dallas, Texas 75202

Region VII:

Federal Building, Room 803, 911 Walnut Street, Kansas City, Missouri 64106

Region VIII:

1801 California Street, Suite 910, Denver, Colorado 80202-2614

Region IX:

71 Stevenson Street, Suite 705, San Francisco, California 94105

Region X:

1111 Third Avenue, Suite 800, Seattle, Washington 98101-3212

APPENDIX 2 — PRIVACY ACT COORDINATORS

For general assistance, you may wish to contract the following agency coordinators for the Privacy Act.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Person</th>
<th>Address</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Secretary (OSEC)</td>
<td>Tena Lumpkins</td>
<td>Rm. N—1301, F.P. Bldg.</td>
<td>219–5095</td>
</tr>
<tr>
<td>Office of the Asst. Secretary for Admin. and Management (OASAM)</td>
<td>Tena Lumpkins</td>
<td>Rm. N—1301, F.P. Bldg.</td>
<td>219–5095</td>
</tr>
<tr>
<td>Benefits Review Board (BRB)</td>
<td>Sharon Ratliff</td>
<td>Rm. N—5411, F.P. Bldg.</td>
<td>219–4473</td>
</tr>
<tr>
<td>Office of the American Workplace, Office of Statutory Programs (OAWOSP)</td>
<td>Kelly Andrews</td>
<td>Rm. N—5411, F.P. Bldg.</td>
<td>219–4473</td>
</tr>
<tr>
<td>Employment Standards Admin. (ESA)</td>
<td>Mary Ellen McKenna</td>
<td>Rm. N—1301, F.P. Bldg.</td>
<td>219–5095</td>
</tr>
<tr>
<td>Employment and Training Admin. (ETA)</td>
<td>Dorothy Chester</td>
<td>Rm. N—1301, F.P. Bldg.</td>
<td>219–5095</td>
</tr>
<tr>
<td>Deputy Under Secretary for International Affairs or Bureau of International Labor Affairs (ILAB)</td>
<td>Pamela Davis</td>
<td>Rm. N—1301, F.P. Bldg.</td>
<td>219–5095</td>
</tr>
<tr>
<td>Office of Labor-Management Standards (OLMS)</td>
<td>Patricia Clark</td>
<td>Rm. N—1301, F.P. Bldg.</td>
<td>219–5095</td>
</tr>
<tr>
<td>Mine Safety and Health Admin. (MSHA)</td>
<td>James Santell</td>
<td>Rm. N—1301, F.P. Bldg.</td>
<td>219–5095</td>
</tr>
<tr>
<td>Occupational Safety and Health Admin. (OSHA)</td>
<td>Franklin Derge</td>
<td>Rm. N—1301, F.P. Bldg.</td>
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<td>James Foster</td>
<td>Rm. N—1301, F.P. Bldg.</td>
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<td>Rm. N—5613, F.P. Bldg.</td>
<td>219–7373</td>
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<td>Rm. 727, Ballston Towers #3, Arlington, Virginia 22202-1470</td>
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<td>Rm. N—3847, F.P. Bldg.</td>
<td>219–8148</td>
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### APPENDIX 2— PRIVACY ACT COORDINATORS—Continued

For general assistance, you may wish to contract the following agency coordinators for the Privacy Act.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Person</th>
<th>Address</th>
<th>Telephone</th>
</tr>
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<tr>
<td>Pension and Welfare Benefits Admin. (PWBA)</td>
<td>June Patron</td>
<td>Rm. N-5625, F.P. Bldg.</td>
<td>219-6999</td>
</tr>
<tr>
<td>President's Committee on the Employment of Persons with Disabilities (PCEPD)</td>
<td>Gregory Best</td>
<td>Suite 300, 1331 F. St. NW, Wash., DC.</td>
<td>376-6200</td>
</tr>
<tr>
<td>Office of the Solicitor (O/SOL)</td>
<td>Elizabeth Newton</td>
<td>Rm. N-2414, F.P. Bldg.</td>
<td>219-6684</td>
</tr>
<tr>
<td>Veterans' Employment and Training Service (VETS)</td>
<td>Carlton Johnson</td>
<td>Rm. S-1310, F.P. Bldg.</td>
<td>219-6350</td>
</tr>
</tbody>
</table>

1 All numbers are within area code (202) except MSHA.

### Building Addresses

- b. Postal Square Building, 2 Massachusetts Ave., NE, Washington, DC 20212–0001.
- d. Reporters' Building, 300 7th Street, SW, Washington, DC 20024.
- e. Tech World, 800 K Street NW, Washington, DC, 20001–8002

[FR Doc. 93–22516 Filed 9–22–93; 8:45 am]

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BILLING CODE 4510–29–F
BILLING CODE 4510–30–F
BILLING CODE 4510–43–F
BILLING CODE 4510–79–F
Part III

Department of Labor
Office of Labor-Management Standards

29 CFR Parts 402 and 403
Labor Organization Annual Financial Reports; Proposed Rule
DEPARTMENT OF LABOR
Office of Labor-Management Standards
29 CFR Parts 402 and 403
RIN 1294-AA08

Labor Organization Annual Financial Reports
ACTION: Proposed rule.

SUMMARY: The Department of Labor is proposing to revise the regulations pertaining to the filing, by labor organizations, of reports required by the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA). The proposed rule modifies the annual financial reporting forms, Forms LM-2, LM-3, and LM-4, which are prescribed by the Secretary to implement the LMRDA reporting requirements and incorporated by reference in the applicable regulations. The regulations and annual financial reporting forms which this proposed rule modifies were established in two final rules issued on October 30, 1992, which became effective on December 31, 1994. Those final rules revised the pre-existing (and currently applicable) regulations and Forms LM-2 and LM-3, and established the new Form LM-4. This proposed rule rescinds the revision to Forms LM-2 and LM-3, made in one of the final rules of October 30, 1992, which would require labor organizations to report certain expenditures by functional categories. This proposed rule also rescinds the option to complete the reports on either the cash or the accrual basis of accounting, established in both final rules of October 30, 1992, and reinstates the requirement that the LMRDA labor organization reporting forms be completed on the cash basis of accounting. Finally, this proposed rule modifies, and rescinds rules prescribing the form and publication of the information and annual financial reports required by sections 201(a) and 201(b), and to provide simplified reports for labor organizations, which has no assets, liabilities, receipts, or disbursements, the parent national or international labor organization may file a report with the Secretary of Labor, at the time it becomes subject to the LMRDA, along with a report, signed by its president and secretary or corresponding principal officers, containing information relating to its organization and to the provisions made and procedures followed with respect to certain matters. This proposed rule also rescinds the requirement that the Secretary to issue, amend, and rescind rules prescribing the form and publication of the information and annual financial reports required by sections 201(a) and 201(b), and to provide simplified reports for labor organizations, for whom the Secretary has authorized the Secretary of Labor to make certain changes in the form and publication of the information and annual financial reports.

DATES: Interested parties may submit written comments on this proposal. All comments must be submitted by October 25, 1993.

ADDRESSES: Written comments should be submitted to John Ketch, Acting Deputy Assistant Secretary for Labor-Management Standards, Office of the American Workplace, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-5605, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Kay Oshel, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Office of the American Workplace, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-5605, Washington, DC 20210, (202) 219–7373. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The following is an outline of this discussion.

I. Background and Overview
II. Functional Reporting Requirement
   A. Rationale for the Requirement
   B. Revaluation/Recision of the Requirement
III. Accrual/Cash Reporting Option
   A. Rationale for the Option
   B. Reevaluation/Reinstatement of Cash Reporting
IV. Forms LM-3 and LM-4
   A. Modifications in Revised Form LM-3 Reporting Requirements
   B. Retention of the Increase in Form LM-3 Ceiling
   C. Retention of New Form LM-4
V. Other Proposed Changes to Forms LM-2, LM-3, and LM-4
   A. Form LM-2
   B. Form LM-3
   C. Form LM-4
VI. Administrative Notices
   A. Executive Order 12291
   B. Regulatory Flexibility Act
   C. Paperwork Reduction Act

I. Background and Overview

Section 201(a) of the Labor-Management Reporting and Disclosure Act of 1959, as amended (Pub. L. 86–257, 73 Stat. 519) (LMRDA), requires each covered labor organization to adopt a constitution and bylaws and to file a copy with the Secretary of Labor, at the time it becomes subject to the LMRDA, along with a report, signed by its president and secretary or corresponding principal officers, containing information relating to its organization and to the provisions made and procedures followed with respect to certain matters. Section 201(a) also requires each covered labor organization to report any changes in that information to the Secretary at the time it files the annual financial report required by LMRDA section 201(b).

Section 201(b) of the LMRDA requires each covered labor organization to file annually with the Secretary of Labor a financial report, signed by its president and treasurer or corresponding principal officers, containing information in the detail necessary to disclose accurately its financial condition and operations for the preceding fiscal year.

The Secretary of Labor has delegated authority under the LMRDA to the Assistant Secretary for the Office of the American Workplace. See Secretary's Order No. 2–93 (58 FR 42578, August 10, 1993).

The requirements of LMRDA sections 201(a) and 201(b) apply to all labor organizations in the private sector. In addition, section 1209(b) of the Postal Reorganization Act (Pub. L. 91–375, 84 Stat. 737), makes the LMRDA applicable to labor organizations which represent employees of the U.S. Postal Service. Finally, the Department's regulations, at 29 CFR 458.3, which implement the provisions of the Civil Service Reform Act of 1978 (Pub. L. 95–454, 92 Stat. 1192) and the Foreign Service Act of 1980 (Pub. L. 96–465, 94 Stat. 2140) relating to standards of conduct for Federal sector labor organizations, 5 U.S.C. 7120 and 22 U.S.C. 1017, respectively, extend the LMRDA reporting requirements to labor organizations which represent certain employees of the federal government.

Section 208 of the LMRDA authorizes the Secretary to issue, amend, and rescind rules prescribing the form and publication of the information and annual financial reports required by sections 201(a) and 201(b), and to provide simplified reports for labor organizations for whom the Secretary finds that by virtue of their size a detailed report would be unduly burdensome.

With regard to updating information reported in Form LM-1, in the currently applicable regulations at 29 CFR 402.4, the Secretary has prescribed Form LM-1A for labor organizations to update the information filed in Form LM-1 and to transmit copies of revised constitutions and bylaws. With regard to the annual financial reports, in the currently applicable regulations at 29 CFR 403.3 and 403.4(a), the Secretary has prescribed Form LM-2 for labor organizations with total annual receipts of $100,000 or more and simplified Form LM-3 for labor organizations with total annual receipts of less than $100,000. (The currently applicable regulations at 29 CFR 403.4(b) also provide that for a labor organization which has no assets, liabilities, receipts, or disbursements, the parent national or international labor organization may fulfill that organization's reporting obligation by filing basic information on its behalf in a simplified format. That provision is not affected by this proposed rule.)

On April 17, 1992, the Department of Labor published a proposed rule in the Federal Register, 57 FR 14244, to revise the regulations implementing the labor
organization annual financial reporting requirements of the LMRDA and to
revise the annual financial reporting forms and instructions prescribed by the
Secretary and incorporated by reference in the regulations. In particular, the
Department proposed to make two major changes in the reporting
requirements of Forms LM-2 and LM-3. The first proposed change required
labor organizations to utilize functional categories to report their expenses in
addition to the object class categories currently used in Forms LM-2 and
LM-3. (Object class categories represent actual financial transactions such as, for
example, payments for officer salaries or rent; functional reporting requires that
the actual expenditures be allocated among activities and programs, such as
collective bargaining or organizing.)

Under the proposed functional reporting requirement, labor
organizations would have been required to report expenses in thirteen object
class categories (including an "other expenses" category) and then allocate
those expenses among eight functional categories (including an "other"
category). The standard for making the allocations was that the method be
"consistent from year to year, systematic, and reasonable." A statement describing
the allocation method also had to be attached to the form. No additional guidelines or
standards were provided by the Department for making the required allocations.

The second proposed change would have required labor organizations to report financial information on an
accrual basis using generally accepted accounting principles (GAAP) rather than the current, predominantly cash,
basis.

In addition, the Department proposed to raise the ceiling for filing the
simplified Form LM-3 from the current $100,000 in total annual receipts to
$200,000 and substantially increase the reporting required in Form LM-3. (The
proposed simplified Form LM-3 in fact was virtually identical to Form LM-2
except for the absence of schedules.)

Finally, the Department asked for comments on whether an additional abbreviated reporting form should be
developed for very small labor organizations.

On September 10, 1992, the Department published another proposed
rule in the Federal Register, 57 FR 41634, to further revise the LMRDA
reporting regulations and to issue an abbreviated labor organization financial
report, Form LM-4, for labor organizations with total annual receipts of less than $10,000.

On October 30, 1992, the Department published two final rules in the Federal
Register, 57 FR 49292 and 57 FR 49356. The first final rule revised the
regulations implementing the LMRDA labor organization reporting
requirements, and revised Forms LM-2 and LM-3; the second final rule further
revised the regulations and issued the new Form LM-4. The final rules
adopted the proposed rules and forms with some modifications, including the
functional reporting requirement. The major changes from the proposed rules
and forms was that the final rules allowed labor organizations the option of completing the forms on either the
accrual or the cash basis. The effective
date of the final rules was December 31, 1993. Thus, labor organization financial
reports covering fiscal years beginning on and after January 1, 1993, would
have had to be completed on the newly
revised forms.

Subsequent to publication of the October 30, 1992, final rules, the
Department received many comments and questions from labor organizations and accountants concerning their
difficulties in adopting recordkeeping and 
accounting systems to comply with the new reporting requirements. In
addition, the Department itself found that the short time period for
implementation made it more difficult than anticipated to prepare staff to
respond to inquiries and to develop educational and compliance assistance
materials for labor organizations.

Consequently, on February 19, 1993, the
Department published a proposed rule in the Federal Register, 58 FR 9418, to
extend the effective date of the final rules for one year, to December 31,
1994. The proposal was made in order to alleviate the compliance problems associated with the short time
period provided by the effective date set in the final rules. The proposal was also made in order to allow the
Department time to reevaluate the final rules to determine whether modification or resission of some or all of the revisions made by
those rules would be appropriate. A 30-
day comment period was provided.

On May 12, 1993, the Department published a final rule postponing the
effective date of the October 30, 1992, rules. The notice discussed a number of
the problems which labor organizations were having in attempting to comply
with the functional reporting
requirement and the Department’s difficulties in providing guidance and
compliance assistance.

The Department has now reevaluated the revisions made by the final rules of
October 30, 1992, by reviewing (1) the
arguments presented for the revisions in
the notices of proposed rulemaking (NPRMs) of April 17, 1992, and
September 12, 1992, referred to above, (2) the comments from the public in
response to those NPRMs, (3) the
Department’s responses to the public comments, and the further arguments
presented in support of the revisions, in the
October 30 final rules, (4) the
experience of the Department and labor organizations in attempting to interpret
and implement the revisions, (5) the
comments from the public which were submitted in response to the NPRM of
February 19, 1993, and (6) other
materials and information referred to
below.

After reevaluating the revisions made
to the regulations and the labor
organization reporting forms by the final rules of October 30, 1992, the
Department has, for the reasons set forth below, decided to propose revising those rules by (1) rescinding the
requirement that labor organizations report certain expenditures in
functional categories, and (2) rescinding the option to complete the reports on
either the accrual or the cash basis and reinstating the requirement to report on
the cash basis. These proposed revisions
to the final rules of October 30, 1992,
will have the effect of retaining the
general format and scope of the LMRDA labor organization reporting
requirements as they have been since
1960.

In addition, for the reasons set forth below, the Department has decided to retain the new abbreviated Form LM-4
for small labor organizations with total annual receipts of less than $10,000 and to retain the increase in the ceiling for
eligibility to file simplified Form LM-3
from $100,000 to $200,000. Both Forms
LM-3 and LM-4 have been modified somewhat, as discussed below.

Finally, after reviewing the labor organization reporting forms and
reevaluating the revisions made by the
final rules of October 30, 1992, the
Department has decided to propose a
number of other changes to the labor
organization reporting forms and
regulations as discussed below. Some of
the major proposed changes are as
follows.

First, a number of new items have
been added to Forms LM-2, LM-3, and
LM-4 in order to enhance disclosure.
The proposed Forms LM-2, LM-3, and
LM-4 have a new item for reporting the
number of members; Forms LM-2 and
LM-3 have new items for reporting
whether any officers have paid positions in other labor organizations or employee benefit plans, whether an outside audit
was conducted, and whether the labor
organization has established a political
action committee; and Form LM–2 has a new schedule for reporting details on office and administrative expenses.

Second, the instructions for Forms LM–2 and LM–3 have been revised to incorporate the Department's position on several reporting requirements, such as the reporting of travel advances as loans under certain conditions, the reporting of all labor organization special funds, including political action committees under certain conditions, and the reporting of lost time payments as disbursements to employees.

Third, the Department is proposing to revise the requirements for reporting changes in constitution and bylaws and in provisions made and procedures followed with respect to certain matters. Under the present regulations, when a labor organization has changes to report, it must file Form LM–1A at the time it files its annual financial report, and/or (2) report changes in the practices and procedures enumerated in LM RDA section 201(a)(5) (A) through (M) (previously reported in Item 18 of Form LM–1 and Item 10 of Form LM–1A) which are not contained in its constitution and bylaws. However, experience has shown that many labor organizations file Form LM–1A when they are not required to do so which results in an unnecessary burden for the reporting entities in filing the report and an unnecessary burden to the Department in processing the reports. In order to prevent unnecessary reporting and to simplify the reporting requirements, the proposed rule would eliminate Form LM–1A. When a labor organization has changes to report, it must (1) file dated copies of its revised constitution and bylaws, and/or (2) file an amended Form LM–1, at the time it files its annual financial report, to report changes in the practices and procedures enumerated in LM RDA section 201(a)(5) (A) through (M) (previously reported in Item 18 of Form LM–1 and Item 10 of Form LM–1A) which are not contained in its constitution and bylaws. The proposed rule does not change the provision which allows a parent body to file, on behalf of its subordinate bodies, copies of a uniform constitution and bylaws to which those subordinate bodies are subject.

The Department is proposing to make these changes effective on December 31, 1994, so that covered labor organizations with fiscal years beginning on or after January 1, 1994, would be required to use the newly revised Forms LM–2, LM–3, and LM–4. In the Department's view, this will provide sufficient time for labor organizations to make any necessary preparations for complying with the new reporting requirements because the reporting changes proposed in this notice of proposed rulemaking will require minimal change in the records which labor organizations must maintain to comply with the currently applicable reporting requirements of Forms LM–2 and LM–3.

Specific comments, facts, and arguments concerning the matters discussed in this notice of proposed rulemaking are requested.

II. Functional Reporting Requirement

A. Rationale for the Requirement

The NPRM published on April 17, 1992, noted that Forms LM–2 and LM–3 were public information and could be utilized by (1) the Department and others to assist in research, (2) government agencies in detecting improper practices, (3) Congress in performing its oversight and legislative functions, (4) members to help self-govern their unions, and (5) the general public. Of these uses, the most important was assisting union members in governing their unions and thereby fostering union democracy. 57 FR 14244.

The NPRM also noted that the reporting forms had remained essentially unchanged since 1960 and did not reflect "developments in standard accounting practices nor changes in the reporting obligations of many labor organizations." 57 FR 14245. The purpose of requiring functional reporting (as well as accrual reporting, as discussed below) therefore, was to incorporate these two developments in order to provide

- the public and members of labor organizations with information prescribed in a more meaningful and accurate manner, thereby better accommodating the purposes of the (LMRDA). 57 FR 14245.

With regard to developments in standard accounting practices, the NPRM stated that functional reporting would provide disclosure in a manner consistent with the AICPA Statement of Position (No. 78–10, issued December 31, 1978) and in conformity with generally accepted accounting principles. 57 FR 14245.

With regard to changes in reporting obligations of labor organizations, the NPRM referred to several Supreme Court decisions, notably Communications Workers of America v. Beck, 487 U.S. 735 (1988), dealing with union expenditures of dues and fees received from non-members pursuant to a union security clause (which requires employees in the bargaining unit, all of whom the union must represent, to pay dues or fees as a condition of employment). Under Beck, a labor organization subject to the National Labor Relations Act (NLRA) which negotiates a union-security clause with an employer may not expend dues or fees received from a non-member employee, over his or her objection, for certain activities which are unrelated to performing its duties as the exclusive representative. The Supreme Court has made similar rulings in other decisions for labor organizations subject to the Railway Labor Act (RLA) and state labor-management relations statutes.

The NPRM stated that under these Supreme Court decisions, many labor organizations have developed accounting systems which differentiate between those expenditures which may be charged to objecting non-member employees and those which may not. As indicated in the final rule of October 30, 1992, at 57 FR 49285, the accounting and reporting required by these Court decisions is a form of functional reporting. The NPRM also stated that these Court decisions demonstrate that functional reporting provides better disclosure.

Four organizations submitted comments supporting functional reporting. Two of these organizations (the National Right to Work Committee and the National Right to Work Legal Defense Fund) support laws which prohibit union security clauses, another (the Associated Builders and Contractors, Inc.) is an association of employers in the construction industry, and the fourth (Citizens for a Sound Economy Foundation) stated that it is a research and educational organization whose purpose is to develop innovative, private sector solutions to economic problems.

The comments of these four organizations generally asserted that the proposed functional reporting requirement

- was necessary/appropriate under modern accounting principles,
- would disclose more useful information about union expenditures,
- would be especially helpful to objecting non-member employees in exercising their rights under the U.S. Constitution, the NLRA, and the RLA, and
- should be more directly tied to the functional reporting required by Beck and the other Supreme Court decisions.

Comments opposing the proposed functional reporting requirement were
submitted by 27 labor organizations and seven accountants/accounting firms representing labor organizations. (The names of these commenters are listed in the first final rule of October 30, 1992, at 57 FR 49283.) Some of the points made in those comments were that the proposed functional reporting requirement
—Was not required by GAAP or any statements of the AICPA, in contrast with the claims made in the NPRM,
—Was inherently vague and imprecise, and would therefore not provide useful information to members or others,
—Would be expensive and difficult to comply with, especially for small labor organizations which are staffed by officers who work regular jobs and cannot afford accountants,
—Was substantially different from (and went beyond) the functional reporting required by Beck and the other Court decisions in that it required reporting in set categories on a pre-established form, whereas under the Supreme Court decisions labor organization may determine the appropriate functional categories based on their particular activities,
—Would add another layer of reporting for those labor organizations which have union-security clauses and are subject to Beck and the other Court decisions,
—Was unfair to, and unnecessary for, the many labor organizations which do not have union-security clauses (some of which are prohibited by law from having union-security clauses), and
—Was not requested by union members whose rights the LMRDA was primarily intended to protect.

In response to these comments, the final rule published on October 30, 1992, stated that the purpose of functional reporting on Forms LM-2 and LM-3 was not to implement Beck, which would require disclosure in terms of whether expenditures are chargeable or nonchargeable to objecting non-member employees. As stated in the final rule, determinations as to whether expenditures are chargeable are in the province of the courts and the National Labor Relations Board (NLRB), which administers the NLRA, in interpreting and enforcing the U.S. Constitution and statutes other than the LMRDA. Thus, it would be impractical to implement Beck through the LMRDA reporting forms because this would necessitate frequent modification of Forms LM-2 and LM-3 in response to decisions of the courts and the NLRB. It would also be impractical to implement Beck through Forms LM-2 and LM-3 because some functional categories will always include both chargeable and nonchargeable expenditures. (In this connection, it is noted that the NLRB is in the process of adjudicating many cases on the allocation of expenditures required by the LMRDA.

Rather than implementing Beck, the purpose of requiring functional reporting on Forms LM-2 and LM-3, as stated in the final rule, was to provide information that would foster "(t)he overarching purpose of the financial reporting provisions of the LMRDA * * * to insure disclosure of financial operations of labor organizations to their members. Congress was convinced that union self-government could be achieved if members were provided sufficient information to permit them to take effective action in regulating internal union affairs." 57 FR 49283, quoting 57 FR 14244-45.

The final rule also responded to the many criticisms, questions, and concerns expressed in the comments by stating that the Department has the authority to require functional reporting and that functional reporting "will provide important information to members to assist them in regulating internal union affairs." The final rule also explicitly recognized that "functional reporting will entail the considerable exercise of judgment," there are "some limitations on the precision of functional reporting," and absolute precision in reporting is not expected or required. 57 FR 49284.

Finally, the rule responded to the many comments about the extensive costs of complying with the functional reporting requirement by concluding that

(i) In the judgment of the Department, the benefits of functional reporting far outweigh the potential increase in costs. On the one hand, functional reporting will provide useful information to members and the public. On the other hand, * * * some form of functional reporting is already required of many labor organizations under the Supreme Court decisions * * *. 57 FR 49285.

The final rule, however, did reduce the reporting burden somewhat by requiring functional allocation of eight object class categories of expenditures rather than thirteen, and by requiring the allocation of those expenditures in the functional categories rather than eight.

B. Reevaluation/Rescission of the Requirement

In reevaluating the functional reporting requirement, the Department reviewed the record regarding its benefits and costs in light of the experience of both the Department and labor organizations in attempting to implement and comply with the requirement, and in the context of this Administration's programs, goals, and priorities. As a result of this review, the Department has serious reservations regarding the functional reporting requirement established in the final rule of October 30, 1992. These reservations can be summarized as follows:

The claimed benefits of the functional reporting requirement are uncertain.

The inherent limitations and uncertainties of the information disclosed by the functional reporting requirement seem to limit its value for members, objecting non-member employees, and the general public, and in fact the information may be misleading.

Objecting non-member employees can obtain information that is more relevant for their needs through other, more effective, means by invoking their Beck rights.

The significance of functional reporting for implementing the goal of fostering union democracy is not clear.

Experience in attempting to implement the functional reporting requirement has underscored the limitations on the utility of the information to be disclosed.

The difficulties and costs to labor organizations and the Department are likely to be substantial.

Labor organizations subject to Beck and the related Supreme Court decisions will have the burden of complying with two types of functional reporting.

Labor organizations which are not subject to the Supreme Court decisions (i.e., those which have not negotiated union-security clauses) will nevertheless have the burden of functional reporting imposed on them.

It is not clear from the record that sufficient consideration was given to these difficulties and costs prior to
issuing the final rule establishing functional reporting.

Experience in attempting to implement functional reporting has underscored these difficulties and costs.

The following is a discussion of these reservations.

1. Claimed Benefits of Functional Reporting

The NPRM of April 17, 1992, and the final rule of October 30, 1992, state that functional reporting will provide more useful information to members and the public, and that this is demonstrated by the Supreme Court decisions. However, after reevaluation, the Department questions how useful the information will in fact be.

Functional reporting has a number of inherent limitations and uncertainties because, unlike reporting in object class categories which represent actual expenditures, it allocates those expenditures based on factors which often involve subjective judgments, estimates, and cumbersome recordkeeping. Examples of some possible procedures and factors for making allocations are (1) keeping detailed records of the time the union officers spend performing different functions, (2) counting the number of lines in union publications about different functions, (3) judging whether expenditures for research regarding worker problems and goals, which will assist both contract negotiations and organizing efforts, should be allocated to "contract negotiation" or "organizing," or whether expenditures to gain public support for a strike should be reported as "strike activities" or as "lobbying and promotional activities" and (4) estimating records on the amount of time and office space used to discuss/implement different activities and programs.

The inherent imprecision of functional reporting was clearly, and correctly, recognized in the final rule which stated that "functional reporting will entail the considerable exercise of judgment," and cited a statement by the Supreme Court in a Beck-related case (absolute precision in the calculation of such proportion (of expenditures) is not, of course, to be expected or required; we are mindful of the difficult accounting problems that may arise. 57 FR 49283, quoting Railway Clerks v. Allen, 373 U.S. 113, 122).

The inherent subjectivity and imprecision in the process of allocating expenditures by function means that the kind of information reported in the functional categories will vary from union to union, and even from year to year in the same union. These limitations are magnified by the fact that the functional reporting on Forms LM-2 and LM-3 requires disclosure in set categories on a pre-established form, in contrast with the less prescriptive functional reporting required by Beck and the other Supreme Court decisions. Thus, not only will the information be of limited value, it may also be misleading both in absolute terms and for purposes of comparison and research.

The final rule also recognized that some of the prescribed functional categories in Forms LM-2 and LM-3 will include both chargeable and nonchargeable expenditures. This detracts substantially from the usefulness of the information disclosed by functional reporting for objecting non-member employees who, in any case, have recourse to other more effective means (i.e., the courts or the NLRB) to obtain exactly the kind of information they need and desire (i.e., which expenditures they may be charged for).

Finally, the proposed and final rules stated that the information disclosed by functional reporting will be useful to members in self-governing their unions, which is the overarching purpose of the LMRDA. However, although generally it can be said that more information is almost always helpful or interesting, it is not clear from the record how significant the information required by the functional reporting established in the final rule of October 30, 1992, would be in fostering union democracy. In this connection, the reliance on Beck and the other Supreme Court decisions in the NPRM and final rule to justify or demonstrate the usefulness of the information disclosed by functional reporting appears to be misplaced in that the Court in those cases was dealing with individual rights of non-members under the U.S. Constitution and statutes other than the LMRDA, not with members' control of their unions under the LMRDA.

2. Difficulties and Costs of Functional Reporting

The record shows that the new functional reporting requirement will result in substantial difficulties and costs because of the additional accounting and recordkeeping systems that must be established and implemented by labor organizations to make the allocations. These problems arise from the often subjective judgments that must be made in making the allocations.

With regard to the difficulties of functional reporting, complex and detailed records will have to be made by officers of the time they spend in performing different functions, and judgments will have to be made for recording activities that may cover more than one functional category. Examples of the cumbersome records that must be maintained and the difficult judgments that must be made were cited in the previous section.

Judgments will also have to be made in dealing with "incidental" activities. For example, if a union officer or employee is involved in political activities for ten hours during the weekend after his or her forty-hour work week, should any portion of that individual's time/salary be reported in "political activities," and, if so, should it be a portion of a fifty-hour week or a forty-hour week? As another example, if a union officer or employee is involved in political activities for ten hours in the evenings while on a one week business trip to assist in conducting contract negotiations, should any part of the travel costs be reported in political activities even though the union made no additional expenditures because of the political activities and, if so, on what basis should the allocations be made (e.g., a forty-hour week, a fifty-hour week, etc.)?

In addition to records relating to time spent on different activities, labor organizations may also have to develop and implement separate recordkeeping systems to allocate overhead expenses such as rent, utilities, and office equipment and supplies. For example, some may argue that it will be necessary to establish and maintain a system to track the proportion of union office space used in the performance of each functional activity in order to allocate expenditures for rent.

The final rule recognized the inherent difficulties of functional reporting in the quotation from Allen above regarding the difficult accounting problems involved with that type of functional reporting. These difficulties will be imposed on many relatively small labor organizations whose officers have no training in accounting and work regular jobs, and whose present accounting systems are essentially similar to those used by laypersons to deal with personal and household budgets. Moreover, no guidelines or standards were provided to labor organizations in the final rule or the instructions to Forms LM-2 and LM-3 on how to make the allocations, and no guidelines, standards, or sample allocation programs were developed by the Department before the functional reporting requirement was established.

In response to these difficulties, the Department stated in the final rule that
it deliberately chose not to prescribe an allocation method in order to ease the burden of functional reporting; each labor organization could develop its own allocation method, and the only standard was that "whatever allocation method was used be consistent from year to year, systematic, and reasonable." 57 FR 49284. However, many labor organizations and accountants reported difficulties in determining how to comply with the new reporting requirement despite (and perhaps because of) this flexibility, as stated in the proposed and final rules of February 19, and May 12, 1993, respectively, postponing the effective date of the revised Forms LM-2 and LM-3 and the new Form LM-4.

After reevaluation, in the Department's judgment the flexibility in allocation methods the final rule permits does not appear to significantly reduce the difficulties of the functional reporting requirement. Complex and cumbersome recordkeeping systems will still have to be developed and maintained, and difficult judgments on allocating expenditures to different categories will still have to be made. In fact, the absence of standards and guidelines may make compliance more difficult because of the uncertainty as to what is a "reasonable" allocation method. That is, labor organizations will incur the expense and difficulty of developing accounting and recordkeeping systems with no assurance that the information they report will be acceptable to the Department.

With regard to the costs of the functional reporting requirement, it is clear from the record that the assistance of professional accountants will usually be needed to develop and implement the necessary recordkeeping systems, at least during the first year or two. However, according to many comments on the NPRM of April 17, 1992, few labor organizations presently have any paid professional staff or use outside accountants because of the costs involved. For those labor organizations which do use professional accountants, the comments indicated that accounting costs would increase 25%-40%.

In response to the comments on the costs of functional reporting, the Department stated in the final rule of October 30, 1992, that "the costs of functional reporting on Forms LM-2 and LM-3 should not be exaggerated * * (since) some form of functional reporting is already required of many labor organizations under the Supreme Court decisions." 57 FR 49285. However, there is no indication in the record of how many labor organizations have union-security clauses in contracts and would thus be subject to the functional reporting required by the Supreme Court decisions. Although it is also not known how many labor organizations do not have union security clauses, many labor organizations are prohibited from having union security clauses because they are Federal sector or postal labor organizations, or are located in one of the twenty states in which union security clauses are prohibited by state law. In fact, Department records indicate that approximately 30% of all reporting labor organizations with over $10,000 in total annual receipts (those which would be subject to functional reporting on revised Forms LM-2 and LM-3) are in the categories of labor organizations which are prohibited from having union security clauses by state or Federal law.

In addition, upon reconsideration, it is not clear that it is relevant whether or not many labor organizations are subject to Beck and the other Supreme Court decisions. The comments on the NPRM of April 17, 1992, stated, and the final rule recognized, that the categories in the functional reporting required by Forms LM-2 and LM-3 are different from those required by the Supreme Court decisions. The fact that a labor organization is already subject to one type of functional reporting does not necessarily mean that the difficulties and costs of complying with a different type of functional reporting would be substantially reduced. Moreover, if it is true that many labor organizations are already subject to a form of functional reporting, then the need for and benefits from another, related type of functional reporting are correspondingly reduced. Thus, imposing the functional reporting requirement of Forms LM-2 and LM-3 on these unions adds substantially to their costs with little or no resulting benefit.

In addition to the costs which labor organizations will incur in complying with functional reporting, the Department will incur substantial costs in administering and enforcing the subjective and imprecise requirements of functional reporting—developing interpretations and training programs for staff, developing compliance assistance materials and conducting outreach programs for labor organizations, responding to and investigating charges by dissident members and others that expenditures have been incorrectly allocated, and bringing litigation to correct improper reporting. The costs and difficulties of administering and enforcing functional reporting on the LMRDA forms is amply demonstrated by the time and resources that have been expended by the parties in Beck and related cases, both before the courts and the NLRB, to determine whether labor organizations have allocated their expenditures to the proper functional categories.

In addition to questions regarding the benefits, costs, and difficulties of the proposed functional reporting requirement, several other questions arose during the Department's reevaluation concerning the rationale for the functional reporting requirement. First, the NPRM of April 17, 1992, cited GAAP and AICPA statement 78-10 to support the proposal. However, several comments on the NPRM stated correctly in the Department's judgment after reevaluation, that the AICPA statement does not endorse only functional reporting and that the proposed functional reporting requirement was more difficult and expansive than that discussed in the AICPA statement. Moreover, there is no indication in the LMRDA or its legislative history that Congress intended that GAAP or AICPA statements should be relied on in prescribing LMRDA reports, in contrast to, for example, the specific references to GAAP in section 103(a)(3)(A) of the Employee Retirement Income Security Act, 29 U.S.C. 1023(a)(3)(A).

Finally, Congress, while it was developing legislation that was to become the LMRDA, was fully aware of the issue of unions' receiving dues and fees from non-member employees pursuant to union security clauses and expending those funds for activities to which those employees might object. Cong. Rec. 11328-46, Senate, June 16, 1958. Nevertheless, Congress took no action in this area, and there is no indication it intended that functional reporting be required.

In summary, the Department's reevaluation of the functional reporting requirement established in the final rule of October 30, 1992, raises many serious questions about its benefits and concerns about its costs. The benefits do not appear to be as great as originally believed, while the costs appear to be substantially greater than originally considered and are inconsistent with the Administration's policy to reduce government spending and private sector costs in complying with government regulations as much as possible. The Department recognizes, as noted above and in the NPRM and final rules, that many labor organizations are in fact already subject to a type of functional reporting as a result of the Supreme Court's decisions in Beck and other cases, and the Court has held that
functional reporting is necessary to protect the individual rights of certain persons under the U.S. Constitution and/or federal and state laws. However, since the Supreme Court ruled that functional reporting is required by law in that area, the relative costs and benefits of functional reporting is not a factor under Beck and neither the courts nor administrative agencies have any discretion in determining whether the costs of functional reporting outweigh the benefits. In contrast, under the LMRDA the Secretary does have discretion in establishing the reporting requirements, and the potential benefits of the functional reporting requirement established in the final rule of October 30, 1992, must outweigh the potential costs before the Department can affirm that new reporting requirement. Based on the Department's reevaluation as discussed above, that does not appear to be the case. Therefore, the Department proposes to rescind this requirement.

II. Accrual/Cash Reporting Option

A. Rationale for the Option

The NPRM of April 17, 1992, proposed to require that Forms LM-2 and LM-3 be completed using the accrual basis of accounting rather than the cash basis previously used. (The accrual basis of accounting recognizes income and expenses in the period in which they were earned or incurred whereas the cash basis of accounting recognizes income and expenses when cash is received or disbursed.) The reasons for this proposed change stated in the NPRM were that accrual accounting (1) provides more accurate and useful information, as recognized in AICPA Statement 76–10, and is in conformity with GAAP (although the AICPA Statement does provide that cash accounting may be used if the financial statements would not thereby be materially different), (2) prevents potential manipulations of accounting data that may result from using cash accounting, and (3) may decrease the time and cost of preparing Forms LM-2 and LM-3 since labor organizations, consistent with the AICPA Statement, should currently be maintaining records on the accrual basis.

Two of the 41 comments on the NPRM supported the proposal to require reporting on an accrual basis (neither of which were from labor organizations). These two comments generally agreed with the statements made in the Department's proposal that accrual reporting provides better information and helps prevent manipulation of accounting data.

Virtually all the other comments on this issue opposed requiring accrual reporting. The thrust of these comments, as summarized in the final rule of October 30, 1992, was that:

- The Department's authority under the LMRDA to require accrual reporting/accounting is questionable.
- The accrual basis of accounting is not required by the AICPA Statement or GAAP.
- Most labor organizations do not now use accrual accounting, and requiring them to report on an accrual basis would be substantially more expensive and burdensome, especially for small labor organizations which do not presently use accountants and which may find it more difficult to find members willing to serve as officers.
- Labor organizations would have to revise their automated systems, computer hardware/software, and officer and employee training programs which they developed to complete the current Forms LM-2 and LM-3.
- Accrual reporting by labor organizations would not differ substantially, if at all, from cash reporting because labor organizations do not generally engage in the type of commercial transactions for which accrual accounting is important.
- Reporting on a cash basis provides information that is generally as accurate as accrual reporting, and perhaps even more accurate since it is not speculative or judgment-based, but based entirely on what transactions have actually taken place.
- The cash basis of accounting is not more subject to manipulation, but in fact may be less so because it is based on actual completed transactions rather than subjective projections and estimates, and
- Reporting on a cash basis provides information in a form that is more commonly used by union officers and other nonaccountants, and more readily understood by members and other laypersons.

The NPRM of April 17, 1992, also asked for comments as to whether labor organizations should be given the option of reporting on the cash or the accrual basis of accounting. The two organizations which supported requiring labor organizations to report on an accrual basis opposed having an option. Approximately half of the labor organizations and accountants which responded to the NPRM commented on this issue, and all recommended that labor organizations have the option of which reporting method to use; some of these comments noted that the Internal Revenue Service (IRS) allows labor organization filers to use either cash or accrual accounting and that the IRS has not raised serious doubts about requiring labor organizations to use the accrual basis of accounting.

The final rule issued on October 30, 1992, stated that the Department continues to believe "that accrual reporting provides better and more accurate information generally and especially for larger unions." It nevertheless concluded that "reporting on either a cash or an accrual basis would provide sufficiently accurate information," and provided labor organizations with the option to report on either basis, using the same accounting basis as used to maintain their books and records. 57 FR 49286.

The revised Forms LM-2 and LM-3 were redesigned for reporting on the cash basis, the basis used in the previous (and currently applicable) forms, in order to facilitate reporting by labor organizations which maintain their records on the cash basis, i.e., those most likely to prepare Forms LM-2 and LM-3 without the assistance of professional accountants. Detailed alternative instructions to modify the forms were provided for those labor organizations which would report on the accrual basis.

B. Reevaluation/Reinstatement of Cash Reporting

After reevaluation, the Department agrees with the comments by labor organizations and accountants which criticized the reasons presented in the NPRM for requiring reporting on the accrual basis of accounting. Moreover, in the Department's judgment, many of those comments also raise questions about the merits of providing an option to report on either the accrual or the cash basis of accounting. That option was, in effect, a middle ground between the Department's belief at the time that accrual accounting is better than cash accounting and the comments on the NPRM which raised serious doubts as to whether that belief was valid for labor organization reports under the LMRDA. Although the option may be helpful for those larger labor organizations which employ professional accountants and which maintain their books and records on the accrual basis of accounting, there are a number of serious disadvantages which the Department believes, on reevaluation, outweigh those advantages.

The Department, therefore, proposes to rescind the option to report on either the accrual or the cash basis of accounting and to reinstate the requirement that the reports be
The reports completed on the cash basis. The reasons for this proposal are as follows.

1. The purposes of the LMRDA are better served by requiring cash reporting.

—Union members and officers, who generally are not trained in accounting, will be more likely to understand the reports if they are completed using the cash basis of accounting.

—Having the reports completed on the same accounting basis will facilitate comparison of the financial operations of different labor organizations for disclosure, research, and enforcement.

—The fact that the LMRDA uses the terms “receipts” and “disbursements” throughout for describing the information required not only by the labor organization annual financial reports, but also for the reports required to be filed in certain circumstances by labor organization officers and employees, employers, and labor relations consultants, suggests that reporting on the cash basis of accounting is more appropriate under the LMRDA.

2. There are a number of potential disadvantages to providing the option to report on either the cash or the accrual basis of accounting.

—The detailed additional instructions needed to enable labor organizations to use the same forms for reporting on both the accrual and the cash bases of accounting may increase the time some union officers spend reading the instructions and completing the forms.

—The modifications which must be made to the reporting forms (crossing out some items, writing in others) may be confusing to users of the forms who do not necessarily have the instructions to help them interpret the modifications.

3. The benefit of providing the option to those labor organizations which would choose to report on the accrual basis is minimized by the fact that they have years of experience in completing the reports on the cash basis, probably have the assistance of professional accountants, and may have computer systems and training programs in place for reporting on the cash basis.

For these reasons, after reevaluation, it is the Department's judgment that the advantages of requiring reporting on the cash basis outweigh the advantages of providing an option to report on either the accrual or the cash basis of accounting and to reinstate the requirement that the reports be completed on the cash basis of accounting. However, the Department recognizes that permitting reporting on the accrual basis may be beneficial to some labor organizations which maintain their books and records on that basis. Consequently, comments concerning the cost savings or other advantages of retaining the option are welcome.

IV. Forms LM-3 and LM-4

For the reasons discussed below, the Department is proposing to modify the reporting required by the simplified Form LM-3 adopted in the final rule of October 30, 1992, retain the increase in the ceiling for eligibility to file Form LM-3 from $100,000 to $200,000 in total annual receipts, and retain the new abbreviated Form LM-4 for small labor organizations with less than $10,000 in total annual receipts.

A. Modifications in Revised Form LM-3 Reporting Requirements

The NPRM of April 17, 1992, proposed to increase the reporting required by simplified Form LM-3 not only by requiring functional reporting, but also by substantially increasing the number of other financial items so that Form LM-3 was virtually identical to the detailed Form LM-2 except for the absence of 13 schedules (the proposed Form LM-3 did include a schedule for officer expenses). The old Form LM-3 was one legal-size page, and the proposed Form LM-3 was three letter-size pages.

In the final rule of October 30, 1992, the number of financial items was reduced somewhat and a schedule for “other liabilities” was added. The revised Form LM-3 is also three letter-size pages.

The Department is proposing to modify the reporting required on Form LM-3 so that more information is disclosed than on the currently applicable Form LM-3 but less than on the revised Form LM-3. In the Department's judgment, Form LM-3 should include substantially more information than the currently applicable form because it will be used by more large organizations and fewer small organizations; that is, labor organizations with up to $200,000 in total annual receipts will be eligible to file simplified Form LM-3 (many of which now file Form LM-3), and labor organization on the cash basis of less than $10,000 in total annual receipts will be eligible to file abbreviated Form LM-4.

However, the Form LM-3 adopted in the final rule of October 30, 1992, should be simplified because it continues to be almost as detailed as the revised Form LM-2 except for the absence of 12 schedules.

The changes which the Department is proposing to make to the revised Form LM-3 issued in the final rule of October 30, 1992 are set forth below in section V.B. Under this proposal, the simplified Form LM-3 is two rather than three letter-size pages.

B. Retention of the Increase in Form LM-3 Ceiling

As stated in the NPRM of April 17, 1992, the ceiling for the simplified reporting form was first set at $20,000, increased to $30,000 in 1962 (a 50% increase after two years), and increased to $100,000 in 1980 (a 333% increase after 18 years). The NPRM proposed to increase the ceiling to $200,000 (a 100% increase after 12 years), and this increase was adopted in the final rule of October 30, 1992. The reason for the ceiling increase stated in the final rule of October 30, 1992, was to mitigate the substantial increase in reporting required by the new Forms LM-2 and LM-3.

Although the amount of information required to be reported in this proposed Form LM-3 is less than that on the current Form LM-3 established in the final rule of October 30, 1992, in the Department's judgment the increase in the ceiling to $200,000 is justified because this proposed Form LM-3 still requires substantially more disclosure than the currently applicable Form LM-3 and because of inflation since the ceiling was last raised in 1980.

C. Retention of New Form LM-4

The NPRM of April 17, 1992, specifically requested comments on whether a new abbreviated reporting form for small labor organizations should be developed. The Department had previously considered the development of a short form to accommodate the needs of such labor organizations. Many comments supported the concept, and there was no opposition in principle.

Consequently, an NPRM was published on September 10, 1992, proposing to issue abbreviated Form LM-4 for labor organizations with total annual receipts less than $10,000. Two comments were received, both of which supported the issuance of Form LM-4 but recommended a higher ceiling. In the final rule of October 30, 1992, Form LM-4 was adopted essentially as proposed.

In the Department's judgment, Form LM-4 serves an important need for reducing the reporting burden on small
labor organizations which have minimal financial transactions, insufficient funds to pay for accounting assistance, and officers who may be part-time unpaid volunteers. The Department, therefore, intends to retain Form LM-4 with several modifications which are set forth below in section V.C.

V. Other Proposed Changes to Forms LM-2, LM-3, and LM-4

Below is a listing of the major changes that are proposed for the three LMRDA labor organization reporting forms other than the elimination of functional reporting and the reinstatement of cash reporting discussed above. In addition, a number of editorial and stylistic changes have been made in the proposed forms and instructions to clarify the reporting requirements and to improve readability.

A. Form LM-2

1. The following items are proposed to be deleted from revised Form LM-2 because the information provided has been determined to not be necessary and/or not as helpful as other information that will be disclosed by proposed new items (appropriate changes in the proposed instructions are also made):

   - Item 3, where chartered to operate,
   - Item 11, accounts held in another name,
   - Item 28, mortgage investments (these will be included with all other investments),
   - Item 72, for account of affiliates (these will be included with other disbursements),
   - Line 7, assets traded in on assets purchased, of Schedule 6 (now Schedule 7), purchase of investments and fixed assets (these will be disclosed in the “additional information” item),
   - Column B of Schedule 8, terms for repayment on loans payable, and
   - The lines in Items 77 and 78 (now Items 76 and 77) for indicating the city and state where officers signed the report.

2. The following items are proposed to be added to revised Form LM-2 (with appropriate instructions) in order to improve disclosure:

   - A question on whether the reporting labor organization had ceased to exist and is filing a terminal report (new Item 3),
   - A question on whether the reporting labor organization had a political action committee (new Item 12),
   - A question on whether the reporting labor organization’s books and records were audited by an outside accountant or a parent organization during the reporting period (new Item 14),
   - A question on whether any officer of the reporting labor organization held a paid position with another labor organization or employee benefit plan (new Item 16),
   - A question on how many members the reporting labor organization had at the end of the reporting period (new Item 18), and
   - A schedule for office and administrative expenses (new Schedule 13).

3. The following changes are proposed to be made to Form LM-2 and/or the instructions to reflect the Department’s positions on certain reporting requirements and/or improve disclosure:

   - The general instructions clarify that the reporting labor organization must include all special funds in its report, including funds of a political action committee under certain conditions.
   - The instructions for reporting subsidiary organizations clarify that a subsidiary organization is considered to be “wholly financed” by the reporting labor organization if the initial financing was provided by the labor organization.
   - The instructions for Schedules 1, 9, and 10 (loans made, payments to officers and employees), clarify the conditions under which travel advances are not to be reported as loans.
   - The order of Schedules 6 and 7 (purchase and sale of investments and fixed assets) is reversed, and the schedules and the accompanying instructions are changed to include a reduction for reinvestments of receipts from the sale of U.S. Treasury securities and other investments.
   - The Instructions for Schedule 10 (payments to employees) clarify that lost time payments to individuals other than officers are to be reported as employee payments.
   - The instructions for filing a terminal report clarify that plans for the disposition of cash and other assets, if any, must be disclosed.

4. The following other changes are proposed to be made to Form LM-2:

   - The two questions on fidelity bonds, Items 17 and 18, are combined (new Item 20).
   - The question on changes in the constitution and bylaws and in practices and procedures, Item 22, is changed to reflect the proposed elimination of Form LM-1A and the proposed requirement that an amended Form LM-1 need be filed only when there is a change in the practices and procedures enumerated in LMRDA section 201(a)(5)(A) through (M) (and previously reported in Item 18 of Form LM-1 or Item 10 of Form LM-1A) which is not contained in the revised constitution and bylaws.

   - The questions on dues and fees, Item 23 (now Item 21), has been redesigned and one of the columns has been deleted.

B. Form LM-3

1. The following items are proposed to be deleted from revised Form LM-3 because the information provided has been determined to not be necessary and/or not as helpful as other information that will be disclosed by proposed new items (appropriate changes in the proposed instructions are also made):

   - Item 3, where chartered to operate,
   - Item 20, pledged assets,
   - Item 21, contingent liabilities,
   - Item 25, accounts receivable (these will be included in other assets),
   - Item 28, mortgage investments (these will be included with all other investments),
   - Item 50, fees, fines, and assessments (these will be included in other disbursements),
   - Item 52, educational and publicity expense (these will be included in other disbursements),
   - Schedule 1, other liabilities, and
   - The lines in Items 61 and 62 (now Items 57 and 58) for indicating the city and state where officers signed the report.

2. The following items are proposed to be added to revised Form LM-3 (with appropriate instructions) in order to improve disclosure:

   - A question on whether the reporting labor organization had ceased to exist and is filing a terminal report (new Item 3),
   - A question on whether the reporting labor organization had a political action committee (new Item 12),
   - A question on whether the reporting labor organization’s books and records were audited by an outside accountant or a parent organization during the reporting period (new Item 14),
   - A question on whether any officer of the reporting labor organization held a paid position with another labor organization or employee benefit plan (new Item 16), and
   - A question on how many members the reporting labor organization had at the end of the reporting period (new Item 19).
3. The following changes are proposed to be made to Form LM-3 and/or the instructions to reflect the Department’s positions on certain reporting requirements and/or improve disclosure:

—The instructions clarify that the reporting labor organization must include all special funds in its report, including funds of a political action committee under certain conditions.

—The instructions for reporting subsidiary organizations clarify that a subsidiary organization is considered to be “wholly financed” by the reporting labor organization if the initial financing was provided by the labor organization.

—The instructions for Item 11, loans made (now Item 18) clarify the conditions under which travel advances are not to be reported as loans.

—The instructions for Items 44 and 56, sale and purchase of investments and fixed assets (now Items 42 and 52), are changed to include a reduction for reinvestments of receipts from the sale of U.S. Treasury securities and other investments.

—The instructions for Item 48, payments to employees (now Item 46) clarify that lost time payments to individuals other than officers are to be reported as employee payments.

—The instructions for filing a terminal report clarify that plans for the disposition of cash and other assets, if any, must be disclosed.

4. The following other changes are proposed to be made to Form LM-3:

—The two questions on fiduciary bonds, Items 17 and 18, are combined (now Item 20).

—The question on changes in the constitution and bylaws and in practices and procedures, Item 22 (now Item 21), is changed to reflect the proposed elimination of Form LM-1A and the proposed requirement that an amended Form LM-1 need be filed only when there is a change in the form LM-1A which is not contained in the revised constitution and bylaws.

—The question on dues and fees, Item 23, has been redesignated and one of the columns has been deleted.

—Schedule 2, officer payments, is now Item 24.

—In the items for payments to officers and employees, Items 47 and 48 (now Items 45 and 46), sub-items (a) and (b) for the calculation of “gross” disbursements “less deductions” are eliminated. (For officer payments, the calculation is performed in Item 24; for employee payments, a workable for the calculation is added to the instructions.)

C. Form LM-4

1. The following items are proposed to be deleted from revised Form LM-4 because the information provided has been determined to not be necessary and/or not as helpful as other information that will be disclosed by proposed new items (appropriate changes in the proposed instructions are also made):

—Item 3, where chartered to operate, and
—The lines in Items 18 and 19 (now Items 20 and 21) for indicating the city and state where officers signed the report.

2. The following items are proposed to be added to revised Form LM-4 (with appropriate instructions) in order to improve disclosure:

—A question on whether the reporting labor organization had ceased to exist, and is filing a terminal report (new Item 3).
—A question on fidelity bond coverage (new Item 12), and
—A question on the number of members the labor organization had at the end of the reporting period (new Item 13).

3. The following changes are proposed to be made to the Form LM-4 instructions to reflect the Department’s positions on certain reporting requirements and/or improve disclosure:

—The instructions clarify that the reporting labor organization must include receipts from all subsidiary organizations and special funds in determining its eligibility to file Form LM-4.

—The instructions for filing a terminal report clarify that plans for the disposition of cash and other assets, if any, must be disclosed.

4. The following other changes are proposed to be made to Form LM-4:

—The question on changes in the constitution and bylaws and in practices and procedures, Item 10 (now Item 9), is changed to reflect the proposed elimination of Form LM-1A and the proposed requirement that an amended Form LM-1 need be filed only when there is a change in the practices and procedures enumerated in LMRDA section 201(a)(5) (A) through (M) (and previously reported in Item 18 of Form LM-1 or Item 10 of Form LM-1A) which is not contained in the revised constitution and bylaws.

—Item 13, disbursements, is revised to require reporting of total disbursements and disbursements to officers and employees.

VI. Administrative Notices

A. Executive Order 12291

This rule does not constitute a “major rule” under Executive Order 12291 in that it will not have an annual effect on the economy of $100 million or more; a major increase in costs or prices; or an adverse effect on competition in the marketplace. Consequently, no regulatory impact analysis has been prepared or is necessary.

B. Regulatory Flexibility Act

The Agency Head has certified that this proposed rule, if issued, will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act. The proposed rule will only apply to labor organizations and would decrease the reporting burden on labor organizations. However, the Department has determined that labor organizations regulated pursuant to the statutory authority granted under the LMRDA do not constitute small entities. Therefore, a regulatory flexibility analysis is not required.

C. Paperwork Reduction Act

Pursuant to the Paperwork Reduction Act of 1980, as amended, information collection requirements have been submitted to the Office of Management and Budget for approval. The reporting burden for the collection of information required by Forms LM-2, LM-3, and LM-4 is estimated to be as follows:

<table>
<thead>
<tr>
<th>Form</th>
<th>Number of respondents</th>
<th>Average time per response</th>
<th>Total burden</th>
</tr>
</thead>
<tbody>
<tr>
<td>LM-2</td>
<td>5,096</td>
<td>15 hrs, 15 mins</td>
<td>77,714</td>
</tr>
<tr>
<td>LM-3</td>
<td>16,275</td>
<td>7 hrs, 5 mins</td>
<td>109,857</td>
</tr>
<tr>
<td>LM-4</td>
<td>14,000</td>
<td>52 mins</td>
<td>12,086</td>
</tr>
</tbody>
</table>

The estimated total burden is 199,657 hours. Send comments regarding these information collection requirements to John Kotch, Acting Deputy Assistant Secretary for Labor-Management Standards, Office of the American Workplace, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-5605, Washington, DC 20230.

List of Subjects Affected in 29 CFR Part 402

Labor unions, Reporting and recordkeeping requirements.
Text of Proposed Rule

In consideration of the foregoing, the Department of Labor, proposes that part 402 of title 29, Code of Federal Regulations, be amended as follows:

PART 402—LABOR ORGANIZATION INFORMATION REPORTS

1. The authority citation for part 402 is revised to read as follows:

Authority: Secs. 201, 207, 208, 73 Stat. 524, 529 (29 U.S.C. 431, 437, 438); Secretary's Order No. 2-93 (58 FR 42578).

2. Section 402.4 is revised to read as follows:

§ 402.4 Subsequent reports.

(a) Except as noted below, every labor organization which revises the most recent constitution and bylaws it has filed with the Office of Labor-Management Standards shall file two dated copies of its revised constitution and bylaws at the time it files its annual financial report as provided in part 403 of this chapter. However, a labor organization which has as its constitution and bylaws a uniform constitution and bylaws prescribed by the reporting labor organization's parent national or international labor organization in accordance with § 402.3(b) is not required to file copies of a revised uniform constitution and bylaws if the parent national or international labor organization files as many copies of the revised constitution and bylaws with the Office of Labor-Management Standards as the Office may request.

(b) Every labor organization which changes the practices and procedures for which separate statements must be filed pursuant to subsection 201(a)(5) (A) through (M) of the Act shall file with the Office of Labor-Management Standards two copies of an amended Form LM-1, signed by its president and secretary or corresponding principal officers. The amended Form LM-1 shall be filed when the labor organization files its annual financial report as provided in part 403 of this chapter.

Signed in Washington, DC this 15th day of September 1993.

Robert Reich,
Secretary of Labor.

Charles A. Richards,
Deputy Assistant Secretary for Labor-Management Programs, Office of the American Workplace.

Appendix Note: This appendix, which will not appear in the Code of Federal Regulations, revises Forms LM-2, LM-3, and LM-4, provided in Parts 402 and 403, to read as follows:

BILLING CODE 4510-85-P
LABOR ORGANIZATION ANNUAL REPORT
FORM LM-2

MUST BE USED BY LABOR ORGANIZATIONS WITH $200,000 OR MORE IN TOTAL ANNUAL RECEIPTS AND LABOR ORGANIZATIONS UNDER TRUSTEESHIP

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 432 or 435.

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT. SUBMIT THIS REPORT IN DUPLICATE.

<table>
<thead>
<tr>
<th>IMPORTANT</th>
<th>1. FILE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>If a label is here, peel off the top copy and place it in the same box on</td>
<td>2. PERIOD COVERED reaching the end of the report.</td>
</tr>
<tr>
<td>the second copy of the form.</td>
<td></td>
</tr>
<tr>
<td>If label information is correct, leave items 4 through 8 blank.</td>
<td></td>
</tr>
<tr>
<td>If label information is incorrect, complete items 4 through 8.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. AFFILIATION OR ORGANIZATION NAME</th>
<th>6. MAILING ADDRESS: (In care of) NAME AND TITLE OF PERSON</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. DESIGNATION (Local, Lodge, etc.)</td>
<td>Number and street</td>
</tr>
<tr>
<td>7. UNIT NAME (if any)</td>
<td>BUILDING AND ROOM NUMBER (if any)</td>
</tr>
<tr>
<td>8. Are your organization's records kept at its mailing address? Yes No</td>
<td>CITY STATE ZIP CODE</td>
</tr>
<tr>
<td>(If &quot;No,&quot; provide address in Item 75.)</td>
<td></td>
</tr>
</tbody>
</table>

| 18. How many members did your organization have at the end of the reporting |                                                                                  |
| period?                                                                   |                                                                                  |
| 19. What is the date of your organization's next regular election of       |                                                                                  |
| officers? Month Year                                                      |                                                                                  |
| 20. What is the maximum amount recoverable under your organization's fidelity |                                                                                  |
| bond for a loss caused by any officer or employee of your organization?    |                                                                                  |
| 21. What are your organization's rates of dues and fees? (Enter a minimum |                                                                                  |
| and maximum if more than one rate applies for any line.)                  |                                                                                  |
| (a) Regular Dues/Fees $ per (month, year, etc.)                           |                                                                                  |
| (b) Initiation Fees $                                                    |                                                                                  |
| (c) Transfer Fees $ per (month, year, etc.)                               |                                                                                  |
| (d) Work Permits $                                                       |                                                                                  |

| 22. During the reporting period, did your organization have any changes in |                                                                                  |
| its constitution and bylaws (other than rates of dues and fees) or in     |                                                                                  |
| practices/procedures listed in the instructions? Yes No                    |                                                                                  |
| (If the constitution and bylaws have changed, attach two new dated copies |                                                                                  |
| of practices/procedures have changed, see the instructions.)              |                                                                                  |
| 23. Were any of your organization's assets pledged as security or         |                                                                                  |
| encumbered in any other way at the end of the reporting period?           |                                                                                  |
| 24. Did your organization have any contingent liabilities at the          |                                                                                  |
| end of the reporting period?                                              |                                                                                  |
| (If the answer to Item 23 or 24 is "Yes," provide details in Item 75 as |                                                                                  |
| explained in the instructions for each item.)                            |                                                                                  |

Each of the undersigned, duly authorized officers of the above labor organization, declares, under the applicable penalties of law, that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete. (See Section VI on penalties in the instructions.)

| 76. SIGNED:                  | 77. SIGNED:                  |
| (President)                 | (Treasurer)                 |
| Date (if other title see instructions) | Date (if other title see instructions) |
| Telephone Number            | Telephone Number            |

Form LM-2 (Revised 1993)
**ENTER AMOUNTS IN DOLLARS ONLY**

**COMPLETE SCHEDULES 1 THROUGH 15 BEFORE COMPLETING STATEMENTS A AND B**

### STATEMENT A — ASSETS AND LIABILITIES

<table>
<thead>
<tr>
<th>Item</th>
<th>Assets from Sch</th>
<th>Start of Reporting Period (A)</th>
<th>End of Reporting Period (B)</th>
<th>Liabilities from Sch</th>
<th>Start of Reporting Period (C)</th>
<th>End of Reporting Period (D)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.</td>
<td>Cash</td>
<td>$</td>
<td>$</td>
<td>33. Accounts Payable</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>26.</td>
<td>Accounts Receivable</td>
<td>1</td>
<td></td>
<td>34. Loans Payable</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>27.</td>
<td>Loans Receivable</td>
<td>2</td>
<td></td>
<td>35. Mortgages Payable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28.</td>
<td>U.S. Treasury Securities</td>
<td></td>
<td></td>
<td>36. Other Liabilities</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>29.</td>
<td>Investments</td>
<td></td>
<td></td>
<td>37. TOTAL LIABILITIES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30.</td>
<td>Fixed Assets</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31.</td>
<td>Other Assets</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32.</td>
<td>TOTAL ASSETS</td>
<td>$</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### STATEMENT B — RECEIPTS AND DISBURSEMENTS

<table>
<thead>
<tr>
<th>Item</th>
<th>Cash Receipts from Sch</th>
<th>AMOUNT</th>
<th>Cash Disbursements from Sch</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>39.</td>
<td>Dues</td>
<td></td>
<td>58. To Officers</td>
<td>9</td>
</tr>
<tr>
<td>40.</td>
<td>Per Capita Tax</td>
<td></td>
<td>57. To Employees</td>
<td>10</td>
</tr>
<tr>
<td>41.</td>
<td>Fees</td>
<td></td>
<td>56. Per Capita Tax</td>
<td></td>
</tr>
<tr>
<td>42.</td>
<td>Fines</td>
<td></td>
<td>59. Fees, Fines, Assessments, etc.</td>
<td></td>
</tr>
<tr>
<td>43.</td>
<td>Assessments</td>
<td></td>
<td>60. Office &amp; Administrative Expense</td>
<td>13</td>
</tr>
<tr>
<td>44.</td>
<td>Work Permits</td>
<td></td>
<td>61. Educational &amp; Publicity Expense</td>
<td></td>
</tr>
<tr>
<td>45.</td>
<td>Sale of Supplies</td>
<td></td>
<td>62. Professional Fees</td>
<td></td>
</tr>
<tr>
<td>46.</td>
<td>Interest</td>
<td></td>
<td>63. Benefits</td>
<td>11</td>
</tr>
<tr>
<td>47.</td>
<td>Dividends</td>
<td></td>
<td>64. Contributions, Gifts &amp; Grants</td>
<td>12</td>
</tr>
<tr>
<td>48.</td>
<td>Rents</td>
<td></td>
<td>65. Supplies for Resale</td>
<td></td>
</tr>
<tr>
<td>49.</td>
<td>Sale of Investments &amp; Fixed Assets</td>
<td>6</td>
<td>66. Direct Taxes</td>
<td></td>
</tr>
<tr>
<td>50.</td>
<td>Loans Obtained</td>
<td>1</td>
<td>67. Withholding Taxes</td>
<td></td>
</tr>
<tr>
<td>51.</td>
<td>Repayments of Loans Made</td>
<td>8</td>
<td>68. Purchase of Investments &amp; Fixed Assets</td>
<td>7</td>
</tr>
<tr>
<td>52.</td>
<td>On Behalf of Affiliates for Transmittal to Them</td>
<td></td>
<td>69. Loans Made</td>
<td>1</td>
</tr>
<tr>
<td>53.</td>
<td>From Members for Disbursement on Their Behalf</td>
<td>14</td>
<td>70. Repayment of Loans Obtained</td>
<td>8</td>
</tr>
<tr>
<td>54.</td>
<td>Other Receipts</td>
<td></td>
<td>71. To Affiliates of Funds Collected on Their Behalf</td>
<td></td>
</tr>
<tr>
<td>55.</td>
<td>TOTAL RECEIPTS</td>
<td></td>
<td>72. On Behalf of Individual Members</td>
<td>15</td>
</tr>
<tr>
<td>75.</td>
<td>ADDITIONAL INFORMATION</td>
<td>Item Number</td>
<td>Item Number</td>
<td>AMOUNT</td>
</tr>
</tbody>
</table>

(If more space is needed, attach additional pages properly identified.)
**SCHEDULE 1—LOANS RECEIVABLE**

List below loans to officers, employees, or members which at any time during the reporting period exceeded $250 and list all loans to business enterprises regardless of amount.

<table>
<thead>
<tr>
<th>Loans Outstanding at Start of Period (A)</th>
<th>Loans Made During Period (B)</th>
<th>Repayments Received During Period</th>
<th>Loans Outstanding at End of Period (E)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Name:</td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Purpose:</td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Security:</td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Terms of Repayment:</td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>2. Name:</td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Purpose:</td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Security:</td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Terms of Repayment:</td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>3. Totals from additional pages (if any)</td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>4. Totals of loans not listed above</td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>5. Totals of Lines 1 through 4</td>
<td></td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

Enter the Totals from Line 5 in

<table>
<thead>
<tr>
<th>Item 27</th>
<th>Item 69</th>
<th>Item 51</th>
<th>Item 75</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column (A)</td>
<td>with Explanation</td>
<td>Column (B)</td>
<td></td>
</tr>
</tbody>
</table>

---

**SCHEDULE 2—INVESTMENTS (OTHER THAN U.S. TREASURY SECURITIES)**

<table>
<thead>
<tr>
<th>Description (A)</th>
<th>Amount (B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marketable Securities</td>
<td>$</td>
</tr>
<tr>
<td>1. Total Cost</td>
<td>$</td>
</tr>
<tr>
<td>2. Total Book Value</td>
<td>$</td>
</tr>
<tr>
<td>3. List each marketable security which has a book value over $1,000 and exceeds 20% of Line 2.</td>
<td></td>
</tr>
<tr>
<td>(a)</td>
<td></td>
</tr>
<tr>
<td>(b)</td>
<td></td>
</tr>
<tr>
<td>(c)</td>
<td></td>
</tr>
<tr>
<td>(d)</td>
<td></td>
</tr>
<tr>
<td>4. Total Cost</td>
<td>$</td>
</tr>
<tr>
<td>5. Total Book Value</td>
<td>$</td>
</tr>
<tr>
<td>6. List each other investment which has a book value over $1,000 and exceeds 20% of Line 5. Also list each subsidiary for which separate reports are attached.</td>
<td></td>
</tr>
<tr>
<td>(a)</td>
<td></td>
</tr>
<tr>
<td>(b)</td>
<td></td>
</tr>
<tr>
<td>(c)</td>
<td></td>
</tr>
<tr>
<td>(d)</td>
<td></td>
</tr>
<tr>
<td>(e) Total from additional pages (if any)</td>
<td>$</td>
</tr>
<tr>
<td>7. Total of Lines 2 and 5</td>
<td>$</td>
</tr>
</tbody>
</table>

Enter the Total from Line 7 in

<table>
<thead>
<tr>
<th>Item 29, Column (B)</th>
</tr>
</thead>
</table>

---

**SCHEDULE 3—OTHER ASSETS**

<table>
<thead>
<tr>
<th>Description (A)</th>
<th>Book Value (B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>$</td>
</tr>
<tr>
<td>2.</td>
<td>$</td>
</tr>
<tr>
<td>3.</td>
<td>$</td>
</tr>
<tr>
<td>4.</td>
<td>$</td>
</tr>
<tr>
<td>5. Total from additional pages (if any)</td>
<td>$</td>
</tr>
<tr>
<td>6. Total of Lines 1 through 5</td>
<td>$</td>
</tr>
</tbody>
</table>

Enter the Total from Line 6 in

<table>
<thead>
<tr>
<th>Item 31, Column (B)</th>
</tr>
</thead>
</table>

---

**SCHEDULE 4—OTHER LIABILITIES**

<table>
<thead>
<tr>
<th>Description (A)</th>
<th>Amount at End of Period (B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>$</td>
</tr>
<tr>
<td>2.</td>
<td>$</td>
</tr>
<tr>
<td>3.</td>
<td>$</td>
</tr>
<tr>
<td>4.</td>
<td>$</td>
</tr>
<tr>
<td>5.</td>
<td>$</td>
</tr>
<tr>
<td>6. Total from additional pages (if any)</td>
<td>$</td>
</tr>
<tr>
<td>7.</td>
<td>$</td>
</tr>
<tr>
<td>8. Total of Lines 1 through 6</td>
<td>$</td>
</tr>
</tbody>
</table>

Enter the Total from Line 8 in

<table>
<thead>
<tr>
<th>Item 36, Column (D)</th>
</tr>
</thead>
</table>

---

Form LM-2 (Revised 1993)
<table>
<thead>
<tr>
<th>SCHEDULE 5 – FIXED ASSETS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td><strong>Cost or Other Basis</strong></td>
</tr>
<tr>
<td>1. Land (give location):</td>
<td>$</td>
</tr>
<tr>
<td>2. Totals from additional pages (if any)</td>
<td></td>
</tr>
<tr>
<td>3. Buildings (give location):</td>
<td>$</td>
</tr>
<tr>
<td>4. Totals from additional pages (if any)</td>
<td></td>
</tr>
<tr>
<td>5. Automobiles and Other Vehicles</td>
<td></td>
</tr>
<tr>
<td>6. Office Furniture and Equipment</td>
<td></td>
</tr>
<tr>
<td>7. Other Fixed Assets</td>
<td></td>
</tr>
<tr>
<td>8. Totals of Lines 1 through 7</td>
<td>$</td>
</tr>
</tbody>
</table>

Enter the Total from Line 8, Column (D) in .................................................... Item 30, Column (B)

<table>
<thead>
<tr>
<th>SCHEDULE 6 – SALE OF INVESTMENTS AND FIXED ASSETS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description (if land or buildings, give location)</strong></td>
<td><strong>Cost</strong></td>
</tr>
<tr>
<td>1.</td>
<td>$</td>
</tr>
<tr>
<td>2.</td>
<td>$</td>
</tr>
<tr>
<td>3.</td>
<td>$</td>
</tr>
<tr>
<td>4.</td>
<td>$</td>
</tr>
<tr>
<td>5. Totals from additional pages (if any)</td>
<td></td>
</tr>
<tr>
<td>6. Totals of Lines 1 through 5</td>
<td>$</td>
</tr>
</tbody>
</table>

7. Less Reinvestments
8. Net Sales $ 

Enter the Total from Line 8 in .................................................... Item 49

<table>
<thead>
<tr>
<th>SCHEDULE 7 – PURCHASE OF INVESTMENTS AND FIXED ASSETS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description (if land or buildings, give location)</strong></td>
<td><strong>Cost</strong></td>
</tr>
<tr>
<td>1.</td>
<td>$</td>
</tr>
<tr>
<td>2.</td>
<td>$</td>
</tr>
<tr>
<td>3.</td>
<td>$</td>
</tr>
<tr>
<td>4.</td>
<td>$</td>
</tr>
<tr>
<td>5. Totals from additional pages (if any)</td>
<td></td>
</tr>
<tr>
<td>6. Totals of Lines 1 through 5</td>
<td>$</td>
</tr>
</tbody>
</table>

7. Less Reinvestments
8. Net Purchases $ 

Enter the Total from Line 8 in .................................................... Item 58

<table>
<thead>
<tr>
<th>SCHEDULE 8 – LOANS PAYABLE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Source of Loans Payable at Any Time During the Reporting Period</strong></td>
<td><strong>Loans Owed at Start of Period</strong></td>
</tr>
<tr>
<td>(A)</td>
<td>(B)</td>
</tr>
<tr>
<td>1.</td>
<td>$</td>
</tr>
<tr>
<td>2.</td>
<td>$</td>
</tr>
<tr>
<td>3.</td>
<td>$</td>
</tr>
<tr>
<td>4. Totals from additional pages (if any)</td>
<td></td>
</tr>
<tr>
<td>5. Totals of Lines 1 through 4</td>
<td>$</td>
</tr>
</tbody>
</table>

Enter the Totals from Line 5 in .................................................... Item 34, Column (C)
Item 50, Column (D)
Item 70, Column (D)
Item 75, Column (D)
Item 34, Column (C)
**LM-2**

**ENTER AMOUNTS IN DOLLARS ONLY**

**FILE NUMBER**

### SCHEDULE 9—ALL OFFICERS AND DISBURSEMENTS TO OFFICERS

<table>
<thead>
<tr>
<th>Name</th>
<th>Gross Salary (before taxes and other deductions)</th>
<th>Disbursements for Official Business</th>
<th>Other Disbursements</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Enter the Total from Line 13 in ____________________________________________ Item 58

* Code for Column (C): past officer—P, continuing officer—C, new officer during the reporting period—N.

(if any officer was not elected at a regular election in accordance with your organization's constitution and bylaws, explain in Item 75.)

### SCHEDULE 10—DISBURSEMENTS TO EMPLOYEES

<table>
<thead>
<tr>
<th>Name</th>
<th>Gross Salary (before taxes and other deductions)</th>
<th>Disbursements for Official Business</th>
<th>Other Disbursements</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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Enter the Total from Line 13 in ____________________________________________ Item 57
### SCHEDULE 11—BENEFITS

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<th>Description (A)</th>
<th>To Whom Paid (B)</th>
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Enter the Total from Line 11 in ................. Item 63

### SCHEDULE 12—CONTRIBUTIONS, GIFTS, AND GRANTS

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Enter the Total from Line 11 in ................. Item 64

### SCHEDULE 13—OFFICE AND ADMINISTRATIVE EXPENSE

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### SCHEDULE 14—OTHER RECEIPTS

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### SCHEDULE 15—OTHER DISBURSEMENTS

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Enter the Total from Line 11 in ................. Item 73
GENERAL INSTRUCTIONS

I. WHO MUST FILE - Every labor organization subject to the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), the Civil Service Reform Act (CSRA), or the Foreign Service Act (FSA) must file a financial report, Form LM-2, LM-3, or LM-4, each year with the Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor. These laws cover labor organizations that represent employees who work in private industry, employees of the U.S. Postal Service, and most Federal government employees. Labor organizations that represent only state, county, or municipal government employees are not covered by these laws and, therefore, are not required to file. If you have a question about whether your organization is required to file, contact the nearest OLMS field office listed on the last page of these instructions.

II. WHAT FORM TO FILE - Form LM-2 must be filed by every labor organization subject to the LMRDA, CSRA, or FSA with total annual receipts of $200,000 or more. The term "total annual receipts" means all financial receipts of the labor organization during its fiscal year, regardless of the source, including receipts of any special funds as described in Section VIII of these instructions.
and any "subsidiaries" as defined in Section X.

Labor organizations with total annual receipts of less than $200,000 may file the simplified 2-page annual report Form LM-3, if not in trusteeship as defined in Section IX of these instructions. Labor organizations with less than $10,000 in total annual receipts may file the abbreviated 1-page annual report Form LM-4, if not in trusteeship.

III. WHEN TO FILE - Form LM-2 must be filed within 90 days after the end of your organization's fiscal year (12-month reporting period). The law does not authorize the U.S. Department of Labor to grant an extension of time for filing reports for any reason.

If your organization went out of existence during its fiscal year, a terminal financial report must be filed within 30 days after the date it ceased to exist. See Section XII of these instructions for information on filing a terminal financial report.

IV. WHERE TO FILE - The original and one duplicate copy of Form LM-2 and any required attachments must be filed with the U.S. Department of Labor at the following address:

U.S. Department of Labor
Office of Labor-Management Standards
200 Constitution Avenue, NW
Washington, DC 20210
If available, use the pre-addressed envelope enclosed with this report package to file Form LM-2.

NOTE: Certain labor organizations are required to file Form 990, Return of Organization Exempt from Income Tax, with the Internal Revenue Service (IRS). The IRS will accept a copy of your organization's Form LM-2 to provide some of the information required by Form 990. See the instructions for the current Form 990 for details. Filing Form LM-2 with the IRS does not satisfy your organization's reporting requirement with the U.S. Department of Labor.

V. PUBLIC DISCLOSURE - The LMRDA requires that the U.S. Department of Labor make labor organization financial reports available for inspection by the public. Reports may be examined and copies purchased at the OLMS Public Disclosure Room at the above address or at the OLMS field office in whose jurisdiction the reporting organization is located. See the last page of these instructions for a list of OLMS field offices.

VI. RESPONSIBILITIES OF OFFICERS AND PENALTIES - The president and treasurer or the corresponding principal officers of the labor organization required to sign Form LM-2 are personally responsible for its filing and accuracy. Under the LMRDA, officers are subject to criminal penalties for willful failure to file a required report and for false reporting. False reporting includes making any false statement or misrepresentation of a material fact while knowing it to be false, or for knowingly
failing to disclose a material fact in a required report or in
the information required to be contained in it or in any
information required to be submitted with it. Under the CSRA and
FSA and implementing regulations, false reporting and failure to
report may result in administrative enforcement action and
litigation. The officers responsible for signing Form LM-2 are
also subject to criminal penalties for false reporting under
section 1001 of Title 18 of the United States Code.

VII. RECORDKEEPING - The officers required to file Form LM-2 are
responsible for maintaining records which will provide in
sufficient detail the information and data necessary to verify
the accuracy and completeness of the report. The records must be
kept for at least 5 years after the date the report is filed.
Any record necessary to verify, explain, or clarify the report
must be retained, including, but not limited to, vouchers,
worksheets, receipts, and applicable resolutions.

VIII. FUNDS TO BE REPORTED

Your labor organization's Form LM-2 must report financial
information for all funds of your organization. Include any
special purpose funds or accounts, such as strike funds, vacation
funds, and scholarship funds even if they are not part of your
organization's general treasury.

All labor organization political action committee (PAC) funds are
considered to be labor organization funds. However, to avoid
duplicate reporting, PAC funds which must be funded by voluntary contributions and which must be kept separate from your labor organization's treasury by Federal or state law are not required to be included in your organization's Form LM-2 if publicly available reports on the PAC funds are filed with a Federal or state agency.

Your organization is required to report financial information about any "subsidiary organization(s)." Financial information about your organization and its subsidiary organizations may be combined on a single Form LM-2 or a separate report may be filed for any subsidiary organization. See Section X of these instructions for information on reporting financial information for subsidiary organizations.

In combining the information concerning special funds and/or any subsidiary organizations, be sure to include the requested information and amounts for the "special funds" and subsidiary organizations as well as for your organization in all items and schedules.

SPECIAL INSTRUCTIONS FOR CERTAIN ORGANIZATIONS

IX. LABOR ORGANIZATIONS UNDER TRUSTEESHIP - Any labor organization which has placed a subordinate labor organization in trusteeship is responsible for filing the subordinate's annual financial report. A trusteeship is defined in section 3(h) of
the LMRDA as "any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws."

Annual financial reports filed for any labor organization in trusteeship must be filed on Form LM-2. The report must be signed by the president and treasurer or corresponding principal officers of the labor organization which assumed the trusteeship and by the trustees of the subordinate labor organization. An Information and Signature Sheet, Form LM-6, must be filed with the annual financial reports of trusteeed organizations and can be obtained from the nearest OLMS field office listed on the last page of these instructions.

X. LABOR ORGANIZATIONS WHICH HAVE SUBSIDIARY ORGANIZATIONS - A subsidiary organization, within the meaning of these instructions, is any separate organization of which the ownership is wholly vested in the reporting labor organization or its officers or its membership, which is governed or controlled by the officers, employees, or members of the reporting labor organization, and which is wholly financed by the reporting labor organization. A subsidiary is considered to be wholly financed if the initial financing was provided by the reporting labor organization even if the subsidiary organization is currently wholly or partially self-sustaining. An example of a subsidiary organization is a building corporation which holds title to a building; the labor organization owns the building corporation,
selects the officers, and finances the operation of the building corporation.

IF YOUR ORGANIZATION HAS NO SUBSIDIARY ORGANIZATION AS DEFINED ABOVE, SKIP TO SECTION XI OF THESE INSTRUCTIONS.

A labor organization is required to report financial information for each of its subsidiary organizations using one of the following methods:

Method (1) - Consolidate the financial information for the subsidiary organization(s) and the labor organization on a single Form LM-2.

Method (2) - Complete a separate Form LM-2 for the subsidiary organization and file it with the labor organization's Form LM-2. The LM-2 report for the subsidiary organization must be clearly marked "SUBSIDIARY REPORT" at the top of the first page.

Method (3) - File, with the labor organization's Form LM-2, the regular annual report of the financial condition and operations of the subsidiary organization, accompanied by a statement signed by an independent public accountant certifying that the financial report presents fairly the financial condition and operations of the subsidiary organization and was prepared in accordance with generally accepted
accounting principles.

Financial information reported separately for subsidiary organizations, as required under methods (2) and (3) above, must be submitted in duplicate and must include the name of the subsidiary organization and the name and file number of the labor organization as shown on its Form LM-2. The financial report of the subsidiary organization must cover the same reporting period as that used by the reporting labor organization.

When method (2) or (3) is used and the subsidiary organization is an investment, the financial interest of the reporting labor organization in the subsidiary organization must be reported in Item 29 (Investments) and in Schedule 2 (Investments Other than U.S. Treasury Securities) of the labor organization's Form LM-2. When method (2) or (3) is used and the subsidiary organization is of a non-investment nature, the financial interest of the reporting labor organization in the subsidiary organization must be reported in Item 31 (Other Assets) and in Schedule 3 (Other Assets) of the labor organization's Form LM-2.

The same type of information required on Form LM-2 regarding disbursements to officers and employees and loans made by labor organizations must also be reported with respect to the subsidiary organization. In method (1) the information relating to the subsidiary organization must be combined with that of the labor organization and reported on the labor organization's Form LM-2 in Schedules 1, 9, and 10. In method (2) this information
must be included in Schedules 1, 9, and 10 of the separate Form LM-2 used for reporting the financial condition and operations of the subsidiary organization. If method (3) is used, an attachment must be submitted containing the information required by the instructions for Schedules 1, 9, and 10.

The information regarding loans made by the subsidiary organization must include a listing of the names of each officer, employee, or member of the labor organization and each officer or employee of the subsidiary organization whose total loan indebtedness to the subsidiary organization, to the labor organization, or to both at any time during the reporting period exceeded $250. However, if method (2) or (3) is used, the amount reported by the subsidiary organization should be only the amount owed to the subsidiary organization.

The annual financial report must also include all disbursements made by the subsidiary organization to or on behalf of its officers and officers of the labor organization. The report must also list the name and position of the subsidiary organization's employees whose total gross salaries, allowances, and other disbursements from the subsidiary organization, the reporting labor organization, and any affiliates were more than $10,000. However, if method (2) or (3) is used, only the disbursements of the subsidiary organization for its employees should be reported.

XI. COMPLETING FORM LM-2
NUMBER OF COPIES

Three blank copies of Form LM-2 are included in this report package. The original and one duplicate copy must be filed with OLMS. A third copy should be maintained in your organization's records.

LEGIBILITY

Entries on Form LM-2 should be typed or clearly printed in ink. Do not use a pencil.

ADDRESS LABEL

If this report package was mailed to you with an address label, peel off the top label and place it in the corresponding box on the second copy of the form, so that address labels are affixed to the two copies being mailed to OLMS. Use the pre-printed labels even if the information on them is incorrect.

ADDITIONAL PAGES

Some of the items on Form LM-2 require that further details be provided in Item 75 (Additional Information) on page 2. If there is not enough space in Item 75, enter the additional information on a separate letter-size page(s), giving the number of the item to which the information applies. Print clearly at the top of each attached page the name of your organization, its 6-digit
file number as reported in Item 1 of Form LM-2, and the ending date of the reporting period as reported on the second line of Item 2. This identifying information should also be printed on any additional pages used for Schedules 1-15. All attachments must be labeled sequentially 1 of __, 2 of __, etc.

AFFILIATES

"Affiliates," within the meaning of these instructions, are labor organizations chartered by the same parent body, governed by the same constitution and bylaws, or having the relationship of parent and subordinate. For example, a parent body is an affiliate of all its subordinate bodies, and all subordinate bodies of the same parent body are affiliates of each other.

INFORMATION ITEMS 1 - 24

Answer Items 1 through 24 as instructed. Enter "None" or "Not Applicable" as appropriate. Check the appropriate box for those questions requiring a "Yes" or "No" answer; do not leave both boxes blank.

1. FILE NUMBER - Enter the 6-digit file number which OLMS assigned to your organization. If this Form LM-2 was mailed to you with an address label, your organization's file number is the 6-digit number on the first line of the label. If you do not have a label and you cannot obtain the number from prior reports
filed by your organization, contact the nearest OLMS field office listed on the last page of these instructions to obtain your organization's file number. Your organization's 6-digit file number must also be entered in the File Number boxes at the top of each page of Form LM-2.

2. PERIOD COVERED - Enter the beginning and ending dates of the period covered by this report. For example, if your organization's 12-month fiscal year begins on January 1 and ends on December 31, enter these dates as "1/1/9__" and "12/31/9__." Your organization's report should never cover more than a 12-month period. It would be incorrect to enter January 1 of one year through January 1 of the next year.

If your organization changed its fiscal year, enter in Item 2 the ending date for the period of less than 12 months, which is your organization's new fiscal year ending date, and report in Item 75 that your organization changed its fiscal year. For example, if your organization's fiscal year ending date changes from June 30 to December 31, a report must be filed for the partial year from July 1 to December 31. Thereafter, your organization's annual report should cover a full 12-month period from January 1 to December 31.

3. LABOR ORGANIZATION TERMINATION - Check the box in Item 3 if your labor organization has gone out of business by disbanding, merging into another labor organization, or being merged and consolidated with one or more labor organizations to form a new
labor organization, and this is your organization's terminal report. Be sure that the date your organization ceased to exist is entered in Item 2 after the word "THROUGH." See Section XII of these instructions for more information on filing a terminal report.

IF THIS REPORT PACKAGE DOES NOT HAVE AN ADDRESS LABEL OR IF ANY OF THE INFORMATION ON THE LABEL IS INCORRECT, COMPLETE ITEMS 4 THROUGH 8 IN THEIR ENTIRETY. IF THE LABEL INFORMATION IS CORRECT, LEAVE ITEMS 4 THROUGH 8 BLANK.

4. AFFILIATION OR ORGANIZATION NAME - Enter the name of the national or international labor organization which granted your organization a charter. If your organization has no such affiliation, enter the name of your organization as currently identified in your organization's constitution and bylaws or other organizational documents.

5. DESIGNATION - Enter the designation that specifically identifies your organization, such as Local, Lodge, Branch, Joint Board, Joint Council, District Council, etc.

6. DESIGNATION NUMBER - Enter the number or other identifier, if any, by which your organization is known.

7. UNIT NAME - Enter any additional or alternate name by which your organization is known, such as "Chicago Area Local."
8. **MAILING ADDRESS** - Enter the current address where mail will most surely and quickly reach your organization. Be sure to indicate the name and title of the person, if any, to whom such mail should be sent and include any building and room number.

9. **PLACE WHERE RECORDS ARE KEPT** - If the records required to be kept by your organization to verify this report are kept at the address reported in Item 8 (or the address on the address label), check "Yes." If not, check "No" and provide in Item 75 the address where your organization's records are kept.

10. **SUBSIDIARY ORGANIZATIONS** - If Item 10 is checked "Yes," provide in Item 75 the name, address, and purpose of each subsidiary organization. Indicate whether the information concerning its financial condition and operations is included in this Form LM-2 or in a separate report. See Section X of these instructions for information on reporting subsidiary organizations.

11. **TRUSTS OR FUNDS** - Check Item 11 "Yes" if your labor organization created or participated in a "trust in which a labor organization is interested" which is defined in section 3(1) of the LMRDA as "a trust or other fund or organization (1) which was created or established by a labor organization, or one or more of the trustees or one or more members of the governing body of which is selected or appointed by a labor organization, and (2) a primary purpose of which is to provide benefits for the members of such labor organization or their beneficiaries."
If Item 11 is checked "Yes," provide in Item 75 the name, address, and purpose of each trust. If a report has been filed for the trust or other fund under the Employee Retirement Income Security Act of 1974 (ERISA), report in Item 75 the ERISA file number (Employer Identification Number - EIN) and plan number, if any.

12. POLITICAL ACTION COMMITTEE FUNDS - If Item 12 is checked "Yes," provide in Item 75 the full name of each separate political action committee (PAC) and list the name of any government agency, such as the Federal Election Commission or a state agency, with which the PAC has filed a report. See Section VIII of these instructions for information on reporting PAC funds.

13. ACQUISITION OR DISPOSITION OF PROPERTY - If Item 13 is checked "Yes," describe in Item 75 the manner in which your organization acquired or disposed of property, such as donating office furniture or equipment to charitable organizations or trading-in assets. Include the type of property, its value, and the identity of the recipient or donor, if any. Also report in Item 75 the cost or other basis at which any acquired assets were entered on your organization's books or the cost or other basis at which any assets disposed of were carried on your organization's books.

For assets that were traded-in, enter in Item 75 the cost, the book value, and the trade-in allowance.
14. AUDIT OF BOOKS AND RECORDS - If Item 14 is checked "Yes," indicate in Item 75 whether the audit was performed by an outside accountant or a parent body auditor/representative. If the audit was performed by an outside accountant, provide the name of the accountant or accounting firm.

15. LOSSES OR SHORTAGES - If Item 15 is checked "Yes," describe the loss or shortage in detail in Item 75, including such information as the amount of the loss or shortage of funds or a description of the property that was lost, how it was lost, and to what extent, if any, there has been an agreement to make restitution or any recovery by means of repayment, fidelity bond, insurance, or other means.

16. ADDITIONAL POSITIONS OF OFFICERS - If Item 16 is checked "Yes," provide in Item 75 the name of each officer, the officer's position in the other labor organization or employee benefit plan, and the name of the other labor organization or employee benefit plan. Include only those positions for which officers received salary or wages. Do not include positions for which officers received only reimbursed expenses.

17. LIQUIDATION OF LIABILITIES - If Item 17 is checked "Yes," provide in Item 75 all details in connection with the liquidation or reduction of your organization's liabilities without the disbursement of cash.

18. NUMBER OF MEMBERS - Enter the number of members in your
organization at the end of the reporting period. Include all categories of members who pay dues. Do not include nonmember employees who make payments in lieu of dues as a condition of employment under a union security provision in a collective bargaining agreement.

19. NEXT REGULAR ELECTION - Enter the month and year of your organization's next regular election of general officers (president, vice president, treasurer, secretary, etc.). Do not report the date of any interim election to fill vacancies.

20. FIDELITY BOND - Enter the maximum amount recoverable for a loss caused by any officer, employee, or agent of your organization who handled your organization's funds. Enter "None" if your organization was not covered by a fidelity bond during the reporting period.

NOTE: If your organization had property and annual financial receipts which totaled $5,000 or more, each of your organization's officers, employees, and agents who handles funds or other property of your organization must be bonded. The amount of the bond must be at least 10% of the value of the funds handled by the individual during the last reporting period, up to a maximum bond of $500,000. The bond must be obtained from a surety company approved by the Secretary of the Treasury. If you have any questions or need more information about bonding requirements,
contact the nearest OLMS field office listed on the last page of these instructions.

21. DUES AND FEES - Enter the dues and fees established by your organization. If more than one rate applies, enter the minimum and maximum rates.

Line (a): Enter the regular dues or fees or other periodic payments which a member must pay to be in good standing in your organization and enter the calendar basis for the payment (per year, per month, etc.). Include only the dues or fees of regular members and not dues or fees of members with special rates, such as apprentices, retirees, or unemployed members.

Line (b): Enter the initiation fees required from new members.

Line (c): Enter the fees other than dues required from transfer members. Such fees are those charged to persons applying for a transfer of membership to your organization from another labor organization with the same affiliation. Do not report fees charged to members transferring from one class of membership to another within your organization.

Line (d): If your organization issues work permits enter the fees required and enter the calendar basis for the payment (per year, month, etc.). Work permit fees are fees charged to nonmembers of your organization who work within its jurisdiction. Do not report as work permit fees those fees charged to nonmember
applicants for membership pending acceptance of their membership application, or fees charged to persons applying for transfer of membership to your organization pending acceptance of their application for transfer. Enter "None" if your organization does not issue work permits.

22. CHANGES IN CONSTITUTION AND BYLAWS OR PRACTICES/PROCEDURES -

If Item 22 is checked "Yes" because your organization's constitution and bylaws were changed during the reporting period (other than rates of dues and fees), attach two dated copies of the new constitution and bylaws to the Form LM-2 your organization submits to OLMS.

If your organization is governed by a uniform constitution and bylaws prescribed by your organization's parent national or international body, your organization's parent body may file the constitution and bylaws on your behalf. If your parent body files a constitution and bylaws on your behalf, check Item 22 "Yes" and state that fact in Item 75.

If Item 22 is checked "Yes" because your organization changed any of the practices/procedures listed below during the reporting period and the practices/procedures are not described in your organization's constitution or bylaws, your organization must file an amended Form LM-1 (Labor Organization Information Report) with its Form LM-2 to update information on file with OLMS:

- qualifications for or restrictions on membership;
- levying assessments;

- participating in insurance or other benefit plans;

- authorizing disbursement of labor organization funds;

- auditing financial transactions of the labor organization;

- calling regular and special meetings;

- authorizing bargaining demands;

- ratifying contract terms;

- authorizing strikes;

- disciplining or removing officers or agents for breaches of their trust;

- imposing fines and suspending or expelling members including the grounds for such action and any provision made for notice, hearing, judgement on the evidence, and appeal procedures;

- selecting officers and stewards and any representatives to other bodies composed of labor organization representatives;
- invoking procedures by which a member may protest a defect in the election of officers (including not only all procedures for initiating an election protest but also all procedures for subsequently appealing an adverse decision, e.g., procedures for appeals to superior or parent bodies, if any); and

- issuing work permits.

Contact the nearest OLMS field office listed on the last page of these instructions to obtain blank copies of Form LM-1.

NOTE: Federal employee labor organizations subject solely to the Civil Service Reform Act are not required to submit an amended Form LM-1 to describe revised or changed practices/procedures.

23. PLEDGED OR ENCUMBERED ASSETS - If Item 23 is checked "Yes," identify in Item 75 all of your organization's assets pledged or encumbered in any way (such as those pledged as collateral for a loan) at the end of the reporting period. Also report in Item 75 their fair market value, and provide details of transactions related to the encumbrance.

24. CONTINGENT LIABILITIES. - If Item 24 is checked "Yes," describe in Item 75 the transactions or events resulting in the contingent liabilities and include the identity of the claimant or creditor. Examples of a contingent liability are a loan co-
signed by your organization and a pending lawsuit which could result in your organization being ordered to pay damages or make other payments.

FINANCIAL DETAILS

ACCOUNTING METHOD

Form LM-2 must be prepared using the cash method of accounting. Under the cash method of accounting, receipts are recorded when money is actually received by your organization and disbursements are recorded when money is actually paid out by your organization.

REPORT ONLY DOLLAR AMOUNTS

Report all amounts in dollars only. Round cents to the nearest dollar.

REPORTING CLASSIFICATIONS

Complete all items and lines on the form as given. Do not use different accounting classifications or change the wording of any item or line.

BEGINNING AND ENDING AMOUNTS
Entries in Schedules 1 and 8 and in Statement A must report amounts for both the start and the end of the reporting period. The amounts entered for the start of the reporting period on your organization's report should be identical to the amounts entered for the end of the reporting period on last year's report. If the amounts are not the same, fully explain the difference in Item 75.

COMPLETE SCHEDULES FIRST

Complete Schedules 1 through 15 and transfer the totals as indicated before completing Statements A and B. Be sure to complete all applicable lines in Schedules 1 through 15.

COMPLETE ALL ITEMS 25 THROUGH 74

Complete all items in Statement A and Statement B. Enter "00" where appropriate.

SCHEDULES 1 - 15

If there is not enough space to report all the required information and amounts in any schedule, duplicate the blank schedule or use separate letter-size pages (8½" x 11") to report the additional information and attach them to Form LM-2. Be sure to use the same format as the schedule (that is, the same line and column headings) for any attached pages. Also be sure that
each attached page identifies the schedule to which it applies and that the name, file number, and ending date of the reporting period of your organization are clearly printed at the top of each attached page. All attached pages should be labeled sequentially 1 of __, 2 of __, etc. Totals from any additional pages must be entered on the line provided in each schedule.

**SCHEDULE 1 - LOANS RECEIVABLE** - Report details of all direct and indirect loans (whether or not evidenced by promissory notes or secured by mortgages) owed to your organization at any time during the reporting period by individuals, business enterprises, benefit plans, and other entities including labor organizations. An example of an indirect loan is a disbursement by your organization to an educational institution for the tuition expense of an officer, employee, or member which must be repaid to your organization by that individual. Be sure to report all loans that were made and repaid in full during the reporting period. Do not include investments in corporate bonds or mortgages purchased on a block basis through a bank or similar institution which must be reported in Schedule 2.

**NOTE:** Advances, including salary advances, are considered loans and must be reported in Schedule 1. However, advances to officers and employees of your organization for travel expenses necessary for conducting official business are not considered loans if the following conditions are met:
- the amount of an advance for a specific trip does not exceed the amount of expenses reasonably expected to be incurred for official travel in the near future, and the amount of the advance is fully repaid/or fully accounted for by vouchers or paid receipts within 30 days after the completion or cancellation of the travel.

- the amount of a standing advance to an officer or employee who must frequently travel on official business does not unreasonably exceed the average monthly travel expenses for which the individual is separately reimbursed after submission of vouchers or paid receipts, and the individual does not exceed 60 days without engaging in official travel.

See the instructions for Schedules 3, 9, 10, and 14 for reporting travel advances which meet these criteria.

**Column (A):** Enter the following information on Lines 1 and 2 (and on additional pages if necessary):

- the name of each officer, employee, or member whose total loan indebtedness to your organization, including any subsidiary organization, at any time during the reporting
period exceeded $250, and the name of each business
enterprise which had any loan indebtedness, regardless of
amount, at any time during the reporting period:
- the purpose of each loan;
- the security given for each loan; and
- the terms of repayment for each loan.

For each officer or employee listed, indicate after each name
either "O" (officer) or "E" (employee).

Column (B): Enter on Lines 1 and 2 the loan amounts outstanding
at the start of the reporting period from each listed individual
and business enterprise. Enter on Line 3 the total from any
additional pages. Enter on Line 4 the total of loans made to
officers, employees, or members whose total individual loan
indebtedness to your organization at any time during the
reporting period did not exceed $250; and all loans, regardless
of amount, made to other individuals and entities. Add Lines 1
through 4 and enter the total on Line 5 and in Item 27, Column
(A) of Statement A.

Column (C): Enter on Lines 1 and 2 the amount of loans made
during the reporting period to each listed individual and
business enterprise. Enter on Line 3 the total from any
additional pages. Enter on Line 4 the total of all other loans
made during the reporting period. Add Lines 1 through 4 and
enter the total on Line 5 and in Item 69 of Statement B.
Columns (D)(1) and (D)(2): Enter on Lines 1 and 2 the amount of loan repayments during the reporting period from each listed individual and business enterprise. Report only repayments of principal; interest received must be reported in Item 46. Use Column (D)(1) to report repayments received in cash. Use Column (D)(2) to report repayments made in a manner other than cash, such as repayments made by officers or employees by means of deductions from their salaries. Enter on Line 3 the totals from any additional pages. Enter on Line 4 the amount of loan repayments from all other loans. Add Lines 1 through 4, Columns (D)(1) and (D)(2), and enter the totals on Line 5. Enter the total from Line 5, Column (D)(1) in Item 51 of Statement B. Explain in Item 75 any non-cash amounts reported in Column (D)(2).

Column (E): Enter on Lines 1 and 2 the loan amounts outstanding at the end of the reporting period for each listed individual and business enterprise. Enter on Line 3 the total from any additional pages. Enter on Line 4 the total amount outstanding at the end of the reporting period for all other loans. Add Lines 1 through 4 and enter the total on Line 5 and in Item 27, Column (B) of Statement A. If any loans receivable were written off during the reporting period, the reason and the amount must be reported in Item 75.

NOTE: Section 503(a) of the LMRDA prohibits labor organizations from making direct or indirect loans to any officer or employee of the labor organization which
results in a total indebtedness on the part of such officer or employer to the labor organization in excess of $2,000.

SCHEDULE 2 - INVESTMENTS OTHER THAN U.S. TREASURY SECURITIES -
Report details of all your organization's investments at the end of the reporting period, other than U.S. Treasury securities, including mortgages purchased on a block basis and investments in any subsidiary organization not reported on a consolidated basis in accordance with method (1) explained in Section X of these instructions. Do not include savings accounts, certificates of deposit, or money market accounts which must be reported in Item 25 as cash.

Line 1: Enter in Column (B) the total cost of all your organization's marketable securities including transaction costs such as brokerage commissions. Marketable securities are those for which current market values can be obtained from published reports of transactions in listed securities or in securities traded "over the counter," such as corporate stocks and bonds, stock and bond mutual funds, state and municipal bonds, and foreign government securities.

Line 2: Enter in Column (B) the total book value of all your organization's marketable securities. Book value is the lower of cost or market value.

Line 3: List in Column (A) each marketable security which has a
book value over $1,000 and exceeds 20% of the total book value entered on Line 2 and enter its book value in Column (B).

Line 4: Enter the total cost, including any transaction costs, of all your organization's other investments (that is, those which are not U.S. Treasury securities or marketable securities). Include mortgages purchased on a block basis.

Line 5: Enter the total book value of such other investments. Book value is the lower of cost or market value.

Line 6: List in Column (A) each other investment which has a book value over $1,000 and exceeds 20% of the total book value entered on Line 5 and enter its book value in Column (B).

NOTE: If your organization has a subsidiary organization for which a separate report is being submitted in accordance with Section X of these instructions, the subsidiary organization must be reported in Schedule 2 if it is an investment. Enter on Lines 6(a) through (d) the name of each subsidiary organization in Column (A) and its book value in Column (B).

Enter on Line 6(e) the total from any additional pages.

Line 7: Add Lines 2 and 5 and enter the total on Line 7 and in Item 29, Column (B) of Statement A.
SCHEDULE 3 - OTHER ASSETS - Report details of all your organization’s assets at the end of the reporting period other than Cash (Item 25), Accounts Receivable (Item 26), Loans Receivable (Item 27), U.S. Treasury Securities (Item 28), Investments (Item 29), and Fixed Assets (Item 30).

Your organization’s other assets must be described in Column (A) and may be classified by general groupings or bookkeeping categories, such as utility deposits, inventory of supplies for resale, or travel advances which are not required to be reported as loans as explained in the instructions for Schedule 1, if the description is sufficient to identify the type of assets. Enter in Column (B) the value as shown on your organization’s books of each asset or group of assets described in Column (A).

NOTE: If your organization has a subsidiary organization for which a separate report is being submitted in accordance with Section X of these instructions, the value of the subsidiary organization as shown on your organization’s books must be reported in Schedule 3 if it is of a non-investment nature. Enter in Column (A) the name of any such subsidiary organization. Enter in Column (B) the value as shown on your organization’s books of the net assets of any such subsidiary organization.

Enter on Line 5 the total from any additional pages. Add Lines 1 through 5 and enter the total on Line 6 and in Item 31, Column
(B) of Statement A.

SCHEDULE 4 - OTHER LIABILITIES - Report details of all your organization's liabilities at the end of the reporting period other than Accounts Payable (Item 33), Loans Payable (Item 34), and Mortgages Payable (Item 35).

Your organization's other liabilities must be described in Column (A) and may be classified by general groupings or bookkeeping categories if the description is sufficient to identify the type of liability. List separately any payroll taxes withheld but not yet paid, other unpaid payroll taxes of your organization, such as FICA taxes, and any funds collected on behalf of affiliates or members and not disbursed by the end of the reporting period. Do not include reserves for special purposes (for example, "Reserve for Building Fund") which are actually an allocation of certain assets for specific purposes rather than a liability.

Enter in Column (B) the amount of each liability described in Column (A). Enter on Line 8 the total from any additional pages. Add Lines 1 through 8 and enter the total on Line 9 and in Item 36, Column (D) of Statement A.

SCHEDULE 5 - FIXED ASSETS - Report details of all fixed assets, such as land, buildings, automobiles and other vehicles, and office furniture and equipment owned by your organization at the end of the reporting period. Include fixed assets that were expensed (that is, the cost of the asset was charged to current
expenses, rather than entered on the books and periodically depreciated), fully depreciated, or carried on your organization's books at scrap value or other nominal value.

Column (A): Enter on Line 1 the location of any land and on Line 3 the location of any buildings owned by your organization.

Column (B): Enter the cost or other basis of the fixed assets listed in Column (A), including totals from any additional pages.

Column (C): Enter the accumulated depreciation, if any, of the fixed assets (except land) listed in Column (A) whose cost or other basis is reported in Column (B), including totals from any additional pages. If your organization "expenses" fixed assets, also include in Column (C) the amount that your organization charged to expenses when the assets were purchased.

Column (D): Enter the amount at which the fixed assets listed in Column (A) are carried on your organization's books, including totals from any additional pages. Include the nominal amount, if any, at which fully depreciated assets are carried on your organization's books. The amount reported in Column (D) should be the difference between Columns (B) and (C).

Column (E): Enter the fair market value of land and of all assets listed in Column (A) that were expensed, fully depreciated, or depreciated to scrap value or nominal value, including totals from any additional pages. It is not necessary
to secure a formal appraisal of the assets; a good faith estimate is sufficient. The value used for insurance purposes or for tax appraisals, for example, will normally be acceptable as representing the fair market value.

Add Lines 1 through 7, Columns (B) through (E), and enter the totals on Line 8. Enter the total from Line 8, Column (D) in Item 30, Column (B) of Statement A.

SCHEDULE 6 - SALE OF INVESTMENTS AND FIXED ASSETS - Report details of the sale or redemption by your organization of U.S. Treasury securities, marketable securities, other investments, and fixed assets, including those fixed assets that were expensed, during the reporting period. Include receipts from sales of mortgages which were purchased on a block basis through a bank or similar institution. Do not include the receipts from repayments by individual mortgagors which must be reported in Schedule 1 as loan repayments.

Column (A): Enter on Lines 1 through 4 (and on additional pages, if necessary) a general description of the type of investment or fixed assets sold, such as U.S. Treasury securities, stocks, bonds, land, automobiles, etc. If land or buildings were sold, enter the location of the property.

Column (B): Enter the total cost of each type of investment (including any transaction costs) or fixed assets described in Column (A).
Column (C): Enter the value at which the investments or fixed assets were shown on your organization's books.

Column (D): Enter the gross sales (or contract) price of the investments or fixed assets.

Column (E): Enter the net amount received from the sale of the investments or fixed assets. If the amount received during the reporting period is less than the amount due (gross sales price less any deductions for selling expenses and repayments of secured loans or mortgages), the additional amount due to your organization must be reported in Schedule 3 with a description sufficient to identify the type of asset. However, if a mortgage or note is taken back, it must be reported as a new loan in Schedule 1.

Enter on Line 5, Columns (B) through (E) the totals from any additional pages. Add Lines 1 through 5, Columns (B) through (E), and enter the totals on Line 6.

Enter on Line 7 the total amount from the sale or redemption of U.S. Treasury securities, marketable securities, or other investments which was reinvested (i.e., "rolled over") in U.S. Treasury securities, marketable securities, or other investments during the reporting period without being deposited into your organization's bank account or other cash accounts of the type described in the instructions for Item 25 (Cash). Calculate the total amount reinvested by adding, for each investment, the lower
of each investment's original cost or the amount received from the sale or redemption which was actually reinvested. If only a portion of the amount received was reinvested, only the reinvested portion may be included on Line 7. Interest and dividends received during the reporting period must be reported in Items 46 and 47.

Subtract Line 7 from Line 6, Column (E), and enter the difference on Line 8 and in Item 49 of Statement B.

**SCHEDULE 7 - PURCHASE OF INVESTMENTS AND FIXED ASSETS** - Report details of the purchase by your organization of U.S. Treasury securities, marketable securities, other investments, and fixed assets, including those fixed assets that were expensed, during the reporting period. Include disbursements for mortgages which were purchased on a block basis through a bank or similar institution.

**Column (A):** Enter on Lines 1 through 4 (and on additional pages, if necessary) a general description of the type of investment or fixed assets purchased, such as U.S. Treasury securities, stocks, bonds, land, automobiles, etc. If land or buildings were purchased, enter the location of the property.

**Column (B):** Enter the total cost of each type of investment (including any transaction costs) or fixed assets described in Column (A).
Column (C): Enter the value at which the investments or fixed assets were entered on your organization's books. If assets were traded-in on assets purchased, check Item 13 "Yes," and see the instructions for that item.

Column (D): Enter the total amount disbursed for each type of investment or fixed asset purchased during the reporting period. Do not include any unpaid balance which must be reported in Schedule 8 or Item 35 (Mortgages Payable).

Enter on Line 5, Columns (B) through (D) the totals from any additional pages. Add Lines 1 through 5, Columns (B) through (D), and enter the totals on Line 6.

Enter on Line 7 the total amount from the sale or redemption of U.S. Treasury securities, marketable securities, or other investments which was reinvested (i.e., "rolled over") in U.S. Treasury securities, marketable securities, or other investments during the reporting period without being deposited into your organization's bank account or other cash accounts of the type described in the instructions for Item 25 (Cash). Calculate the total amount reinvested by adding, for each investment, the lower or each investment's original cost or the amount received from the sale or redemption which was actually reinvested. If only a portion of the amount received was reinvested only the reinvested portion may be included on Line 7. Interest and dividends received during the reporting period must be reported in Items 46 and 47. The total on Line 7 must agree with the amount reported.
on Line 7 of Schedule 6.

Subtract Line 7 from Line 6, Column (D), and enter the difference on Line 8 and in Item 68 of Statement B.

**SCHEDULE 6 - LOANS PAYABLE** - Report details of all loans payable by your organization at any time during the reporting period except those secured by mortgages or similar liens on real property (land or buildings) which must be reported in Item 35 (Mortgages Payable).

**Column (A):** Enter on Lines 1 through 3 (and on additional pages, if necessary) the name of each business enterprise to which a loan was payable. Also list the source of all other loans by general categories, such as banks, labor organizations, individuals, etc.

**Column (B):** Enter the loan amount owed at the start of the reporting period to each listed source of a loan. Enter on Line 4 the total from any additional pages. Add Lines 1 through 4 and enter the total on Line 5 and in Item 34, Column (C) of Statement A.

**Column (C):** Enter the amounts actually received from the loans obtained during the reporting period from the listed business enterprises and other sources. Enter on Line 4 the total from any additional pages. If, due to discounting by a bank or for any other reason, the amount received from a loan was less than
the face value of the note or the amount repayable, enter the
amount actually received and explain in Item 75. Add Lines 1
through 4 and enter the total on Line 5 and in Item 50 of
Statement B.

Columns (D)(1) and (D)(2): Enter the amount of loan repayments
made to each listed business enterprise or other source during
the reporting period. Report only repayments of principal;
interest paid must be reported in Schedule 15. Use Column (D)(1)
to report repayments made in cash. Use Column (D)(2) to report
repayments made in a manner other than by cash, such as
repayments made to a creditor by offsetting an amount owed by the
creditor to your organization. Enter on Line 4 the total from
any additional pages. Add Lines 1 through 4, Columns (D)(1) and
(D)(2), and enter the totals on Line 5. Enter the total from
Line 5, Column (D)(1) in Item 70 of Statement B. Explain in Item
75 any non-cash amounts reported in Column (D)(2).

Column (E): Enter the loan amount owed at the end of the
reporting period to each listed business enterprise or other
source. Enter on Line 4 the total from any additional pages. If
any loans payable were written off during the reporting period,
the reason and amount must be reported in Item 75. Add Lines 1
through 4 and enter the total on Line 5 and in Item 34, Column
(D) of Statement A.

SCHEDULE 9 - ALL OFFICERS AND DISBURSEMENTS TO OFFICERS - List
all your organization's officers and report all salaries and
other direct and indirect disbursements to officers during the reporting period. However, direct and indirect disbursements not involving the payment of some form of cash (cash, checks, money orders, etc.) should not be reported in Schedule 9 but must be explained in Item 75. Any direct or indirect disbursement required to be included in Schedule 9 should not be reported in other disbursement items.

NOTE: A "direct disbursement" to an officer is a payment made by your organization to the officer in the form of cash, property, goods, services, or other things of value.

An "indirect disbursement" to an officer is a payment made by your organization to another party for cash, property, goods, services, or other things of value received by or on behalf of the officer. "On behalf of the officer" means received by a party other than the officer or your organization for the personal interest or benefit of the officer. Such payments include those made through a credit arrangement under which charges are made to the account of your organization and are paid by your organization.

Columns (A) and (B): Enter the name and title of every person who held office in your organization at any time during the reporting period. Include all your organization’s officers whether or not any salary or other disbursements were made to
them or on their behalf by your organization. "Officer" is defined in section 3(n) of the LMRDA as "any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body."

Column (C): Enter the appropriate letter to show the status of each officer: "N" for a new officer who took office during the reporting period; "P" for a past officer who was not in office at the end of this reporting period; or "C" for a continuing officer who was in office before this reporting period and was still in office at the end of the reporting period. If any officer was not elected in a regular election in accordance with your organization's constitution and bylaws or other governing documents on file with OLMS, explain the manner in which the officer was chosen in Item 75.

Column (D): Enter the gross salary of each officer (before tax withholdings and other payroll deductions). Include disbursements for "lost time" or time devoted to union activities.

Column (E): Enter the total allowances made by direct and indirect disbursements to each officer on a daily, weekly, monthly, or other periodic basis. Do not include allowances paid on the basis of mileage or meals which must be reported in Column (F) or (G), as applicable.
Column (F): Enter all direct and indirect disbursements to each officer which were necessary for conducting official business of your organization, except salaries or allowances which must be reported in Columns (D) and (E), respectively.

Examples of disbursements to be reported in Column (F) include: all expenses that were reimbursed directly to an officer, meal allowances and mileage allowances, expenses for officers' meals and entertainment, and various goods and services furnished to officers but charged to your organization. Such disbursements should be included in Column (F) only if they were necessary for conducting official business; otherwise, report them in Column (G). Also include in Column (F) travel advances which are not considered loans as explained in the instructions for Schedule 1.

Do not report the following disbursements in Schedule 9:

- reimbursements to an officer for the purchase of investments or fixed assets, such as reimbursing an officer for a calculator purchased for office use, which must be reported in Schedule 7 and explained in Item 75;

- indirect disbursements for temporary lodging (room rent charges only) or transportation by public carrier necessary for conducting official business while the officer is in travel status away from his home and principal place of employment with your organization if
payment is made by your organization directly to the provider or through a credit arrangement and these disbursements are reported in Schedule 13 (Office and Administrative Expense);

- disbursements made by your organization to someone other than an officer as a result of transactions arranged by an officer in which property, goods, services, or other things of value were received by or on behalf of your organization rather than the officer, such as rental of offices and meeting rooms, purchase of office supplies, refreshments and other expenses of membership banquets or meetings, and food and refreshments for the entertainment of groups other than the officers and membership on official business;

- office supplies, equipment, and facilities furnished to officers by your organization for use in conducting official business; and

- maintenance and operating costs of your organization's assets, including buildings, office furniture, and office equipment; however, see "Special Rules for Automobiles" below.

Column (G): Enter all other direct and indirect disbursements to each officer not included elsewhere in this report. Include all disbursements for which cash, property, goods, services, or other
things of value were received by or on behalf of each officer and were essentially for the personal benefit of the officer and not necessary for conducting official business of your organization. However, disbursements for occasional non-cash gifts of insubstantial value need not be included in Column (G) if reported in Schedule 12.

Include in Column (G) all disbursements for transportation by public carrier between the officer's home and place of employment or for other transportation not involving the conduct of official business. Also include the operating and maintenance costs of all your organization's assets (automobiles, etc.) furnished to officers essentially for the officers' personal use rather than for use in conducting official business.

Do not include in Column (G) loans to officers which must be reported in Schedule 1 or disbursements for benefits to officers which must be reported in Schedule 11.

Enter on Line 10, Columns (D) through (G) the totals from any additional pages.

Column (H): Add Columns (D) through (G) for each of Lines 1 through 10 and enter the totals in Column (H).

Add Lines 1 through 10, Columns (D) through (H), and enter the totals on Line 11.
Enter on Line 12 the total amount of withheld taxes, payroll deductions, and all other deductions. Subtract Line 12 from Line 11, Column (H), and enter the difference on Line 13 and in Item 56 of Statement B.

Disbursements for the transmittal of withheld taxes must be reported in Item 67 (Withholding Taxes) of Statement B. Disbursements for the transmittal of all other payroll and other deductions must be reported in Schedule 15. Any portion of withheld taxes or any other payroll or other deductions which have not been transmitted at the end of the reporting period are liabilities of your organization and must be reported in Schedule 4. Payroll or other deductions which are retained by your organization (such as repayments of loans to officers) must be fully explained in Item 75.

SPECIAL RULES FOR AUTOMOBILES

Include in Column (G) of Schedule 9 that portion of the operating and maintenance costs of any automobile owned or leased by your organization to the extent that the use was for the personal benefit of the officer to whom it was assigned. This portion may be computed on the basis of the mileage driven on official business compared with the mileage for personal use. The portion not included in Column (G) must be reported in Column (F).

Alternatively, rather than allocating these operating and maintenance costs between Columns (F) and (G), if 50% or more of
the officer's use of the vehicle was for official business, your organization may enter in Column (F) all disbursements relative to that vehicle with an explanation in Item 75 indicating that the vehicle was also used part of the time for personal business. Likewise, if less than 50% of the officer's use of the vehicle was for official business, your organization may report all disbursements relative to the vehicle in Column (G) with an explanation in Item 75 indicating that the vehicle was also used part of the time on official business.

The amount of decrease in the market value of an automobile used over 50% for the personal benefit of an officer must also be reported in Item 75.

SCHEDULE 10 - DISBURSEMENTS TO EMPLOYEES - Report all direct and indirect disbursements to employees of your organization during the reporting period. Include disbursements to individuals other than officers who receive lost time payments even if your organization does not otherwise consider them to be employees or does not make any other direct or indirect disbursements to them. The definitions of "direct disbursements" and "indirect disbursements" are the same as the definitions in reference to officers in Schedule 9.

Enter in Columns (A) and (B) the name and position of each employee who during the reporting period received more than $10,000 in gross salaries, allowances, and other direct and indirect disbursements from your organization (including any
subsidiary organization) or from your organization and any affiliates. ("Affiliates" means labor organizations chartered by the same parent body, governed by the same constitution and bylaws, or having the relation of parent and subordinate.) Your organization's report, however, should not include disbursements made by affiliates, but should include only the disbursements made by your organization.

Enter in Column (C) the name of any affiliate which paid any salaries, allowances, or expenses on behalf of a listed employee. If a subsidiary of your organization paid any salaries, allowances, or expenses on behalf of a listed employee, see Section X of these instructions for information about reporting these disbursements.

To complete Columns (D) through (G), follow the instructions for Columns (D) through (G) of Schedule 9.

Enter on Line 9, Columns (D) through (G) the totals from any additional pages. Enter on Line 10, Columns (D) through (G) the totals of all gross salaries, allowances, and other disbursements for all employees of your organization not required to be listed above. Add Columns (D) through (G) for each of Lines 1 through 10 and enter the totals in Column (H).

Add Lines 1 through 10, Columns (D) through (H), and enter the totals on Line 11.
Enter on Line 12 the total amount of withheld taxes, payroll deductions, and all other deductions. Subtract Line 12 from Line 11, Column (H) and enter the difference on Line 13 and in Item 57 of Statement B.

Disbursements for the transmittal of withheld taxes must be reported in Item 67 (Withholding Taxes) of Statement B. Disbursements for the transmittal of all other payroll and other deductions must be reported in Schedule 15. Any portion of withheld taxes or any other payroll or other deductions which have not been transmitted at the end of the reporting period are liabilities of your organization and must be reported in Schedule 4. Payroll or other deductions which are retained by your organization (such as repayments of loans to employees) must be fully explained in Item 75.

SCHEDULE 11 - BENEFITS - Report all direct and indirect benefit disbursements made by your organization during the reporting period. Direct benefit disbursements are those made to officers, employees, members, and their beneficiaries from your organization's funds. Indirect benefit disbursements are those made from your organization's funds to a separate and independent entity, such as a trust or insurance company, which in turn and under certain conditions will pay benefits to the covered individuals. An example of an indirect benefit disbursement is the premium on group life insurance.

Enter in Column (A) the type of benefit, such as pension,
welfare, etc. Enter in Column (B) to whom payment was made; for example, union members, insurance company, etc. Enter in Column (C) the amount disbursed for each type of benefit. Enter on Line 10 the total from any additional pages. Add Lines 1 through 10 and enter the total on Line 11 and in Item 63 of Statement B.

**SCHEDULE 12 - CONTRIBUTIONS, GIFTS, AND GRANTS** - Report all disbursements for contributions, gifts, and grants made by your organization during the reporting period. These disbursements must be described in Column (A) and may be classified by general groupings if the description is sufficient to identify the type of recipient; for example, contributions to charities or to labor organizations or grants to educational institutions. Do not include any gifts or gratuities to officers or employees of your organization which must be reported in Schedule 9 or 10, Column (G). However, disbursements for occasional non-cash gifts of insubstantial value to officers and employees may be reported in Schedule 12 rather than Schedule 9 or 10.

Enter in Column (B) the amount disbursed for each entry listed in Column (A). Enter on Line 10 the total from any additional pages. Add Lines 1 through 10 and enter the total on Line 11 and in Item 64 of Statement B.

**SCHEDULE 13 - OFFICE AND ADMINISTRATIVE EXPENSE** - Report all disbursements made by your organization during the reporting period for the ordinary office and administrative expenses of operating your organization's office. These disbursements must
be described in Column (A) and may be classified by general

groupings or bookkeeping categories if the description is

sufficient to identify their purpose; for example, rent,

utilities, office supplies, postage, subscriptions, fidelity bond

premiums, etc.

Disbursements for hotel rooms or for transportation by public

carrier of officers and employees on official business which are

made directly to the provider or through a credit arrangement

must be reported in a separate category in Schedule 13 if these
disbursements are not reported in Schedules 9 and 10. Do not

include salaries, allowances, or other direct and indirect
disbursements to officers and employees which must be reported in
Schedules 9 and 10 and in Items 56 and 57.

Enter in Column (B) the amount disbursed for each general

grouping and category listed in Column (A). Enter on Line 10 the

total from any additional pages. Add Lines 1 through 10 and
enter the total on Line 11 and in Item 60 of Statement B.

SCHEDULE 14 - OTHER RECEIPTS - Report all your organization’s
receipts for the reporting period other than those that must be reported elsewhere in Statement B, such as reimbursements from officers and employees for excess expense payments or travel advances not reported as loans in Schedule 1; receipts from fund-raising activities such as raffles, bingo games, and dances; funds received from a parent body, other unions, or the public for strike fund assistance; and receipts from another labor
organization which merged into your organization. These receipts must be described in Column (A) and may be classified by general groupings or bookkeeping categories if the descriptions are sufficient to identify their source. Do not describe any of these receipts as "Miscellaneous" since that classification is not sufficiently descriptive.

Enter in Column (B) the amount received for each general grouping and category listed in Column (A). Enter on Line 10 the total from any additional pages. Add Lines 1 through 10 and enter the total on Line 11 and in Item 54 of Statement B.

SCHEDULE 15 - OTHER DISBURSEMENTS - Report all your organization's disbursements for the reporting period other than those that must be reported elsewhere in Statement B, such as savings withheld from an officer's salary for payment into the officer's personal account in a financial institution, dues withheld from an employee's salary, or disbursements to third parties for the account of affiliates. These disbursements must be described in Column (A) and may be classified by general groupings or bookkeeping categories if the descriptions are sufficient to identify their purpose. Do not describe any of these disbursements as "Miscellaneous" since that classification is not sufficiently descriptive.

Enter in Column (B) the amount disbursed for each general grouping and category listed in Column (A). Enter on Line 10 the total from any additional pages. Add Lines 1 through 10 and
enter the total on Line 11 and in Item 73 of Statement B.

STATEMENT A - ASSETS AND LIABILITIES

ASSETS

25. CASH - Enter the total of all your organization's cash on hand and on deposit at the start and end of the reporting period in Columns (A) and (B), respectively. Include all cash on hand, such as undeposited cash, checks, and money orders; petty cash; and cash in safe deposit boxes. Cash on deposit includes funds in banks, credit unions, and other financial institutions, such as checking accounts, savings accounts, certificates of deposit, and money market accounts. Also, include any interest credited to your organization's account during the reporting period.

NOTE: The checking account balances reported should be obtained from your organization's books as reconciled with the balances shown on bank statements.

26. ACCOUNTS RECEIVABLE - Enter the total of all accounts receivable due your organization at the start and end of the reporting period in Columns (A) and (B), respectively.

27. LOANS RECEIVABLE - Enter in Column (A) the total reported on Line 5, Column (B) of Schedule 1. Enter in Column (B) the total reported on Line 5, Column (E) of Schedule 1.
28. U.S. TREASURY SECURITIES - Enter the total value of all U.S. Treasury securities as shown on your organization's books at the start and end of the reporting period in Columns (A) and (B), respectively. If the value reported is different than the original cost, the original cost must be reported in Item 75. Other U.S. Government obligations, state and municipal bonds, and foreign government securities must be reported in Schedule 2 under "Marketable Securities" and in Item 29 (Investments).

29. INVESTMENTS - Enter in Column (A) the total book value at the start of the reporting period of all investments other than U.S. Treasury securities which are reported in Item 28. Enter in Column (B) the total reported on Line 7 of Schedule 2.

30. FIXED ASSETS - Enter in Column (A) the total value as shown on your organization's books at the start of the reporting period of all fixed assets, such as land, buildings, automobiles, and office furniture and equipment. Enter in Column (B) the total reported on Line 8, Column (D) of Schedule 5.

31. OTHER ASSETS - Enter in Column (A) the total value as shown on your organization's books at the start of the reporting period of all assets not reported in Items 25 through 30. Enter in Column (B) the total reported on Line 6 of Schedule 3.

32. TOTAL ASSETS - Add Items 25 through 31, Columns (A) and (B), and enter the respective totals in Item 32.
33. ACCOUNTS PAYABLE - Enter the total amount of your organization's accounts payable at the start and end of the reporting period in Columns (C) and (D), respectively. Ordinarily, accounts payable are those obligations incurred on an open account for goods and services rendered.

34. LOANS PAYABLE - Enter in Column (C) the total reported on Line 5, Column (B) of Schedule 8. Enter in Column (D) the total reported on Line 5, Column (E) of Schedule 8.

35. MORTGAGES PAYABLE - Enter the total amount of your organization's obligations which were secured by mortgages or similar liens on real property (land or buildings) at the start and end of the reporting period in Columns (C) and (D), respectively.

36. OTHER LIABILITIES - Enter in Column (C) the total amount as shown on your organization's books at the start of the reporting period of all liabilities not reported in Items 33 through 35. Enter in Column (D) the total reported on Line 9 of Schedule 4.

37. TOTAL LIABILITIES - Add Items 33 through 36, Columns (C) and (D), and enter the respective totals in Item 37.

38. NET ASSETS - Subtract Item 37, Column (C) from Item 32, Column (A) and enter the difference in Item 38, Column (C).
Subtract Item 37, Column (D) from Item 32, Column (B) and enter the difference in Item 38, Column (D).

**STATEMENT B - RECEIPTS AND DISBURSEMENTS**

The purpose of Statement B is to report the flow of cash in and out of your organization during the reporting period. Transfers between separate bank accounts or between special funds of your organization, such as vacation or strike funds, do not represent the flow of cash in and out of your organization. Therefore, these transfers should not be reported as receipts and disbursements of your organization. For example, do not report a transfer of cash from your organization's savings account to its checking account. Likewise, the use of funds reported in Item 25 (Cash) to purchase certificates of deposit and the redemption of certificates of deposit should not be reported in Statement B.

Since Statement B reports all cash flowing in and out of your organization, "netting" is not permitted. "Netting" is the offsetting of receipts against disbursements and reporting only the balance (net) as either a receipt or disbursement. For example, if an officer received $1,000 from your organization for convention expenses, used only $800 and returned the remaining $200, the $1,000 disbursement must be reported in Schedule 9 and the $200 receipt must be reported in Schedule 14. It would be incorrect to report only an $800 net disbursement to the officer.
Receipts and disbursements by an agent on behalf of your organization are considered receipts and disbursements of your organization and must be reported in the same detail as other receipts and disbursements. For example, if your organization owns a building managed by a rental agent, the agent's rental receipts and disbursements for expenses must be reported on your organization's Form LM-2.

**CASH RECEIPTS**

39. DUES - Enter the total dues received by your organization. Include dues received directly by your organization from members, dues received from employers through a checkoff arrangement, and dues transmitted to your organization by a parent body or other affiliate. Report the full dues received, including any portion that will later be transmitted to an intermediate or parent body as per capita tax. Also report in Item 39 payments in lieu of dues received from any nonmember employees as a condition of employment under a union security provision in a collective bargaining agreement.

If an intermediate or parent body receives dues checkoff directly from an employer on behalf of your organization, do not report in Item 39 the portion retained by that organization for per capita tax or other purposes, such as a special assessment. Any amounts retained by the intermediate body or parent body other than per capita tax must be explained in Item 75. Also, do not report in
Item 39 dues which your organization collected on behalf of other organizations for transmittal to them. For example, if your organization received dues from a member of an affiliate who worked in your organization's jurisdiction, the dues collected on the affiliate's behalf must be reported in Item 52.

40. PER CAPITA TAX - Enter the total per capita tax received by your organization if your organization is an intermediate or parent body; otherwise, enter "00" in Item 40. Include the per capita tax portion of dues received directly by your organization from members of affiliates, per capita tax received from subordinates, either directly or through intermediaries, and the per capita tax portion of dues received through a checkoff arrangement whereby local dues are remitted directly to an intermediate or parent body by employers. Do not include dues collected on behalf of subordinate organizations for transmittal to them. For example, if a parent body received dues checkoff directly from an employer and returned the local's portion of the dues, the parent body must report the dues received on behalf of the local in Item 52.

41-44. FEES, FINES, ASSESSMENTS, WORK PERMITS - Enter your organization's receipts from fees, fines, assessments, and work permits in Items 41 through 44, respectively. Receipts by your organization on behalf of affiliates for transmittal to them must be reported in Item 52.

45. SALE OF SUPPLIES - Enter the total amount received by your
organization from the sale of supplies.

46. INTEREST - Enter the total amount of interest received by your organization from savings accounts, bonds, mortgages, loans, and all other sources.

47. DIVIDENDS - Enter the total amount of dividends from stocks and other investments received by your organization. Do not include "dividends" from credit unions, savings and loan associations, etc., which must be reported as interest in Item 46.

48. RENTS - Enter the total amount of rents received by your organization.

49. SALE OF INVESTMENTS AND FIXED ASSETS - Enter the total reported on Line 8 of Schedule 6.

50. LOANS OBTAINED - Enter the total reported on Line 5, Column (C) of Schedule 8.

51. REPAYMENTS OF LOANS MADE - Enter the total reported on Line 5, Column (D)(1) of Schedule 1.

52. ON BEHALF OF AFFILIATES FOR TRANSMITTAL TO THEM - Enter the total amount of dues, fees, fines, assessments, and work permit fees received by your organization, through a checkoff arrangement or otherwise, on behalf of affiliates for transmittal.
to them. Do not include the amount withheld by your organization for per capita taxes or other purposes, such as loan repayments which must be reported elsewhere in Statement B. When the receipts reported in Item 52 are transmitted, the disbursement must be reported in related Item 71.

53. FROM MEMBERS FOR DISBURSEMENT ON THEIR BEHALF - Enter the total receipts from members which are specifically designated by them for disbursement on their behalf; for example, contributions from members for transmittal by your organization to charities. When receipts reported in Item 53 are transmitted, the disbursement must be reported in related Item 72.

54. OTHER RECEIPTS - Enter the total reported on Line 11 of Schedule 14.

55. TOTAL RECEIPTS - Add Items 39 through 54 and enter the total in Item 55.

CASH DISBURSEMENTS

56. TO OFFICERS - Enter the total reported on Line 13 of Schedule 9.

57. TO EMPLOYEES - Enter the total reported on Line 13 of Schedule 10.
58. **PER CAPITA TAX** - Enter your organization's total amount of per capita tax paid as a condition or requirement of affiliation with your parent national or international union, state and local central bodies, a conference, joint or system board, joint council, federation, or other labor organization.

59. **FEES, FINES, ASSESSMENTS, ETC.** - Enter the total amount of fees, fines, assessments, and similar disbursements made by your organization to a parent body or other labor organization.

60. **OFFICE AND ADMINISTRATIVE EXPENSE** - Enter the total reported on Line 11 of Schedule 13.

61. **EDUCATIONAL AND PUBLICITY EXPENSE** - Enter your organization's total disbursements for educational, publicity, and publication expenses. Do not include direct and indirect disbursements to officers and employees which must be reported in Schedules 9 and 10 and in Items 56 and 57.

62. **PROFESSIONAL FEES** - Enter your organization's total disbursements for "outside" legal and other professional services (auditing, economic research, computer consulting, arbitration, etc.). Include any disbursements made for the expenses of individuals or firms providing professional services to your organization. Do not include direct and indirect disbursements to officers and employees which must be reported in Schedules 9 and 10 and in Items 56 and 57.
63. BENEFITS - Enter the total reported on Line 11 of Schedule 11.

64. CONTRIBUTIONS, GIFTS, AND GRANTS - Enter the total reported on Line 11 of Schedule 12.

65. SUPPLIES FOR RESALE - Enter your organization's total disbursements for purchases of supplies for resale.

66. DIRECT TAXES - Enter all taxes assessed against and paid by your organization, including your organization's FICA taxes as an employer. Do not include disbursements for the transmittal of taxes withheld from the salaries of officers and employees which must be reported in Item 67. Also, do not include indirect taxes, such as sales and excise taxes.

67. WITHHOLDING TAXES - Enter your organization's total disbursements to Federal, state, county, and municipal government agencies for the transmittal of taxes withheld from the salaries of officers and employees.

68. PURCHASE OF INVESTMENTS AND FIXED ASSETS - Enter the total reported on Line 8 of Schedule 7.

69. LOANS MADE - Enter the total reported on Line 5, Column (C) of Schedule 1.

70. REPAYMENT OF LOANS OBTAINED - Enter the total reported on
71. TO AFFILIATES OF FUNDS COLLECTED ON THEIR BEHALF - Enter the total disbursements of funds collected on behalf of affiliates by your organization. This amount usually is the same as the amount reported in related Item 52. Any such funds not disbursed by the end of the reporting period are liabilities of your organization and must be reported in Schedule 4.

72. ON BEHALF OF INDIVIDUAL MEMBERS - Enter the total disbursements of funds collected from members by your organization which were specifically designated by them for disbursement on their behalf. This amount usually is the same as the amount reported in related Item 53. Any such funds not disbursed by the end of the reporting period are liabilities of your organization and must be reported in Schedule 4.

73. OTHER DISBURSEMENTS - Enter the total reported on Line 11 of Schedule 15.

74. TOTAL DISBURSEMENTS - Add Items 56 through 73 and enter the total in Item 74.

NOTE: The following worktable may be used to determine that the figures for receipts, disbursements, and cash are correctly reported on your organization's Form LM-2:

117
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Cash at Start of Reporting Period</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Item 25, Column (A)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B. Add: Total Receipts - Item 55</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C. Total of Lines A and B</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>D. Subtract: Total Disbursements - Item 74</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>E. Cash at End of Period</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If Line E does not equal the amount reported in Item 25, Column (B), there is an error in your organization’s report which should be corrected.

**ADDITIONAL INFORMATION AND SIGNATURES**

75. **ADDITIONAL INFORMATION** - Use Item 75 to provide additional information, as indicated on Form LM-2 and in these instructions. Enter the number of the item to which the information relates in the Item Number column. If there is not enough space in Item 75, report the additional information on a separate letter-size page(s). Be sure to include the following at the top of each page: the name of your organization, its 6-digit file number as reported in Item 1 of Form LM-2, and the ending date of the reporting period as reported on the second line of Item 2.

76-77. **SIGNATURES** - The original and one copy of completed Form LM-2 which are filed with OLMS must be signed by both the
president and treasurer or corresponding principal officers of your organization. Original signatures are required; stamped or mechanical signatures are not acceptable. If the duties of the principal executive or principal financial officer are performed by officers other than the president and treasurer, the report may be signed by the other officers. If the report is signed by an officer other than the president or treasurer, cross out the printed title, enter the correct title in Item 76 or 77, and explain in Item 75 why the president or treasurer did not sign the report. Enter the date the report was signed and the telephone number at which the signatories conduct official business; you do not have to report a private, unlisted telephone number.

XII. LABOR ORGANIZATIONS WHICH HAVE CEASED TO EXIST - If your organization has gone out of existence as a reporting labor organization, the last president and treasurer or the officials responsible for winding up the affairs of your organization must file a terminal financial report for the period from the beginning of the fiscal year to the date of termination. A terminal financial report must be filed if your organization has gone out of business by disbanding, merging into another organization, or being merged and consolidated with one or more labor organizations to form a new labor organization. A terminal financial report is not required if your organization changed its affiliation but continues to function as a separate reporting labor organization.
The terminal financial report must be filed on Form LM-2 if your organization filed its previous annual report on Form LM-2 and must be submitted to the U.S. Department of Labor, Office of Labor-Management Standards, 200 Constitution Avenue, NW, Washington, DC 20210, within 30 days after the date of termination.

To complete a terminal report on Form LM-2 follow the instructions in Section XI and, in addition:

- Enter the date your organization ceased to exist in Item 2 after the word "Through."

- Check the box in Item 3 indicating that your organization ceased to exist during the reporting period and that this is your organization's terminal Form LM-2.

- Print the words "TERMINAL REPORT" as the first entry in Item 75 and provide a detailed statement of the reason why your organization ceased to exist. Also report in Item 75 plans for the disposition of your organization's cash and other assets, if any (for example, transfer of cash and assets to the parent body). Also provide the name and address of the person or organization that will retain the records of the terminated organization. If your organization merged with another labor organization, report that
organization’s name, address, and 6-digit file number.

Contact the nearest OLMS field office listed below if you have questions about filing a terminal report.

* * *

Assistance may be obtained from the field offices of the U.S. Department of Labor’s Office of Labor-Management Standards located in the following cities:

| *Albany, NY       | Miami, FL       |
|                  | Atlanta, GA     |
|                  | Boston, MA      |
|                  | Buffalo, NY     |
|                  | Chicago, IL     |
|                  | Cincinnati, OH  |
|                  | Cleveland, OH   |
|                  | Dallas, TX      |
|                  | Denver, CO      |
|                  | Detroit, MI     |
| *Grand Rapids, MI| *San Diego, CA  |
| Hato Rey, PR     | San Francisco, CA |
| Honolulu, HI     | Seattle, WA     |
| Houston, TX      | Tampa, FL       |
| Iselin, NJ       | *Vestavia Hills, AL |
| Kansas City, MO  | Washington, DC  |
| Los Angeles, CA  |
Consult local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, for the address and telephone number of the nearest field office.

*These OLMS field offices do not maintain copies of LMRDA required reports for public disclosure.
LABOR ORGANIZATION ANNUAL REPORT
FORM LM-3

FOR USE BY LABOR ORGANIZATIONS WITH LESS THAN $200,000 IN TOTAL ANNUAL RECEIPTS

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 429 or 440.

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT. SUBMIT THIS REPORT IN DUPLICATE.

FILE NUMBER

PERIOD COVERED

If a label is here, pay off the top copy and place it in the same box on the second copy of the form.
If label information is correct, leave items 4 through 8 blank.
If label information is incorrect, complete items 4 through 8.

4. AFFILIATION OR ORGANIZATION NAME

5. DESIGNATION (Local, Lodge, etc.)

6. DESIGNATION NUMBER

7. UNIT NAME (if any)

8. Mailing Address:

9. Are your organization's records kept at its mailing address? Yes No

10. Have a "subsidiary organization" as defined in Section X of the instructions? Yes No

11. Create or participate in a trust or other fund or organization, as defined in the instructions, which provides benefits for members or their beneficiaries? Yes No

12. Have a political action committee (PAC) fund? Yes No

13. Acquire or dispose of any goods or property in any manner other than by purchase or sale? Yes No

14. Have an audit of its books and records by an outside accountant or by a parent body auditor/representative? Yes No

DURING THE REPORTING PERIOD DID YOUR ORGANIZATION:

15. Discover any loss or shortage of funds or other property? Yes No

16. Have any officer who also served as a paid officer or employee of another labor organization or of an employee benefit plan? Yes No

17. Pay any employee salary, allowances, and other expenses which, together with any payments from affiliates, totaled more than $10,000? Yes No

18. Have loans totaling more than $250 to any officer, employee, or member, or make any loans to a business enterprise? Yes No

19. How many members did your organization have at the end of the reporting period?

20. What is the maximum amount recoverable under your organization's fidelity bond for a loss caused by any officer or employee of your organization?

21. During the reporting period, did your organization have any changes in its constitution and bylaws (other than rates of dues and fees) or in practices/procedures listed in the instructions? Yes No

(If the constitution and bylaws have changed, attach two new dated copies. If practices/procedures have changed, see the instructions.)

22. What is the date of your organization's next regular election of officers? Month Year

23. What are your organization's rates of dues and fees? (Enter a minimum and maximum if more than one rate applies for any line.)

<table>
<thead>
<tr>
<th>Rates of Dues and Fees</th>
<th>per (month, year, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Regular Dues/Fees</td>
<td>$</td>
</tr>
<tr>
<td>(b) Initiation Fees</td>
<td>$</td>
</tr>
<tr>
<td>(c) Transfer Fees</td>
<td>$</td>
</tr>
<tr>
<td>(d) Work Permits</td>
<td>$</td>
</tr>
</tbody>
</table>

Each of the undersigned, duly authorized officers of the above labor organization, declares, under the applicable penalties of law, that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete. (See Section VI on penalties in the instructions.)

57. SIGNED: [President]

Date __________________________ Telephone Number _________________________

58. SIGNED: [Treasurer]

Date __________________________ Telephone Number _________________________

Form LM-3 (Revised 1993)
### Statement A — Assets and Liabilities

<table>
<thead>
<tr>
<th>Item</th>
<th>ASSETS</th>
<th>LIABILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Start of Reporting Period (A)</td>
<td>End of Reporting Period (B)</td>
</tr>
<tr>
<td>25.</td>
<td>Cash</td>
<td>$</td>
</tr>
<tr>
<td>26.</td>
<td>Loans Receivable</td>
<td></td>
</tr>
<tr>
<td>27.</td>
<td>U.S. Treasury Securities</td>
<td></td>
</tr>
<tr>
<td>28.</td>
<td>Investments</td>
<td></td>
</tr>
<tr>
<td>29.</td>
<td>Fixed Assets</td>
<td></td>
</tr>
<tr>
<td>30.</td>
<td>Other Assets</td>
<td></td>
</tr>
<tr>
<td>31.</td>
<td>TOTAL ASSETS</td>
<td>$</td>
</tr>
</tbody>
</table>

### Statement B — Receipts and Disbursements

<table>
<thead>
<tr>
<th>Item</th>
<th>CASH RECEIPTS</th>
<th>AMOUNT</th>
<th>CASH DISBURSEMENTS</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>38.</td>
<td>Dues</td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>39.</td>
<td>Per Capita Tax</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40.</td>
<td>Fees, Fines, Assessments &amp; Work Permits</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>41.</td>
<td>Interest &amp; Dividends</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42.</td>
<td>Sale of Investments &amp; Fixed Assets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43.</td>
<td>Other Receipts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>44.</td>
<td>TOTAL RECEIPTS</td>
<td>$</td>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

If total receipts reported in Item 44 are $200,000 or more, your organization must file Form LM-2 instead of this form.

### Additional Information

Form LM-3 (Revised 1993)
INSTRUCTIONS FOR LABOR ORGANIZATION
ANNUAL REPORT, FORM LM-3

GENERAL INSTRUCTIONS

I. WHO MUST FILE - Every labor organization subject to the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), the Civil Service Reform Act (CSRA), or the Foreign Service Act (FSA) must file a financial report, Form LM-2, LM-3, or LM-4, each year with the Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor. These laws cover labor organizations that represent employees who work in private industry, employees of the U.S. Postal Service, and most Federal government employees. Labor organizations that represent only state, county, or municipal government employees are not covered by these laws and, therefore, are not required to file. If you have a question about whether your organization is required to file, contact the nearest OLMS field office listed on the last page of these instructions.

II. WHAT FORM TO FILE - Labor organizations with total annual receipts of less than $200,000 may file the simplified annual report Form LM-3, if not in trusteeship as defined in Section IX of these instructions. The term "total annual receipts" means all financial receipts of the labor organization during its fiscal year, regardless of the source, including receipts of any special funds as described in Section VIII of these instructions.
and any "subsidiaries" as defined in Section X.

Labor organizations with total annual receipts of $200,000 or more and those in trusteeship must file the more detailed Form LM-2. Labor organizations with less than $10,000 in total annual receipts may file the abbreviated Form LM-4, if not in trusteeship.

III. WHEN TO FILE - Form LM-3 must be filed within 90 days after the end of your organization's fiscal year (12-month reporting period). The law does not authorize the U.S. Department of Labor to grant an extension of time for filing reports for any reason.

If your organization went out of existence during its fiscal year, a terminal financial report must be filed within 30 days after the date it ceased to exist. See Section XII of these instructions for information on filing a terminal financial report.

IV. WHERE TO FILE - The original and one duplicate copy of Form LM-3 and any required attachments must be filed with the U.S. Department of Labor at the following address:

U.S. Department of Labor
Office of Labor-Management Standards
200 Constitution Avenue, NW
Washington, DC 20210
If available, use the pre-addressed envelope enclosed with this report package to file Form LM-3.

NOTE: Certain labor organizations are required to file Form 990, Return of Organization Exempt from Income Tax, with the Internal Revenue Service (IRS). The IRS will accept a copy of your organization's Form LM-3 to provide some of the information required by Form 990. See the instructions for the current Form 990 for details. Filing Form LM-3 with the IRS does not satisfy your organization's reporting requirement with the U.S. Department of Labor.

V. PUBLIC DISCLOSURE - The LMRDA requires that the U.S. Department of Labor make labor organization financial reports available for inspection by the public. Reports may be examined and copies purchased at the OLMS Public Disclosure Room at the above address or at the OLMS field office in whose jurisdiction the reporting organization is located. See the last page of these instructions for a list of OLMS field offices.

VI. RESPONSIBILITIES OF OFFICERS AND PENALTIES - The president and treasurer or the corresponding principal officers of the labor organization required to sign Form LM-3 are personally responsible for its filing and accuracy. Under the LMRDA, officers are subject to criminal penalties for willful failure to file a required report and for false reporting. False reporting includes making any false statement or misrepresentation of a
material fact while knowing it to be false, or for knowingly failing to disclose a material fact in a required report or in the information required to be contained in it or in any information required to be submitted with it. Under the CSRA and FSA and implementing regulations, false reporting and failure to report may result in administrative enforcement action and litigation. The officers responsible for signing Form LM-3 are also subject to criminal penalties for false reporting under section 1001 of Title 18 of the United States Code.

VII. RECORDKEEPING - The officers required to file Form LM-3 are responsible for maintaining records which will provide in sufficient detail the information and data necessary to verify the accuracy and completeness of the report. The records must be kept for at least 5 years after the date the report is filed. Any record necessary to verify, explain, or clarify the report must be retained, including, but not limited to, vouchers, worksheets, receipts, and applicable resolutions.

VIII. FUNDS TO BE REPORTED - Your labor organization’s Form LM-3 must report financial information for all funds of your organization. Include any special purpose funds or accounts, such as strike funds, vacation funds, and scholarship funds even if they are not part of your organization’s general treasury.

All labor organization political action committee (PAC) funds are considered to be labor organization funds. However, to avoid duplicate reporting, PAC funds which must be funded by voluntary
contributions and which must be kept separate from your labor organization’s treasury by Federal or state law are not required to be included in your organization’s Form LM-3 if publicly available reports on the PAC funds are filed with a Federal or state agency.

Your organization is required to report financial information about any "subsidiary organization(s)." Financial information about your organization and its subsidiary organizations may be combined on a single Form LM-3 or a separate report may be filed for any subsidiary organization. See Section X of these instructions for information on reporting financial information for subsidiary organizations.

In combining the information concerning special funds and/or any subsidiary organizations, be sure to include the requested information and amounts for the "special funds" and subsidiary organizations as well as for your organization in all items.

SPECIAL INSTRUCTIONS FOR CERTAIN ORGANIZATIONS

IX. LABOR ORGANIZATIONS UNDER TRUSTEESHIP - Any labor organization which has placed a subordinate labor organization in trusteeship is responsible for filing the subordinate's annual financial report. A trusteeship is defined in section 3(h) of the LMRDA as "any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the
autonomy otherwise available to a subordinate body under its
constitution or bylaws."

Annual financial reports for any labor organization in
trusteeship must be filed on Form LM-2 rather than Form LM-3.
The report must be signed by the president and treasurer or
Corresponding principal officers of the labor organization which
assumed the trusteeship and by the trustees of the subordinate
labor organization. An Information and Signature Sheet, Form LM-
6 must be filed with the annual financial reports of trustees
organizations and can be obtained from the nearest OLMS field
office listed on the last page of these instructions.

X. LABOR ORGANIZATIONS WHICH HAVE SUBSIDIARY ORGANIZATIONS - A
subsidiary organization, within the meaning of these
instructions, is any separate organization of which the ownership
is wholly vested in the reporting labor organization or its
officers or its membership, which is governed or controlled by
the officers, employees, or members of the reporting labor
organization, and which is wholly financed by the reporting labor
organization. A subsidiary is considered to be wholly financed
if the initial financing was provided by the reporting labor
organization even if the subsidiary organization is currently
wholly or partially self-sustaining. An example of a subsidiary
organization is a building corporation which holds title to a
building; the labor organization owns the building corporation,
selects the officers, and finances the operation of the building
corporation.
IF YOUR ORGANIZATION HAS NO SUBSIDIARY ORGANIZATION AS DEFINED ABOVE, SKIP TO SECTION XI OF THESE INSTRUCTIONS.

A labor organization is required to report financial information for each of its subsidiary organizations using one of the following methods:

Method (1) - Consolidate the financial information for the subsidiary organization(s) and the labor organization on a single Form LM-3.

Method (2) - Complete a separate Form LM-3 for the subsidiary organization and file it with the labor organization's Form LM-3. The LM-3 report for the subsidiary organization must be clearly marked "SUBSIDIARY REPORT" at the top of the first page.

Method (3) - File, with the labor organization's Form LM-3, the regular annual reports of the financial condition and operations of the subsidiary organization, accompanied by a statement signed by an independent public accountant certifying that the financial report presents fairly the financial condition and operations of the subsidiary organization and was prepared in accordance with generally accepted accounting principles.
Financial information reported separately for subsidiary organizations, as required under methods (2) and (3) above, must be submitted in duplicate and must include the name of the subsidiary organization and the name and file number of the labor organization as shown on its Form LM-3. The financial report of the subsidiary organization must cover the same reporting period as that used by the reporting labor organization.

When method (2) or (3) is used and the subsidiary organization is an investment, the financial interest of the reporting labor organization in the subsidiary organization must be reported in Item 28 (Investments) of the labor organization's Form LM-3.

When method (2) or (3) is used and the subsidiary organization is of a non-investment nature, the financial interest of the reporting labor organization in the subsidiary organization must be reported in Item 30 (Other Assets) of the labor organization's Form LM-3.

The same type of information required on Form LM-3 regarding disbursements to officers and employees and loans made by labor organizations must also be reported with respect to the subsidiary organization. In method (1) the information relating to the subsidiary organization must be combined with that of the labor organization and reported on the labor organization's Form LM-3 in Item 24 and in Item 56 in the detail required by the instructions for Items 17 and 18. In method (2) this information must be reported on the separate Form LM-3 of the subsidiary organization in Items 24 and 56 in the detail required by the
instructions for Items 17 and 18. If method (3) is used, an
attachment must be submitted containing the information required
by the instructions for Items 17, 18, and 24.

The information regarding loans made by the subsidiary
organization must include a listing of the names of each officer,
employee, or member of the labor organization and each officer or
employee of the subsidiary organization whose total loan
indebtedness to the subsidiary organization, to the labor
organization, or to both at any time during the reporting period
exceeded $250. However, if method (2) or (3) is used, the amount
reported by the subsidiary organization should be only the amount
owed to the subsidiary organization.

The annual financial report must also include all disbursements
made by the subsidiary organization to or on behalf of its
officers and officers' of the labor organization. The report must
also list the name and position of the subsidiary organization's
employees whose total gross salaries, allowances, and other
disbursements from the subsidiary organization, the reporting
labor organization, and any affiliates were more than $10,000.
However, if method (2) or (3) is used, only the disbursements of
the subsidiary organization for its employees should be reported.

XI. COMPLETING FORM LM-3

NUMBER OF COPIES

131
Three blank copies of Form LM-3 are included in this report package. The original and one duplicate copy must be filed with OLMS. A third copy should be maintained in your organization's records.

**LEGIBILITY**

Entries on Form LM-3 should be typed or clearly printed in ink. Do not use a pencil.

**ADDRESS LABEL**

If this report package was mailed to you with an address label, peel off the top label and place it in the corresponding box on the second copy of the form, so that address labels are affixed to the two copies being mailed to OLMS. Use the pre-printed labels even if the information on them is incorrect.

**ADDITIONAL PAGES**

Some of the items on Form LM-3 require that further details be provided in Item 56 (Additional Information) on page 2. If there is not enough space in Item 56, enter the additional information on a separate letter-size page(s), giving the number of the item to which the information applies. Print clearly at the top of each attached page the name of your organization, its 6-digit file number as reported in Item 1 of Form LM-3, and the ending date of the reporting period as reported on the second line of
Item 2. All attachments must be labeled sequentially 1 of __, 2 of __, etc.

AFFILIATES

"Affiliates," within the meaning of these instructions, are labor organizations chartered by the same parent body, governed by the same constitution and bylaws, or having the relationship of parent and subordinate. For example, a parent body is an affiliate of all its subordinate bodies, and all subordinate bodies of the same parent body are affiliates of each other.

INFORMATION ITEMS 1 - 23

Answer Items 1 through 23 as instructed. Enter "None" or "Not Applicable" as appropriate. Check the appropriate box for those questions requiring a "Yes" or "No" answer; do not leave both boxes blank.

1. FILE NUMBER - Enter the 6-digit file number which OLMS assigned to your organization. If this Form LM-3 was mailed to you with an address label, your organization's file number is the 6-digit number on the first line of the label. If you do not have a label and you cannot obtain the number from prior reports filed by your organization, contact the nearest OLMS field office listed on the last page of these instructions to obtain your organization's file number. Your organization's 6-digit file
number must also be entered in the File Number box at the top of page 2 of Form LM-3.

2. PERIOD COVERED - Enter the beginning and ending dates of the period covered by this report. For example, if your organization's 12-month fiscal year begins on January 1 and ends on December 31, enter these dates as "1/1/9__" and "12/31/9__." Your organization's report should never cover more than a 12-month period. It would be incorrect to enter January 1 of one year through January 1 of the next year.

If your organization changed its fiscal year, enter in Item 2 the ending date for the period of less than 12 months, which is your organization's new fiscal year ending date, and report in Item 56 that your organization changed its fiscal year. For example, if your organization's fiscal year ending date changes from June 30 to December 31, a report must be filed for the partial year from July 1 to December 31. Thereafter, your organization's report should cover a full 12-month period from January 1 to December 31.

3. LABOR ORGANIZATION TERMINATION - Check the box in Item 3 if your labor organization has gone out of business by disbanding, merging into another labor organization, or being merged and consolidated with one or more labor organizations to form a new labor organization, and this is your organization's terminal report. Be sure the date your organization ceased to exist is entered in Item 2 after the word "THROUGH." See Section XII of
these instructions for more information on filing a terminal report.

IF THIS REPORT PACKAGE DOES NOT HAVE AN ADDRESS LABEL OR IF ANY OF THE INFORMATION ON THE LABEL IS INCORRECT, COMPLETE ITEMS 4 THROUGH 8 IN THEIR ENTIRETY. IF THE LABEL INFORMATION IS CORRECT, LEAVE ITEMS 4 THROUGH 8 BLANK.

4. AFFILIATION OR ORGANIZATION NAME - Enter the name of the national or international labor organization which granted your organization a charter. If your organization has no such affiliation, enter the name of your organization as currently identified in your organization's constitution and bylaws or other organizational documents.

5. DESIGNATION - Enter the designation that specifically identifies your organization, such as Local, Lodge, Branch, Joint Board, Joint Council, District Council, etc.

6. DESIGNATION NUMBER - Enter the number or other identifier, if any, by which your organization is known.

7. UNIT NAME - Enter any additional or alternate name by which your organization is known, such as "Chicago Area Local."

8. MAILING ADDRESS - Enter the current address where mail will most surely and quickly reach your organization. Be sure to
indicate the name and title of the person, if any, to whom such mail should be sent and include any building and room number.

9. PLACE WHERE RECORDS ARE KEPT - If the records required to be kept by your organization to verify this report are kept at the address reported in Item 8 (or the address on the address label), check "Yes." If not, check "No" and provide in Item 56 the address where your organization's records are kept.

10. SUBSIDIARY ORGANIZATIONS - If Item 10 is checked "Yes," provide in Item 56 the name, address, and purpose of each subsidiary organization. Indicate whether the information concerning its financial condition and operations is included in this Form LM-3 or in a separate report. See Section X of these instructions for information on reporting subsidiary organizations.

11. TRUSTS OR FUNDS - Check Item 11 "Yes" if your labor organization created or participated in a "trust in which a labor organization is interested" which is defined in section 3(l) of the LMRDA as "a trust or other fund or organization (1) which was created or established by a labor organization, or one or more of the trustees or one or more members of the governing body of which is selected or appointed by a labor organization, and (2) a primary purpose of which is to provide benefits for the members of such labor organization or their beneficiaries."

If Item 11 is checked "Yes," provide in Item 56 the name,
address, and purpose of each trust. If a report has been filed for the trust or other fund under the Employee Retirement Income Security Act of 1974 (ERISA), report in Item 56 the ERISA file number (Employer Identification Number - EIN) and plan number, if any.

12. POLITICAL ACTION COMMITTEE FUNDS - If Item 12 is checked "Yes," provide in Item 56 the full name of each separate political action committee (PAC) and list the name of any government agency, such as the Federal Election Commission or a state agency, with which the PAC has filed a report. See Section VIII of these instructions for information on reporting PAC funds.

13. ACQUISITION OR DISPOSITION OF PROPERTY - If Item 13 is checked "Yes," describe in Item 56 the manner in which your organization acquired or disposed of property, such as donating office furniture or equipment to charitable organizations or trading-in assets. Include the type of property, its value, and the identity of the recipient or donor, if any. Also report in Item 56 the cost or other basis at which any acquired assets were entered on your organization's books or the cost or other basis at which any assets disposed of were carried on your organization’s books.

For assets that were traded-in, enter in Item 56 the cost, the book value, and the trade-in allowance.
14. AUDIT OF BOOKS AND RECORDS - If Item 14 is checked "Yes,"
indicate in Item 56 whether the audit was performed by an outside
accountant or parent body auditor/representative. If the audit
was performed by an outside accountant, provide the name of the
accountant or accounting firm.

15. LOSSES OR SHORTAGES - If Item 15 is checked "Yes," describe
the loss or shortage in detail in Item 56, including such
information as the amount of the loss or shortage of funds or a
description of the property that was lost, how it was lost, and
to what extent, if any, there has been an agreement to make
restitution or any recovery by means of repayment, fidelity bond,
insurance, or other means.

16. ADDITIONAL POSITIONS OF OFFICERS - If Item 16 is checked
"Yes," provide in Item 56 the name of each officer, the officer's
position in the other labor organization or employee benefit plan
and the name of the other labor organization or employee benefit
plan. Include only those positions for which officers received
salaries or wages. Do not include positions for which officers
received only reimbursed expenses.

17. EMPLOYEES - Check Item 17 "Yes" if any employee of your
organization received more than $10,000 in gross salaries,
allowances, and other direct and indirect disbursements during
the reporting period (direct and indirect disbursements are
defined in the instructions for Item 24). In computing the
total, add together all disbursements made to each employee by
your organization (including any subsidiary organization) and any affiliates. ("Affiliates" means labor organizations chartered by
the same parent body, governed by the same constitution and
bylaws, or having the relationship of parent and subordinate.)

If Item 17 is checked "Yes," report in Item 56 the name and
position of each employee and the names of the other affiliated
labor organizations which made disbursements to or on behalf of
the employee. Also report in Item 56 the total disbursements
made to each employee or on the employee's behalf by your
organization, including all salary and allowances (before any
deductions) and other disbursements (including reimbursed
expenses).

18. LOANS - Check Item 18 "Yes" if any officer, employee, or
member owed your organization, together with any subsidiary
organization, more than $250 at any time during the reporting
period; or if your organization made a loan, regardless of
amount, to any business enterprise during the reporting period.
Include any direct or indirect loans whether or not evidenced by
a promissory note or secured by a mortgage. An example of an
indirect loan is a disbursement by your organization to an
educational institution for the tuition expense of an officer,
employee, or member which must be repaid to your organization by
that individual.

If Item 18 is checked "Yes," report in Item 56 the name of each
individual and business enterprise, the amount each individual
owed at the end of the reporting period, and the amount loaned to each business enterprise during the reporting period. Also report in Item 56 the purpose, terms for repayment, and any security for each such loan.

NOTE: Advances, including salary advances, are considered loans and must be reported in Item 26 (Loans Receivable) and Item 53 (Loans Made). However, advances to officers and employees of your organization for travel expenses necessary for conducting official business are not considered loans if the following conditions are met:

- the amount of an advance for a specific trip does not exceed the amount of expenses reasonably expected to be incurred for official travel in the near future, and the amount of the advance is fully repaid/or fully accounted for by vouchers or paid receipts within 30 days after the completion or cancellation of the travel.

- the amount of a standing advance to an officer or employee who must frequently travel on official business does not unreasonably exceed the average monthly travel expenses for which the individual is separately reimbursed after the submission of
vouchers or paid receipts, and the individual
does not exceed 60 days without engaging in
official travel.

See the instructions for Item 24, Column (E), Item 39,
and Item 46 for reporting travel advances which meet
these criteria.

19. NUMBER OF MEMBERS - Enter the number of members in your
organization at the end of the reporting period. Include all
categories of members who pay dues. Do not include nonmember
employees who make payments in lieu of dues as a condition of
employment under a union security provision in a collective
bargaining agreement.

20. FIDELITY BOND - Enter the maximum amount recoverable for a
loss caused by any officer, employee, or agent of your
organization who handled your organization's funds. Enter "None"
if your organization was not covered by a fidelity bond during
the reporting period.

NOTE: If your organization had property and annual
financial receipts which totaled $5,000 or more, each
of your organization's officers, employees, and agents
who handles funds or other property of your
organization must be bonded. The amount of the bond
must be at least 10% of the value of the funds handled
by the individual during the last reporting period, up
to a maximum bond of $500,000. The bond must be obtained from a surety company approved by the Secretary of the Treasury. If you have any questions or need more information about bonding requirements, contact the nearest OLMS field office listed on the last page of these instructions.

21. CHANGES IN CONSTITUTION AND BYLAWS OR PRACTICES/PROCEDURES -

If Item 21 is checked "Yes" because your organization’s constitution and bylaws were changed during the reporting period (other than rates of dues and fees) attach two dated copies of the new constitution and bylaws to the Form LM-3 your organization submits to OLMS.

However, if your organization is governed by a uniform constitution and bylaws prescribed by your organization’s parent national or international body, your organization’s parent body may file the constitution and bylaws on your behalf. If your parent body files a constitution and bylaws on your behalf, check Item 21 "Yes" and state that fact in Item 56.

If Item 21 is checked "Yes" because your organization changed any of the practices/procedures listed below during the reporting period and the practices/procedures are not described in your organization’s constitution and bylaws, your organization must file an amended Form LM-1 (Labor Organization Information Report) with its Form LM-3 to update the information on file with OLMS:
- qualifications for or restrictions on membership;

- levying assessments;

- participating in insurance or other benefit plans;

- authorizing disbursement of labor organization funds;

- auditing financial transactions of the labor organization;

- calling regular and special meetings;

- authorizing bargaining demands;

- ratifying contract terms;

- authorizing strikes;

- disciplining or removing officers or agents for breaches of their trust;

- imposing fines and suspending or expelling members including the grounds for such action and any provision made for notice, hearing, judgement on the evidence, and appeal procedures;

- selecting officers and stewards and any
representatives to other bodies composed of labor organization representatives;

- invoking procedures by which a member may protest a defect in the election of officers (including not only all procedures for initiating an election protest but also all procedures for subsequently appealing an adverse decision, e.g., procedures for appeals to superior or parent bodies, if any); and

- issuing work permits.

Contact the nearest OLMS field office listed on the last page of these instructions to obtain blank copies of Form LM-1.

NOTE: Federal employee labor organizations subject solely to the Civil Service Reform Act are not required to submit an amended Form LM-1 to describe revised or changed practices/procedures.

22. NEXT REGULAR ELECTION - Enter the month and year of your organization's next regular election of general officers (president, vice president, treasurer, secretary, etc.). Do not report the date of any interim election to fill vacancies.

23. DUES AND FEES - Enter the dues and fees established by your organization. If more than one rate applies enter the minimum and maximum rates.
Line (a): Enter the regular dues or fees or other periodic payments which a member must pay to be in good standing in your organization and enter the calendar basis for payment (per year, month, etc.). Include only the dues or fees of regular members and not the dues or fees of members with special rates, such as apprentices, retirees, or unemployed members.

Line (b): Enter the initiation fees required from new members.

Line (c): Enter the fees other than dues required from transfer members. Such fees are those charged to persons applying for a transfer of membership to your organization from another labor organization with the same affiliation. Do not report fees charged to members transferring from one class of membership to another within your organization.

Line (d): If your organization issues work permits enter the fees required and enter the calendar basis for payment (per year, month, etc.). Work permit fees are fees charged to nonmembers of your organization who work within its jurisdiction. Do not report as work permit fees those fees charged to nonmember applicants for membership pending acceptance of their membership application, or fees charged to persons applying for transfer of membership to your organization pending acceptance of their application for transfer. Enter "None" if your organization does not issue work permits.
FINANCIAL DETAILS

ACCOUNTING METHOD

Form LM-3 must be prepared using the cash method of accounting. Under the cash method of accounting, receipts are recorded when money is actually received by your organization and disbursements are recorded when money is actually paid out by your organization.

REPORT ONLY DOLLAR AMOUNTS

Report all amounts in dollars only. Round cents to the nearest dollar.

REPORTING CLASSIFICATIONS

Complete all items and lines on the form as given. Do not use different accounting classifications or change the wording of any item or line.

BEGINNING AND ENDING AMOUNTS

Entries in Statement A must report amounts for both the start and the end of the reporting period. The amounts entered for the start of the reporting period on your organization's report should be identical to the amounts entered for the end of the reporting period on last year's report. If the amounts are not
the same, fully explain the difference in Item 56.

COMPLETE ALL ITEMS 24 THROUGH 55

Complete all items in Statement A and Statement B. Enter "00" where appropriate.

LIST OF OFFICERS AND DISBURSEMENTS TO THEM

Item 24 - ALL OFFICERS AND DISBURSEMENTS TO OFFICERS - List all of your organization's officers and report all salaries and other direct and indirect disbursements to officers during the reporting period. However, direct and indirect disbursements not involving the payment of some form of cash (cash, checks, money orders, etc.) should not be reported in Item 24 but must be explained in Item 56. Any direct or indirect cash disbursement required to be included in Item 24 should not be reported in other disbursement items.

NOTE: A "direct disbursement" to an officer is a payment made by your organization to the officer in the form of cash, property, goods, services, or other things of value.

An "indirect disbursement" to an officer is a payment made by your organization to another party for cash, property, goods, services, or other things of value received by or on behalf of the officer. "On behalf of
the officer" means received by a party other than the officer or your organization for the personal interest or benefit of the officer. Such payments include those made through a credit arrangement under which charges are made to the account of your organization and are paid by your organization.

Columns (A) and (B): Enter the name and title of every person who held office in your organization at any time during the reporting period. Include all your organization's officers whether or not any salary or other disbursements were made to them or on their behalf by your organization. "Officer" is defined in section 3(n) of the LMRDA as "any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body."

Column (C): Enter the appropriate letter to show the status of each officer: "N" for a new officer who took office during the reporting period; "P" for a past officer who was not in office at the end of this reporting period; or "C" for a continuing officer who was in office before this reporting period and was still in office at the end of the reporting period. If any officer was not elected in a regular election in accordance with your organization's constitution and bylaws or other governing documents on file with OLMS, explain the manner in which the officer was chosen in Item 56.
Column (D): Enter the gross salary of each officer (before tax withholdings and other payroll deductions). Include disbursements for "lost time" or time devoted to union activities.

Column (B): Enter the total of all other direct and indirect disbursements to each officer other than salary, including allowances, disbursements which were necessary for conducting official business of your organization, and disbursements essentially for the personal benefit of the officer and not necessary for conducting official business of your organization.

Examples of disbursements to be reported in Column (E) include: allowances made by direct and indirect disbursements to each officer on a daily, weekly, monthly, or other periodic basis; allowances paid on the basis of mileage or meals; all expenses that were reimbursed directly to an officer; expenses for officers' meals and entertainment; and various goods and services furnished to officers but charged to your organization. Column (E) must also include:

- the total maintenance and operating costs of any automobile owned or leased by your organization and assigned to an officer regardless of whether the use was for official business or for the personal benefit of the officer. If more than 50% of the use of the automobile was for the personal benefit of the officer, the amount of decrease in the market value attributable
to the officer's personal use must be reported in Item 56.

- all disbursements for transportation by public carrier between the officer's home and place of employment or for other transportation not involving the conduct of official business.

- all other direct and indirect disbursements to each officer not included elsewhere in this report. Include all direct and indirect disbursements which were essentially for the personal benefit of the officer and not necessary for conducting official business of your organization. However, disbursements for occasional non-cash gifts of insubstantial value need not be included in Column (E) if reported in Item 51 (Contributions, Gifts, and Grants).

- travel advances which are not considered loans as explained in the instructions for Item 18.

Do not report the following disbursements in Item 24:

- loans to officers which must be reported in Item 26 (Loans Receivable) and Item 53 (Loans Made);

- benefits to officers which must be reported in Item 50 (Benefits);
- reimbursements to an officer for the purchase of investments or fixed assets, such as reimbursing an officer for a calculator purchased for office use, which must be reported in Item 52 (Purchase of Investments and Fixed Assets) and explained in Item 56;

- indirect disbursements for temporary lodging (room rent charges only) or transportation by public carrier necessary for conducting official business while the officer is in travel status away from his home and principal place of employment with your organization if payment is made by your organization directly to the provider or through a credit arrangement and these disbursements are reported in Item 48 (Office and Administrative Expense); however, charges other than room rent on hotel bills must be reported in Column (E);

- disbursements made by your organization to someone other than an officer as a result of transactions arranged by an officer in which property, goods, services, or other things of value were received by or on behalf of your organization rather than the officer, such as rental of offices and meeting rooms, purchase of office supplies, refreshments and other expenses of membership banquets or meetings, and food and refreshments for the entertainment of groups other than the officers and membership on official business;
- office supplies, equipment, and facilities furnished to officers by your organization for use in conducting official business; and

- maintenance and operating costs of your organization's assets other than automobiles owned or leased by your organization and assigned to officers.

Enter on Line (g), Columns (D) and (E) the totals from any additional pages.

Column (F): Add Columns (D) and (E) for each of Lines (a) through (g) and enter the totals in Column (F).

Add Lines (a) through (g), Columns (D) through (F), and enter the totals on Line (h).

Enter on Line (i) the total amount of withheld taxes, payroll deductions, and other deductions. Disbursements for the transmittal of withheld taxes, payroll deductions, and other deductions must be reported in Item 54 (Other Disbursements).

Any portion of withheld taxes or any payroll or other deductions which have not been transmitted at the end of the reporting period are liabilities of your organization and must be reported in Item 35. Payroll or other deductions retained by your labor organization (such as repayments of loans made) must be fully explained in Item 56.
Subtract Line (i) from Line (h) and enter the difference on Line (j). Enter the total from Line (j) in Item 45 (To Officers).

STATEMENT A - ASSETS AND LIABILITIES

ASSETS

25. CASH - Enter the total of all your organization’s cash on hand and on deposit at the start and end of the reporting period in Columns (A) and (B), respectively. Include all cash on hand, such as undeposited cash, checks, and money orders; petty cash; and cash in safe deposit boxes. Cash on deposit includes funds in banks, credit unions, and other financial institutions, such as checking accounts, savings accounts, certificates of deposit, and money market accounts. Also include any interest credited to your organization’s account during the reporting period.

NOTE: The checking account balances reported should be obtained from your organization’s books as reconciled with the balances shown on bank statements.

26. LOANS RECEIVABLE - Enter the total of all loans owed to your organization at the start and end of the reporting period in Columns (A) and (B), respectively. Include all direct and indirect loans (whether or not evidenced by promissory notes or secured by mortgages) owed to your organization by individuals, business enterprises, benefit plans, and other entities including labor organizations. An example of an indirect loan is a
disbursement by your organization to an educational institution for the tuition expense of an officer, employee, or member which must be repaid to your organization by that individual. Be sure to include all loans that were made and repaid in full during the reporting period. Do not include investments in corporate bonds or mortgages purchased on a block basis through a bank or similar institution which must be reported in Item 28 (Investments).

27. U.S. TREASURY SECURITIES - Enter the total value of all U.S. Treasury securities as shown on your organization's books at the start and end of the reporting period in Columns (A) and (B), respectively. If the value reported is different than the original cost, the original cost must be reported in Item 56. Other U.S. Government obligations, state and municipal bonds, and foreign government securities must be reported in Item 28 (Investments).

28. INVESTMENTS - Enter in Columns (A) and (B), respectively, the total book value at the start and end of the reporting period of all investments other than U.S. Treasury Securities. The book value of these investments is the lower of cost or market value.

29. FIXED ASSETS - Enter in Columns (A) and (B), respectively, the book value at the start and end of the reporting period of all fixed assets, such as land, buildings, automobiles, and office furniture and equipment owned by your organization. The book value of fixed assets is cost less depreciation.
30. OTHER ASSETS - Enter in Columns (A) and (B), respectively, the total value as shown on your organization's books at the start and end of the reporting period of all assets (such as accounts receivable, utility deposits, or travel advances which are not considered loans as explained in the instructions for Item 18) which have not been reported in Items 25 through 29.

31. TOTAL ASSETS - Add Items 25 through 30, Columns (A) and (B), and enter the respective totals in Item 31.

LIABILITIES

32. ACCOUNTS PAYABLE - Enter the total amount of your organization's accounts payable at the start and end of the reporting period in Columns (C) and (D), respectively. Ordinarily, accounts payable are those obligations incurred on an open account for goods and services rendered.

33. LOANS PAYABLE - Enter in Columns (C) and (D), respectively, the total amount of all loans owed by your organization at the start and end of the reporting period, including those represented by notes. Do not include loans secured by mortgages or similar liens on real property (land or buildings) which must be reported in Item 34 (Mortgages Payable).

34. MORTGAGES PAYABLE - Enter the total amount of your organization's obligations which were secured by mortgages or similar liens on real property (land or buildings) at the start
and end of the reporting period in Columns (C) and (D),
respectively.

35. OTHER LIABILITIES - Enter in Column (C) and (D),
respectively, the total amount as shown on your organization's
books at the start and end of the reporting period of all other
liabilities not reported in Items 32 through 34.

36. TOTAL LIABILITIES - Add Items 32 through 35, Columns (C) and
(D), and enter the respective totals in Item 36.

37. NET ASSETS - Subtract Item 36, Column (C) from Item 31,
Column (A) and enter the difference in Item 37, Column (C).
Subtract Item 36, Column (D) from Item 31, Column (B) and enter
the difference in Item 37, Column (D).

STATEMENT B - RECEIPTS AND DISBURSEMENTS

The purpose of Statement B is to report the flow of cash in and
out of your organization during the reporting period. Transfers
between separate bank accounts or between special funds of your
organization, such as vacation or strike funds, do not represent
the flow of cash in and out of your organization. Therefore,
these transfers should not be reported as receipts and
disbursements of your organization. For example, do not report a
transfer of cash from your organization's savings account to its
checking account. Likewise, the use of funds reported in Item 25
(Cash) to purchase certificates of deposit and the redemption of certificates of deposit should not be reported in Statement B.

Since Statement B reports all cash flowing in and out of your organization, "netting" is not permitted. "Netting" is the offsetting of receipts against disbursements and reporting only the balance (net) as either a receipt or disbursement. For example, if an officer received $1,000 from your organization for convention expenses, used only $800 and returned the remaining $200, the $1,000 disbursement must be reported in Item 24 and the $200 receipt must be reported in Item 43. It would be incorrect to report only an $800 net disbursement to the officer.

Receipts and disbursements by an agent on behalf of your organization are considered receipts and disbursements of your organization and must be reported in the same detail as other receipts and disbursements. For example, if your organization owns a building managed by a rental agent, the agent's rental receipts and disbursements for expenses must be reported on your organization's Form LM-3.

CASH RECEIPTS

38. DUES - Enter the total dues received by your organization. Include dues received directly by your organization from members, dues received from employers through a checkoff arrangement, and dues transmitted to your organization by a parent body or other
affiliate. Report the full dues received, including any portion that will later be transmitted to an intermediate or parent body as per capita tax. Also report in Item 38 payments in lieu of dues received from any nonmember employees as a condition of employment under a union security provision in a collective bargaining agreement.

If an intermediate or parent body receives dues checkoff directly from an employer on behalf of your organization, do not report in Item 38 the portion retained by that organization for per capita tax or other purposes, such as a special assessment. Any amounts retained by the intermediate or parent body other than per capita tax must be explained in Item 56. Also, do not report in Item 38 dues which your organization collected on behalf of other organizations for transmittal to them. For example, if your organization received dues from a member of an affiliate who worked in your organization's jurisdiction, the dues collected on the affiliate's behalf must be reported in Item 43 (Other Receipts).

39. PER CAPITA TAX - Enter the total per capita tax received by your organization if your organization is an intermediate or parent body; otherwise, enter "00" in Item 39. Include the per capita tax portion of dues received directly by your organization from members of affiliates, per capita tax received from subordinates, either directly or through intermediaries, and the per capita tax portion of dues received through a checkoff arrangement whereby local dues are remitted directly to an
intermediate or parent body by employers. Do not include dues collected on behalf of subordinate organizations for transmittal to them. For example, if a parent body received dues checkoff directly from an employer and returned the local's portion of the dues, the parent body must report the dues received on behalf of the local in Item 43 (Other Receipts).

40. FEES, FINES, ASSESSMENTS, AND WORK PERMITS - Enter your organization's receipts from fees, fines, assessments, and work permits. Receipts by your organization on behalf of affiliates for transmittal to them must be reported in Item 43 (Other Receipts).

41. INTEREST AND DIVIDENDS - Enter the total amount of interest and dividends received by your organization from savings accounts, bonds, mortgages, loans, investments, and all other sources.

42. SALE OF INVESTMENTS AND FIXED ASSETS - Enter the net amount received by your organization for all investments (including U.S. Treasury securities) and fixed assets sold. Do not include amounts received from the sale or redemption of investments which were reinvested (i.e., "rolled over") during the reporting period without being deposited into your organization's bank account or other cash accounts of the type described in the instructions for Item 25 (Cash).

The amount to be excluded for each reinvestment is the lower of
the following:

- the original cost of the investment sold;

- the amount reinvested when the amount received from the sale was less than the investment's original cost; or

- the amount reinvested when only a portion of the amount received from the sale was actually reinvested.

Interest and dividends received during the reporting period must be reported in Item 41.

Any portion of the amount due your organization (gross sales price less deductions for selling expenses) from sales of investments and fixed assets which has not been received by the end of the reporting period must be reported in Item 30 (Other Assets). However, if a mortgage or note is taken back, it must be reported in Item 26 (Loans Receivable).

43. OTHER RECEIPTS - Enter all receipts of your organization other than those reported in Items 38 through 42, including proceeds from the sale of supplies, loans obtained, repayments of loans made, rents, and funds collected for transmittal to third parties.

44. TOTAL RECEIPTS - Add Items 38 through 43 and enter the total
CASH DISBURSEMENTS

45. TO OFFICERS - Enter in Item 45 the total reported on Line (j) of Item 24.

46. TO EMPLOYEES - Enter in Item 46 the total of all salaries, allowances, travel advances which are not considered loans as explained in the instructions for Item 18, and other direct and indirect disbursements (less deductions for FICA, withheld taxes, etc.) to employees of your organization during the reporting period. Include disbursements to individuals other than officers who receive lost time payments even if your organization does not consider them to be employees or does not make any other direct or indirect disbursements to them.

NOTE: The following worktable may be used to determine the amount to be reported in Item 46:

<table>
<thead>
<tr>
<th>A. Total Gross Salaries, Allowances, and Other Disbursements to Employees (before withheld taxes and other deductions)</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Subtract: Total Withheld Taxes and Other Deductions</td>
<td></td>
</tr>
<tr>
<td>C. Net Disbursements to Employees</td>
<td>$</td>
</tr>
</tbody>
</table>
The amount on Line C should agree with the amount reported in Item 46.

47. PER CAPITA TAX - Enter your organization's total amount of per capita tax paid as a condition or requirement of affiliation with your parent national or international union, state and local central bodies, a conference, joint or system board, joint council, federation, or other labor organization.

48. OFFICE AND ADMINISTRATIVE EXPENSE - Enter your organization’s total disbursements for its ordinary office and administrative expenses, for example, rent, utilities, office supplies, postage, subscriptions, fidelity bond premiums, etc.

As explained in the instructions for Item 24, Column (E), disbursements for hotel rooms or for transportation by public carrier of officers and employees on official business may be reported in Item 48 when payment is made directly to the provider or through a credit arrangement. Do not include in Item 48 salaries, allowances, or other direct and indirect disbursements to officers and employees which must be reported in Items 45 and 46.

Also report in Item 48 all taxes assessed against and paid by your organization, including your organization’s FICA taxes as an employer. Do not include disbursements for the transmittal of taxes withheld from the salaries of officers and employees which must be reported in Item 54. Also, do not include indirect
taxes, such as sales and excise taxes, for purchases reported in other disbursement items.

49. PROFESSIONAL FEES - Enter your organization's total disbursements for "outside" legal and other professional services (auditing, economic research, computer consulting, arbitration, etc.). Include any disbursements made for the expenses of individuals or firms providing professional services to your organization. Do not include direct and indirect disbursements to officers and employees which must be reported in Items 45 and 46.

50. BENEFITS - Enter the total of all direct and indirect benefit disbursements made by your organization. Direct benefit disbursements are those made to officers, employees, members, and their beneficiaries from your organization's funds. Indirect benefit disbursements are those made from your organization's funds to a separate and independent entity, such as a trust or insurance company, which in turn and under certain conditions will pay benefits to the covered individuals. An example of an indirect benefit disbursement is the premium on group life insurance.

51. CONTRIBUTIONS, GIFTS, AND GRANTS - Enter the total of all disbursements for contributions, gifts, and grants made by your organization.

52. PURCHASE OF INVESTMENTS AND FIXED ASSETS - Enter the total
disbursements for all investments and fixed assets purchased by your organization. Do not include any unpaid balances still owed which should be reported in Item 33 (Loans Payable) or Item 34 (Mortgages Payable). Also, do not include disbursements for reinvestment in U.S. Treasury securities and investments of amounts received from sales of U.S. Treasury securities and investments as explained in the instructions for Item 42 (Sale of Investments and Fixed Assets). The amount to be excluded from Item 52 for reinvestment must be the same as the amount which was excluded from Item 42 for reinvestment.

53. LOANS MADE - Enter the total disbursements for loans made by your organization. Include all direct and indirect loans made to individuals, business enterprises, and other organizations, regardless of amount.

NOTE: Section 503(a) of the LMRDA prohibits labor organizations from making direct or indirect loans to any officer or employee of the labor organization which results in a total indebtedness on the part of such officer or employer to the labor organization in excess of $2,000.

54. OTHER DISBURSEMENTS - Enter all disbursements made by your organization not reported in Items 45 through 53, including fees, fines, assessments, supplies for resale, repayments of loans obtained, transmittals of funds collected for third parties, education and publicity expenses, withholding taxes, and payments.
for the account of affiliates and other third parties.

55. TOTAL DISBURSEMENTS - Add Items 45 through 54 and enter the total in Item 55.

NOTE: The following worktable may be used to determine that the figures for receipts, disbursements, and cash are correctly reported on your organization's Form LM-3:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Cash at Start of Reporting Period -</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td>Item 25, Column (A)</td>
</tr>
</tbody>
</table>

| B. Add: Total Receipts - Item 44 |
| C. Total of Lines A and B |
| D. Subtract: Total Disbursements - Item 55 |
| E. Cash at End of Period | $ |

If Line E does not equal the amount reported in Item 25, Column (B), there is an error in your organization's report which should be corrected.

ADDITIONAL INFORMATION AND SIGNATURES

56. ADDITIONAL INFORMATION - Use Item 56 to provide additional information, as indicated on Form LM-3 and in these instructions.
Enter the number of the item to which the information relates in the Item Number column. If there is not enough space in Item 56, report the additional information on a separate letter-size page(s). Be sure to include the following at the top of each page: the name of your organization, its 6-digit file number as reported in Item 1 of Form LM-3, and the ending date of the reporting period as reported on the second line of Item 2.

57-58. SIGNATURES - The original and one copy of completed Form LM-3 which are filed with OLMS must be signed by both the president and treasurer or corresponding principal officers of your organization. Original signatures are required; stamped or mechanical signatures are not acceptable. If the duties of the principal executive or principal financial officer are performed by officers other than the president and treasurer, the report may be signed by the other officers. If the report is signed by an officer other than the president or treasurer, cross out the printed title, enter the correct title in Item 57 or 58, and explain in Item 56 why the president or treasurer did not sign the report. Enter the date the report was signed and the telephone number at which the signatories conduct official business; you do not have to report a private, unlisted telephone number.

XII. LABOR ORGANIZATIONS WHICH HAVE CEASED TO EXIST - If your organization has gone out of existence as a reporting labor organization, the last president and treasurer or the officials responsible for winding up the affairs of your organization must
file a terminal financial report for the period from the beginning of the fiscal year to the date of termination. A terminal financial report must be filed if your organization has gone out of business by disbanding, merging into another organization, or being consolidated with other organizations to form a new organization. A terminal financial report is not required if your organization changed its affiliation but continues to function as a separate reporting labor organization.

The terminal financial report may be filed on Form LM-3 if your organization filed its previous annual report on Form LM-3 and your organization's total annual receipts, as defined in Section II of these instructions, for the part of the last fiscal year during which your organization existed were less than $200,000. (If total annual receipts were $200,000 or more, your organization must use Form LM-2 to file its terminal financial report.) Your organization's terminal financial report must be submitted to the U.S. Department of Labor, Office of Labor-Management Standards, 200 Constitution Avenue, NW, Washington, DC 20210, within 30 days after the date of termination.

To complete a terminal report on Form LM-3 follow the instructions in Section XI and, in addition:

- Enter the date your organization ceased to exist in Item 2 after the word "THROUGH."

- Check the box in Item 3 indicating that your
organization ceased to exist during the reporting period and that this is your organization's terminal Form LM-3.

- Print the words "TERMINAL REPORT" as the first entry in Item 56 and provide a detailed statement of the reason why your organization ceased to exist. Also report in Item 56 plans for the disposition of your organization's cash and other assets, if any (for example, transfer of cash and assets to the parent body). Also provide the name and address of the person or organization that will retain the records of the terminated organization. If your organization merged with another labor organization, report that organization's name, address, and 6-digit file number.

Contact the nearest OLMS field office listed below if you have questions about filing a terminal report.

* * *

Assistance may be obtained from the field offices of the U.S. Department of Labor's Office of Labor-Management Standards located in the following cities:

*Albany, NY       Miami, FL
Atlanta, GA       Milwaukee, WI
<table>
<thead>
<tr>
<th>City, State</th>
<th>City, State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boston, MA</td>
<td>Minneapolis, MN</td>
</tr>
<tr>
<td>Buffalo, NY</td>
<td>Nashville, TN</td>
</tr>
<tr>
<td>Chicago, IL</td>
<td>New Haven, CT</td>
</tr>
<tr>
<td>Cincinnati, OH</td>
<td>New Orleans, LA</td>
</tr>
<tr>
<td>Cleveland, OH</td>
<td>New York, NY</td>
</tr>
<tr>
<td>Dallas, TX</td>
<td>Philadelphia, PA</td>
</tr>
<tr>
<td>Denver, CO</td>
<td>Pittsburgh, PA</td>
</tr>
<tr>
<td>Detroit, MI</td>
<td>St. Louis, MO</td>
</tr>
<tr>
<td>*Grand Rapids, MI</td>
<td>*San Diego, CA</td>
</tr>
<tr>
<td>Hato Rey, PR</td>
<td>San Francisco, CA</td>
</tr>
<tr>
<td>Honolulu, HI</td>
<td>Seattle, WA</td>
</tr>
<tr>
<td>Houston, TX</td>
<td>Tampa, FL</td>
</tr>
<tr>
<td>Iselin, NJ</td>
<td>*Vestavia Hills, AL</td>
</tr>
<tr>
<td>Kansas City, MO</td>
<td>Washington, DC</td>
</tr>
<tr>
<td>Los Angeles, CA</td>
<td></td>
</tr>
</tbody>
</table>

Consult local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, for the address and telephone number of the nearest field office.

*These OLMS field offices do not maintain copies of LMRDA required reports for public disclosure.
LABOR ORGANIZATION ANNUAL REPORT
FORM LM-4

FOR USE ONLY BY LABOR ORGANIZATIONS WITH LESS THAN $10,000 IN TOTAL ANNUAL RECEIPTS

This report is mandatory under P.L. 95-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440.

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT. SUBMIT THIS REPORT IN DUPLICATE.

<table>
<thead>
<tr>
<th>Item Number</th>
<th>INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. FILE NUMBER</td>
<td></td>
</tr>
<tr>
<td>2. PERIOD COVERED</td>
<td>MO DAY YR</td>
</tr>
<tr>
<td>3. If your organization ceased to exist and this is its terminal report, see Section X of the instructions and check here:</td>
<td></td>
</tr>
<tr>
<td>4. AFFILIATION OR ORGANIZATION NAME</td>
<td></td>
</tr>
<tr>
<td>5. DESIGNATION (Local, Lodge, etc.)</td>
<td></td>
</tr>
<tr>
<td>6. DESIGNATION NUMBER</td>
<td>NUMBER AND STREET</td>
</tr>
<tr>
<td>7. UNIT NAME (if any)</td>
<td></td>
</tr>
<tr>
<td>8. MAILING ADDRESS:</td>
<td>(in care of) NAME AND TITLE OF PERSON</td>
</tr>
<tr>
<td>9. During the reporting period, did your organization have any changes in its constitution and bylaws (other than rates of dues and fees) or in practices/procedures listed in the instructions? (If the constitution and bylaws have changed, attach two new dated copies. If practices/procedures have changed, see the instructions.)</td>
<td>Yes No</td>
</tr>
<tr>
<td>10. Did your organization change its rates of dues and fees during the reporting period? (If &quot;Yes,&quot; report the new rates in Item 19.)</td>
<td>Yes No</td>
</tr>
<tr>
<td>11. Did your organization discover any loss or shortage of funds or property during the reporting period? (If &quot;Yes,&quot; provide details in Item 19. Answer &quot;Yes&quot; even if there has been repayment or recovery.)</td>
<td>Yes No</td>
</tr>
<tr>
<td>12. Was your organization insured by a fidelity bond during the reporting period? (If &quot;Yes,&quot; enter the maximum amount recoverable under the bond for loss caused by any person; $__________.)</td>
<td>Yes No</td>
</tr>
<tr>
<td>13. How many members did your organization have at the end of the reporting period?</td>
<td></td>
</tr>
<tr>
<td>14. Enter the total value of your organization's assets at the end of the reporting period (cash, bank accounts, equipment, etc.).</td>
<td>$__________</td>
</tr>
<tr>
<td>15. Enter the total liabilities (debts) of your organization at the end of the reporting period (unpaid bills, loans owed, etc.).</td>
<td>$__________</td>
</tr>
<tr>
<td>16. Enter the total receipts of your organization during the reporting period (dues, fees, interest received, etc.). (If $10,000 or more, your organization must file Form LM-2 or LM-3 instead of this form.)</td>
<td>$__________</td>
</tr>
<tr>
<td>17. Enter the total disbursements made by your organization during the reporting period (per capita tax, loans made, payments to officers, payments for office supplies, etc.).</td>
<td>$__________</td>
</tr>
<tr>
<td>18. Enter the amount of disbursements included in Item 17 that were payments to officers and employees (salaries, lost time payments, allowances, expenses, etc.).</td>
<td>$__________</td>
</tr>
</tbody>
</table>

19. ADDITIONAL INFORMATION

<table>
<thead>
<tr>
<th>Item Number</th>
<th>INFORMATION</th>
</tr>
</thead>
</table>

Each of the undersigned, duly authorized officers of the above labor organization, declares, under the applicable penalties of law, that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete. (See Section VI on penalties in the instructions.)

20. SIGNED: PRESIDENT (if other title, see instructions.)

21. SIGNED: TREASURER (if other title, see instructions.)

Date ( ) Telephone Number ( ) Date ( ) Telephone Number ( )

Form LM-4 (1993)
INSTRUCTIONS FOR LABOR ORGANIZATION

ANNUAL REPORT, FORM LM-4

GENERAL INSTRUCTIONS

I. WHO MUST FILE - Every labor organization subject to the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), the Civil Service Reform Act (CSRA), or the Foreign Service Act (FSA) must file a financial report, Form LM-2, LM-3, or LM-4, each year with the Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor. These laws cover labor organizations that represent employees who work in private industry, employees of the U.S. Postal Service, and most Federal government employees. Labor organizations that represent only state, county, or municipal government employees are not covered by these laws and, therefore, are not required to file. If you have a question about whether your organization is required to file, contact the nearest OLMS field office listed on the last page of these instructions.

II. WHAT FORM TO FILE - Labor organizations with total annual receipts of less than $10,000 may file the abbreviated 1-page annual report Form LM-4, if not in trusteeship as defined in Section VIII of these instructions. The term "total annual receipts" means all financial receipts of the labor organization during its fiscal year, regardless of the source, including receipts of any subsidiaries and any special funds.
Labor organizations with $10,000 or more in total annual receipts cannot use Form LM-4. However, labor organizations with total annual receipts less than $200,000 and not in trusteeship may file the simplified 2-page Form LM-3. Labor organizations with $200,000 or more in total annual receipts and those in trusteeship must file the more detailed 6-page Form LM-2.

III. WHEN TO FILE - Form LM-4 must be filed within 90 days after the end of your organization's fiscal year (12-month reporting period). The law does not authorize the U.S. Department of Labor to grant an extension of time for filing reports for any reason.

If your organization went out of existence during its fiscal year, a terminal financial report must be filed within 30 days after the date it ceased to exist. See Section X of these instructions for information on filing a terminal report.

IV. WHERE TO FILE - The original and one duplicate copy of Form LM-4 and any required attachments must be filed with the U.S. Department of Labor at the following address:

U.S. Department of Labor
Office of Labor-Management Standards
200 Constitution Avenue, NW
Washington, DC 20210

If available, use the pre-addressed envelope enclosed with this report package to file Form LM-4.
V. PUBLIC DISCLOSURE - The LMRDA requires that the U.S. Department of Labor make labor organization financial reports available for inspection by the public. Reports may be examined and copies purchased at the OLMS Public Disclosure Room at the above address or at the OLMS field office in whose jurisdiction the reporting organization is located. See the last page of these instructions for a list of OLMS field offices.

VI. RESPONSIBILITIES OF OFFICERS AND PENALTIES - The president and treasurer or the corresponding principal officers of the labor organization required to sign Form LM-4 are personally responsible for its filing and accuracy. Under the LMRDA, officers are subject to criminal penalties for willful failure to file a required report and for false reporting. False reporting includes making any false statement or misrepresentation of a material fact while knowing it to be false, or for knowingly failing to disclose a material fact in a required report or in the information required to be contained in it or in any information required to be submitted with it. Under the CSRA and FSA and implementing regulations, false reporting and failure to report may result in administrative enforcement action and litigation. The officers responsible for signing Form LM-4 are also subject to criminal penalties for false reporting under section 1001 of Title 18 of the United States Code.

VII. RECORDKEEPING - The officers required to file Form LM-4 are responsible for maintaining records which will provide in sufficient detail the information and data necessary to verify
the accuracy and completeness of the report. The records must be kept for at least five years after the date the report is filed. Any record necessary to verify, explain, or clarify the report must be retained, including, but not limited to, vouchers, worksheets, receipts, and applicable resolutions.

VIII. LABOR ORGANIZATIONS UNDER TRUSTEESHIP — Any labor organization which has placed a subordinate labor organization in trusteeship is responsible for filing the subordinate's annual financial report. A trusteeship is defined in section 3(h) of the LMRDA as "any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws."

Annual financial reports for any labor organization in trusteeship must be filed on Form LM-2 rather than Form LM-4. The report must be signed by the president and treasurer or corresponding principal officers of the labor organization which assumed the trusteeship and by the trustees of the subordinate labor organization. Blank copies of Form LM-2 can be obtained from the nearest OLMS field office listed on the last page of these instructions.

IX. COMPLETING FORM LM-4

NUMBER OF COPIES

173
Three blank copies of Form LM-4 are included in this report package. The original and one duplicate copy must be filed with OLMS. A third copy should be maintained in your organization’s records.

LEGIBILITY

Entries on Form LM-4 should be typed or clearly printed in ink. Do not use a pencil.

ADDRESS LABEL

If this report package was mailed to you with an address label, peel off the top label and place it in the corresponding box on the second copy of the form, so that address labels are affixed to the two copies being mailed to OLMS. Use the pre-printed labels even if the information on them is incorrect.

REPORT ONLY DOLLAR AMOUNTS

Report amounts in Items 14 through 18 in dollars only. Round cents to the nearest dollar.

ITEMS 1 - 21

1. FILE NUMBER - Enter the 6-digit file number which OLMS assigned to your organization. If this Form LM-4 was mailed to
you with an address label, your organization's file number is the
6-digit number on the first line of the label. If you do not
have a label and you cannot obtain the number from prior reports
filed by your organization, contact the nearest OLMS field office
listed on the last page of these instructions to obtain your
organization's file number.

2. PERIOD COVERED - Enter the beginning and ending dates of the
period covered by this report. For example, if your
organization's 12-month fiscal year begins on January 1 and ends
on December 31, enter these dates as "1/1/9_" and "12/31/9_." Your organization's report should never cover more than a 12-
month period. It would be incorrect to enter January 1 of one
year through January 1 of the next year.

If your organization changed its fiscal year, enter in Item 2 the
ending date for the period of less than 12 months, which is your
organization's new fiscal year ending date, and report in Item 19
that your organization changed its fiscal year. For example, if
your organization's fiscal year ending date changes from June 30
to December 31, a report must be filed for the partial year from
July 1 to December 31. Thereafter, your organization's report
should cover a full 12-month period from January 1 to December
31.

3. LABOR ORGANIZATION TERMINATION - Check the box in Item 3 if
your labor organization has gone out of business by disbanding,
merging into another labor organization, or being merged and
consolidated with one or more labor organizations to form a new labor organization, and this is your organization's terminal report. Be sure the date your organization ceased to exist is entered in Item 2 after the word "THROUGH." See Section X of these instructions for more information on filing a terminal report.

IF THIS REPORT PACKAGE DOES NOT HAVE AN ADDRESS
LABEL OR IF ANY OF THE INFORMATION ON THE LABEL IS INCORRECT, COMPLETE ITEMS 4 THROUGH 8 IN THEIR ENTIRETY. IF THE LABEL INFORMATION IS CORRECT, LEAVE ITEMS 4 THROUGH 8 BLANK.

4. AFFILIATION OR ORGANIZATION NAME - Enter the name of the national or international labor organization which granted your organization a charter. If your organization has no such affiliation, enter the name of your organization as currently identified in your organization's constitution and bylaws or other organizational documents.

5. DESIGNATION - Enter the designation that specifically identifies your organization, such as Local, Lodge, Branch, Joint Board, Joint Council, District Council, etc.

6. DESIGNATION NUMBER - Enter the number or other identifier, if any, by which your organization is known.

7. UNIT NAME - Enter any additional or alternate name by which
your organization is known, such as "Chicago Area Local."

8. **MAILING ADDRESS** - Enter the current address where mail will most surely and quickly reach your organization. Be sure to indicate the name and title of the person, if any, to whom such mail should be sent and include any building and room number.

9. **CHANGES IN CONSTITUTION AND BYLAWS OR PRACTICES/PROCEDURES** - If Item 9 is checked "Yes" because your organization's constitution and bylaws were changed during the reporting period (other than rates of dues and fees), attach two dated copies of the new constitution and bylaws to the Form LM-4 your organization submits to OLMS.

If your organization is governed by a uniform constitution and bylaws prescribed by your organization’s parent national or international body, your organization’s parent body may file the constitution and bylaws on your behalf. If your parent body files a constitution and bylaws on your behalf, check Item 9 "Yes" and state that fact in Item 19.

If Item 9 is checked "Yes" because your organization changed any of the practices/procedures listed below during the reporting period and the practices/procedures are not described in your organization’s constitution and bylaws, your organization must file an amended Form LM-1 (Labor Organization Information Report) with its Form LM-4 to update the information on file with OLMS:
- qualifications for or restrictions on membership;

- levying assessments;

- participating in insurance or other benefit plans;

- authorizing disbursement of labor organization funds;

- auditing financial transactions of the labor organization;

- calling regular and special meetings;

- authorizing bargaining demands;

- ratifying contract terms;

- authorizing strikes;

- disciplining or removing officers or agents for breaches of their trust;

- imposing fines and suspending or expelling members including the grounds for such action and any provision made for notice, hearing, judgement on the evidence, and appeal procedures;

- selecting officers and stewards and any representatives to
other bodies composed of labor organization representatives;

- invoking procedures by which a member may protest a defect in the election of officers (including not only procedures for initiating an election protest but also all procedures for subsequently appealing an adverse decision, e.g., procedures for appeals to superior or parent bodies, if any); and;

- issuing work permits.

Contact the nearest OLMS field office listed on the last page of these instructions to obtain blank copies of Form LM-1.

NOTE: Federal employee labor organizations subject solely to the Civil Service Reform Act are not required to submit an amended Form LM-1 to describe revised or changed practices/procedures.

10. CHANGES IN RATES OF DUES AND FEES - Check Item 10 "Yes" if your organization changed its rates of dues and fees during the reporting period. If "Yes" is checked, report the rates of dues and fees in Item 19. If more than one rate applies report the minimum and maximum rates. Also report the calendar basis for payment (per year, month, etc.).

Dues and fees include initiation fees charged to new members, fees (other than dues) from transferred members, fees for work...
permits, and regular dues or fees. Include only the dues and fees of regular members and not the dues and fees of members with special rates, such as apprentices, retirees, or unemployed members. Check "No" if your organization did not change its rates of dues and fees during the reporting period.

11. LOSSES OR SHORTAGES - Check Item 11 "Yes" if any loss or shortage of funds or other property of your organization was discovered during the reporting period whether or not there has been repayment or an agreement to make restitution. If Item 11 is checked "Yes," describe the loss or shortage in detail in Item 19 including such information as the amount of the loss or shortage of funds or a description of the property that was lost, how it was lost, and to what extent, if any, there has been an agreement to make restitution or any recovery by means of repayment, fidelity bond, insurance, or other means. Check "No" if no losses or shortages were discovered.

12. FIDELITY BOND - Check Item 12 "Yes" if your organization was insured by a fidelity bond against losses through fraud or dishonesty during the reporting period. If Item 12 is checked "Yes," enter the maximum amount recoverable for a loss caused by any officer, employee, or agent of your organization who handled your organization's funds. Check "No" if your organization was not insured by a fidelity bond during the reporting period.

NOTE: Section 502(a) of the LMRDA requires every officer, employee, or agent of a labor organization
(which has property and annual financial receipts over $5,000 in value) who handles funds or other property of the organization to be bonded. The amount of the bond must be at least 10% of the value of the funds handled by the individual during the last reporting period. The bond must be obtained from a surety company approved by the Secretary of the Treasury. If you have any questions or need more information about bonding requirements, contact the nearest OLMS field office listed on the last page of these instructions.

13. NUMBER OF MEMBERS - Enter the number of members in your organization at the end of the reporting period. Include all categories of members who pay dues. Do not include nonmember employees who make payments in lieu of dues as a condition of employment under a union security provision in a collective bargaining agreement.

14. ASSETS - Enter in Item 14 the total value of all your organization's assets at the end of the reporting period including, for example, cash on hand and in banks, property, loans owed to your organization, investments, office furniture, automobiles, and anything else owned by your organization. Enter "00" if your organization had no assets at the end of the reporting period.

15. LIABILITIES - Enter in Item 15 the total amount of all your organization's liabilities at the end of the reporting period.
including, for example, unpaid bills, loans owed, total amount of mortgages owed, and other debts of your organization. Enter "00" if your organization had no liabilities at the end of the reporting period.

16. RECEIPTS - Enter in Item 16 the total amount of all receipts of your organization during the reporting period including, for example, dues, fees, fines, assessments, interest, dividends, rent, money from the sale of assets, and loans received by your organization. Also include payments in lieu of dues received from any nonmember employees as a condition of employment under a union security provision in a collective bargaining agreement. Enter "00" if your organization had no receipts during the reporting period.

NOTE: If your organization’s annual receipts were $10,000 or more, your organization is not eligible to file Form LM-4 and must report on Form LM-2 or Form LM-3 as explained in Section II of these instructions.

17. DISBURSEMENTS - Enter in Item 17 the total amount of all disbursements made by your organization during the reporting period including, for example, payments to officers and employees, per capita tax and any other fees or assessments which your organization paid to any other organization, payments for administrative expenses, loans made by your organization, and taxes paid. Enter "00" if your organization made no disbursements during the reporting period.
18. DISBURSEMENTS TO OFFICERS AND EMPLOYEES - Enter in Item 18 the total amount of all disbursements included in Item 17 that were payments to officers and employees made by your organization during the reporting period. The amount reported should include, for example, gross salaries (before tax withholdings and other payroll deductions); lost time pay; monthly, weekly, or daily allowances; and disbursements for conducting official business of the organization as well as disbursements which were essentially for the personal benefit of the officer or employee. Enter "00" if your organization made no payments to officers or employees during the reporting period.

NOTE: Section 503(a) of the LMRDA prohibits labor organizations from making direct or indirect loans to any officer or employee of the labor organization which results in a total indebtedness on the part of such officer or employer to the labor organization in excess of $2,000.

19. ADDITIONAL INFORMATION - Use Item 19 to provide additional information as indicated in Items 9, 10, 11, 20, and 21 and in Section X of these instructions. Enter the number of the item to which the information relates in the Item Number column. If there is not enough space in Item 19, report the additional information on a separate letter-size page(s). At the top of each page clearly print the name of your organization, its 6-digit file number as reported in Item 1 of Form LM-4, and the ending date of the reporting period as reported on the second
20-21. SIGNATURES - The original and one copy of completed Form LM-4 which are filed with OLMS must be signed by both the president and treasurer or corresponding principal officers of your organization. Original signatures are required; stamped or mechanical signatures are not acceptable. If the duties of the principal executive or principal financial officer are performed by officers other than the president and treasurer, the report may be signed by the other officers. If the report is signed by an officer other than the president or treasurer, cross out the printed title, enter the correct title in Item 20 or 21, and explain in Item 19 why the president or treasurer did not sign the report. Enter the date the report was signed and the telephone number at which the signatories conduct official business; you do not have to report a private, unlisted telephone number.

X. LABOR ORGANIZATIONS WHICH HAVE CEASED TO EXIST - If your organization has gone out of existence as a reporting labor organization, the last president and treasurer or the officials responsible for winding up the affairs of your organization must file a terminal financial report for the period from the beginning of the fiscal year to the date of termination. A terminal financial report must be filed if your organization has disbanded, merged into another organization, or consolidated with other organizations to form a new organization. A terminal financial report is not required if your organization changed its
affiliation but continues to function as a separate reporting labor organization.

The terminal financial report may be filed on Form LM-4 if your organization filed its previous annual report on Form LM-4 and your organization's total annual receipts, as defined in Section II of these instructions, were less than $10,000 for the part of the last fiscal year during which your organization existed. (If total annual receipts were $10,000 or more, your organization must use Form LM-2 or LM-3 to file its terminal financial report as explained in Section II of these instructions.) Your organization's terminal financial report must be submitted to the U.S. Department of Labor, Office of Labor-Management Standards, 200 Constitution Avenue, NW, Washington, DC 20210, within 30 days after the date of termination.

To complete a terminal report on Form LM-4 follow the instructions in Section IX and, in addition:

- Enter the date your organization ceased to exist in Item 2 after the word "THROUGH."

- Check the box in Item 3 indicating that your organization ceased to exist during the reporting period and that this is your organization's terminal Form LM-4.

- Print the words "TERMINAL REPORT" as the first entry
in Item 19 and provide a detailed statement of the reason why your organization ceased to exist. Also report in Item 19 plans for the disposition of your organization's cash and other assets, if any (for example, transfer of cash and assets to the parent body). Also provide the name and address of the person or organization that will retain the records of the terminated organization. If your organization merged with another labor organization, give that organization's name, address, and 6-digit file number.

Contact the nearest OLMS field office listed below if you have questions about filing a terminal report.

*   *   *
Assistance may be obtained from the field offices of the U.S. Department of Labor's Office of Labor-Management Standards located in the following cities:

*Albany, NY  
Atlantic, GA  
Boston, MA  
Buffalo, NY  
Chicago, IL  
Cincinnati, OH  
Cleveland, OH  
Dallas, TX  
Denver, CO  
Detroit, MI  
*Grand Rapids, MI  
Hato Rey, PR  
Honolulu, HI  
Houston, TX  
Iselin, NJ  
Kansas City, MO  
Los Angeles, CA  

Miami, FL  
Milwaukee, WI  
Minneapolis, MN  
Nashville, TN  
New Haven, CT  
New Orleans, LA  
New York, NY  
Philadelphia, PA  
Pittsburgh, PA  
St. Louis, MO  
*San Diego, CA  
San Francisco, CA  
Seattle, WA  
Tampa, FL  
*Vestavia Hills, AL  
Washington, DC  

Consult local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, for the address and telephone number of the nearest field office.

*These OLMS field offices do not maintain copies of LMRDA
required reports for public disclosure.
Part IV

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 331
Antacid Drug Products for Over-the-Counter Human Use; Proposed Amendment of Antacid Monograph; Proposed Rule
Neutralizing capacity test was included in the Fifth Supplement to the United States Pharmacopeia XXI/National Formulary XVI (U.S.P. XXI/N.F. XVI) (Ref. 3) and are contained in the current U.S.P. XXII/N.F. XVII (Ref. 4). Although the agency concurs in the revisions, the U.S.P. acid neutralizing capacity test is now different from the agency's antacid monograph testing procedures.

The acid neutralizing capacity test contained in the final monograph for OTC antacid drug products includes under § 331.26(b)(4) a procedure for a chewing gum dosage form. A testing procedure for this dosage form was included in the Seventh Supplement to U.S.P. XXI/N.F. XVI, which became official on May 15, 1988 (Ref. 5).

The antacid monograph also refers to the U.S.P. XVIII method of tablet disintegration, stating that a tablet intended for swallowing must disintegrate within 10 minutes using simulated gastric fluid test solution without enzymes rather than water as the immersion fluid. The agency is aware that for many antacid ingredients for which tablet monographs are included in the current U.S.P. XXII/N.F. XVII, there are differences between the FDA recommended disintegration test method and those included in current U.S.P. XXII/N.F. XVII monographs. For example, the U.S.P. XXII/N.F. XVII monograph for alumina, magnesia, and calcium carbonate tablets recommends a disintegration time of 45 minutes with water used as the immersion fluid (Ref. 6).

In contrast with the existing monograph testing procedures, the procedures in U.S.P. XXII/N.F. XVII include tests for powder and suspension dosage forms and for products having an acid neutralizing capacity greater than 25 milliequivalents (mEq) of acid, as well as a more detailed sample preparation procedure for capsule dosage forms. However, the U.S.P. XXII/N.F. XVII procedures do not include a "preliminary antacid test" (as contained in § 331.25 of the antacid monograph) or a procedure for the "determination of percent contribution of active ingredients" in a combination antacid drug product (as contained in § 331.21 of the antacid monograph). The agency does not consider the "preliminary antacid test" as essential to the determination of a product's acid neutralizing capacity. The monograph preliminary antacid test serves as a screening procedure to determine if a product merits the more exacting acid neutralizing capacity testing. The agency does not believe that a compendial procedure is needed for this purpose. In addition, manufacturers may elect to continue to use this "preliminary antacid test" as a screen even though it would no longer be included in the monograph.

To resolve the differences between current U.S.P. standards and the standards included in the FDA final monograph for OTC antacid drug products, the agency could amend its antacid monograph to be consistent with U.S.P. XXII/N.F. XVII. However, because U.S.P. XXII/N.F. XVII is the recognized official compendia for determining the identity, strength, quality, and purity of drugs, and also because the U.S.P. test is appropriate for determining the acid neutralizing capacity of OTC antacid drug products, the agency sees no reason at this time for retaining a different procedure in the FDA antacid drug products monograph. However, if in the future, the U.S.P.C. changes the methodology and FDA does not concur, it may be necessary to propose a different acid neutralizing capacity test for the antacid monograph for OTC antacid drug products. In that event, the agency will publish a notice in the Federal Register explaining its position and inviting comment.

As noted above, the U.S.P. XXII/N.F. XVII does not contain a procedure for the "determination of percent contribution of active ingredients." The antacid monograph (§ 331.10(a)) requires that each ingredient in an antacid drug product be included at a level that contributes at least 25 percent of the total acid neutralizing capacity of the product. Therefore, while the agency is proposing to delete the testing procedures from the antacid monograph and to refer to the U.S.P. XXII/N.F. XVII procedures for determination of the product's acid neutralizing capacity, it will retain § 331.21 ("determination of percent contribution of active ingredients") in the monograph (but redesignate it as § 331.20) so that a procedure will be available for making that determination. Further, new § 331.20 will be revised to refer to the U.S.P. XXII/N.F. XVII test procedure, rather than the procedure set forth in § 331.25, which is being deleted. In addition, new § 331.20 will be revised to incorporate more current language in U.S.P. XXII/N.F. XVII about wetting of the sample (Ref. 4).

Accordingly, the agency is proposing to remove the following sections from "Subpart C—Testing Procedures" in "Part 331—Antacid Products For Over-The-Counter (OTC) Human Use": §§ 331.20, 331.22, 331.23, 331.24, 331.25, and 331.26. Section 331.21 will be redesignated as § 331.20 and amended to refer to the U.S.P. XXII/N.F.
The test procedure in place of § 331.26, which is being removed. Section 331.239 ("test modifications") will be retained in case there is a need for any manufacturer to petition for a test modification. This section will be redesignated as § 331.21 and will be amended to reference the U.S.P. XXII/ N.F. XVII test procedure. In addition, §§ 331.10(a) and 331.31(a)(1) are being amended by revising these sections to refer to U.S.P. XXII/N.F. XVII in place of § 331.26, which is being removed.

References


The agency has examined the economic consequences of this proposed rulemaking in conjunction with other rules resulting from the OTC drug review. In a notice published in the Federal Register of February 8, 1983 (48 FR 5806), the agency announced the availability of an assessment of these economic impacts. The assessment determined that the combined impacts of all the rules resulting from the OTC drug review do not constitute a major rule according to the criteria established by Executive Order 12291. The agency therefore concludes that no one of these rules, including this proposed rule for OTC antacid drug products, is a major rule.

The economic assessment also concluded that the overall OTC drug review was not likely to have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96-354). That assessment included a discretionary regulatory flexibility analysis in the event that an individual rule might impose an unusual or disproportionate impact on small entities. However, this particular rulemaking for OTC antacid drug products is not expected to pose such an impact on small businesses because it simply deletes some testing procedures that have already been incorporated into the U.S.P./N.F. Therefore, the agency certifies that this proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities.

The agency invites public comment regarding any substantial or significant economic impact that this rulemaking would have on OTC antacid drug products. Comments regarding the impact of this rulemaking on OTC antacid drug products should be accompanied by appropriate documentation.

The agency has determined under 21 CFR 25.24(c) (6) 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.

Interested persons may, on or before November 22, 1993, submit to the Dockets Management Branch (address above) written comments, objections, or requests for oral hearing before the Commissioner on the proposed regulation. A request for an oral hearing must specify points to be covered and time requested.

List of Subjects in 21 CFR

Labeling, Over-the-counter drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 331 be amended as follows:

PART 331—ANTACID PRODUCTS FOR OVER-THE-COUNTER (OTC) HUMAN USE

1. The authority citation for 21 CFR part 331 continues to read as follows:


2. Section 331.10 is amended by revising paragraph (a) to read as follows:

§ 331.10 Antacid active ingredients.
(a) The active antacid ingredients of the product consist of one or more of the ingredients permitted in § 331.11 within any maximum daily dosage limit established, each ingredient is included at a level that contributes at least 25 percent of the total acid neutralizing capacity of the product, and the finished product contains at least 5 mEq of acid neutralizing capacity as measured by the procedure provided in the United States Pharmacopeia XXII/National Formulary XVII. The method established in § 331.20 shall be used to determine the percent contribution of each antacid active ingredient.

§ 331.20 Determination of percent contribution of active ingredients.

To determine the percent contribution of an antacid active ingredient, place an accurately weighed amount of the antacid active ingredient equal to the amount present in a unit dose of the product into a 250-milliliter (mL) beaker. If wetting is desired, add not more than 5 mL of alcohol (neutralized to an apparent pH of 3.5), and mix to wet the sample thoroughly. Add 70 mL of water, and mix on a magnetic stirrer at 300±30 r.p.m. for 1 minute. Analyze the acid neutralizing capacity of the sample according to the procedure provided in the United States Pharmacopeia XXII/National Formulary XVII, and calculate the percent contribution of the antacid active ingredient in the total product as follows:

Percent contribution = (Total mEq. Antacid Active Ingredient x 100) / (Total mEq. Antacid Product).

§ 331.22 Reagent standardization is removed.

§ 331.23 Temperature standardization is removed.

§ 331.24 Tablet disintegration test is removed.

§ 331.25 Preliminary antacid test is removed.
§331.26 [Removed]
9. Section 331.26 Acid neutralizing capacity test is removed.

§331.29 [Redesignated as §331.21]
10. Section 331.29 is redesignated as §331.21 and revised to read as follows:

§331.21 Test modifications.
The formulation or mode of administration of certain products may require a modification of the United States Pharmacopeia XXII/National Formulary XVII acid neutralizing capacity test. Any proposed modification and the data to support it shall be submitted as a petition under the rules established in §10.30 of this chapter. All information submitted will be subject to the disclosure rules in part 20 of this chapter.

11. Section 331.80 is amended by revising paragraph (e)(1) to read as follows:

§331.80 Professional labeling.
(a) * * *
(1) Shall contain the neutralizing capacity of the product as calculated using the procedure set forth in United States Pharmacopeia XXII/National Formulary XVII expressed in terms of the dosage recommended per minimum time interval or, if the labeling recommends more than one dosage, in terms of the minimum dosage recommended per minimum time interval.

* * * * *


Michael R. Taylor,
Deputy Commissioner for Policy.
[FR Doc. 93-23108 Filed 9-22-93; 8:45 am]
Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 585
Opportunities for Youth: Youthbuild Program; and Notice of Funds Availability for the Development and Implementation of Youthbuild Programs; Proposed Rule and Notice
The Youthbuild program is authorized under subtitle D of title IV of the National Affordable Housing Act (42 U.S.C. 8011), as added by section 164 of the Housing and Community Development Act of 1992 (Pub. L. 102–550).

A. Authority.

The Youthbuild program may be construed to authorize any agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials used by any educational institution or school system participating in a Youthbuild program.

B. Allocation amounts.

(1) Maximum Awards: The maximum amount an applicant may receive for a Youthbuild planning grant is $100,000. The maximum amount an applicant may receive for a Youthbuild implementation grant is $1,000,000. HUD reserves the right to approve a planning or implementation grant in a higher amount for "good cause" (see Paragraph B, Part II, for Planning Grants and Paragraph B, Part III, for Implementation Grants) or to reduce the amount of grant funds requested by an individual applicant (see Paragraph J(4), Part II, for Planning Grants and Paragraph M(7), Part III, for Implementation Grants).

(2) Combined Planning and Implementation Grant Applications: Applicants may apply for both types of grants using one application. The application package provides instructions on submitting a combined Youthbuild application. Combined planning and implementation grant applications will compete separately in each competition. Planning grant requests must receive a minimum point score of 50 points to qualify for the planning grant competition. Planning grant selection...
funds: reserved implementation grant funds HUD announced, these funds will be made each fiscal year's funds are to aside funds are not used for emergency funds may be published for emergency purposes. Specific and expedited process to award funds whether the emergency is of sufficient homeless. The Secretary will determine housing for low-income persons and the circumstances, such as civil disturbances, may affect the provision of services to youth or result in housing deprivation and increased demand for housing for low-income persons and the homeless. The Secretary will determine whether the emergency is of sufficient severity to warrant use of Youthbuild funds.

The Secretary will establish a separate and expedited process to award funds for emergency purposes. Specific instructions governing the use of these funds may be published by notice in the Federal Register, as necessary. If the set-aside funds are not used for emergency purposes by the time that awards for each fiscal year's funds are to be announced, these funds will be made available for the general implementation grant competition for that year.

C. Background and objectives.

The Opportunities for Youth initiative (Youthbuild) is designed to help disadvantaged young adults who have dropped out of high school to obtain the educational and employment skills necessary to achieve economic self-sufficiency and develop leadership skills and a commitment to community development in low-income communities. Fund grants can be used to fund eligible educational and supportive services and activities, as defined by the Act, comprised of basic skills instruction and remedial education, employment skills and leadership development, counseling, referral and support services.

Another important objective of the Youthbuild program is to expand the supply of permanent affordable housing for homeless persons and members of low- and very low-income families. By giving disadvantaged young adults participating in the program meaningful on-site training experiences constructing or rehabilitating housing as a community service, they are helping to meet the housing needs of homeless and low-income families in their community. Eligible activities, such as acquisition, architectural and engineering fees, construction, rehabilitation, operating expenses and replacement reserves can be covered for Youthbuild housing. All housing assisted or used in a Youthbuild program must meet the needs of homeless and members of low- and very low-income families.

Youthbuild Project-related Restrictions:

The Youthbuild program provides funding assistance for a wide range of multi-disciplinary activities and services to assist economically disadvantaged youth. However, when Youthbuild implementation grant assistance is provided for housing projects and specifically for acquisition, architectural and engineering fees, construction, rehabilitation, operating expenses or replacement reserves, certain Youthbuild restrictions (defined in Parts VI, VII, and VIII of the NOFA) shall apply to the housing designated in the program to receive such assistance. These Youthbuild project-related restrictions apply to residential rental, transitional and homeownership housing projects used in the program and assisted with Youthbuild funds. For example, a Youthbuild implementation grant might only provide funding for participant education, training, counseling and stipend costs. In this example, the actual acquisition, architectural and engineering fees, rehabilitation costs, construction costs, operating expenses or replacement reserves associated with the housing property are covered, in full, by other public or private sources of funds. If a broad application of the program's housing restrictions were imposed on all multi-disciplinary activities funded with Youthbuild grant assistance, this property would be required to comply with these restrictions even though Youthbuild grant funds are not used for housing costs. This could create a heavier burden than anticipated for the applicant or the property owner that allows Youthbuild trainees on-site during construction or rehabilitation as a means of developing skills and hands-on training essential to the success of the program. Therefore, HUD has determined that the Youthbuild project-related restrictions shall apply only when Youthbuild grant funds provide for project acquisition, architectural and engineering fees, construction, rehabilitation, operating costs or replacement reserves. This determination is designed to ensure that applicants are not limited in their abilities to seek out and secure potential housing projects for training purposes and are not overly burdened by program restrictions when housing costs are paid by other sources. Youthbuild participant stipends even for on-site work are not considered construction or rehabilitation costs.

Useful life of the Youthbuild property:

The project-related restrictions placed on residential rental, transitional, or homeownership projects receiving Youthbuild assistance for acquisition, architectural and engineering fees, construction, rehabilitation, operating expenses, or replacement reserves shall apply for the "remaining useful life" of the property. For purposes of this program, "remaining useful life" is defined as 10 years. In the interest of maintaining affordable housing produced in cooperation with a Youthbuild program for a reasonable period of time, HUD has determined that where Youthbuild housing restrictions apply, Youthbuild program requirements shall remain in effect for a period of 10 years after completion of construction and issuance of occupancy permits.

Availability of Residential Rental Units:

Residential rental projects covered by Youthbuild project-related restrictions are required to make at least 90 percent
of the units available to individuals and families with incomes less than 60 percent of the area median income, adjusted for family size. It is anticipated that this restriction can be easily satisfied in a majority of cases. However, there may be rare instances where the 90% lease-up requirement cannot be readily satisfied causing long vacancy periods. Extended vacancy periods can greatly reduce the project's cash flow or create a negative cash flow which can lead to serious financial consequences. It is not the intent of the program to place unrealistic restrictions on Youthbuild housing projects to such a degree that the project's financial condition becomes seriously threatened. Therefore, HUD has determined that when a rental unit is advertised community-wide in support of the 90 percent occupancy requirement but is not leased to a tenant with an income of less than 60 percent of the area median income within an advertisement period of 90 consecutive days, the unit may then be made available to persons with incomes of less than 80 percent of the area median income. The advertisement period for this higher income group may not exceed 90 consecutive days. Leases to persons with incomes between 60 and 80 percent may not exceed one year. Availability of rental units to this higher income group is only permitted in the interest of maintaining the financial stability of the Youthbuild residential rental housing project.

Other Federal, State or Local housing rules and regulations:

When funds from other types of Federal, State or local housing programs are used in a Youthbuild property, the Federal, State or local program rules shall also govern. Uniform Relocation Act requirements apply to any property in a Youthbuild program regardless of the source.

Other public and private resources:

Applicants are strongly encouraged to seek out and take advantage of other Federal, State, local or private funds for housing construction, job training, counseling, referral or social services which can be augmented with a Youthbuild grant. The selection criteria for planning and implementation grants provide points for program coordination (using resources from other Federal, State, local and private programs) and for securing financial assistance from these other sources of funds.

Wages, Labor Standards, and Nondiscrimination:

Sections 142, 143 and 167 of the Job Training Partnership Act, related to wages and benefits, labor standards, and nondiscrimination, shall apply to Youthbuild programs as if the programs were conducted under the Job Training Partnership Act. This provision may not be construed to prevent Youthbuild recipients from using funds from non-Federal sources to increase wages and benefits under such programs, if appropriate.

Labor Standards: (a) Trainees. Davis-Bacon prevailing wage rate requirements are not applicable to trainees on housing projects or in training programs assisted by Youthbuild grant funds, where the Youthbuild grant is the only Federal assistance provided. If other Federal programs provide assistance to the housing project or the Youthbuild training program, labor standards apply to trainees to the extent required by the other Federal programs.

(b) Laborers and mechanics other than Youthbuild Trainees.

(1) All laborers and mechanics (other than Youthbuild trainees) employed by contractors or subcontractors in any construction, alteration or repair, including painting and decorating, of housing that is assisted by a Youthbuild grant shall be paid at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a—276a-5). The employment of such laborers and mechanics on assisted housing shall be subject to the provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333). Where such requirements are applicable, recipients, sponsors, owners, contractors and subcontractors must comply with all related Department of Labor and HUD rules, regulations and requirements.

(2) The labor standards requirements in paragraph (b)(1) above do not apply where a Youthbuild grant is provided solely for classroom and/or on-the-job training and supportive services for Youthbuild trainees, and the grant does not include costs for housing project development involving acquisition (including lease), rehabilitation or new construction of real properties; however, if other Federal programs provide assistance to the housing project, labor standards apply to laborers and mechanics to the extent required by the other Federal programs. Applicants need to review applicable Federal regulations to determine which relevant requirements apply to their individual situations.

Primarily religious organizations:

(1) HUD will provide Youthbuild assistance to a recipient that is a primarily religious organization if it agrees to provide housing, educational and training activities or supportive services in a manner that is free from religious influences and in accordance with the following principles:

- (a) It will not discriminate against any employee or applicant for employment on the basis of religion and will not limit employment or give employment preference to persons on the basis of religion;

- (b) It will not discriminate against any person applying for Youthbuild activities, supportive services or housing on the basis of religion and will not limit such activities or services or give preference to persons on the basis of religion; and

- (c) It will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of housing, education, training activities, or supportive services.

(2) HUD will provide Youthbuild assistance to a recipient that is a primarily religious organization if the assistance will not be used to acquire, construct or rehabilitate a property to be owned by the recipient.

D. Definitions.

As used in the NOFA:

1937 Act means the United States Housing Act of 1937.


Access to housing means the United States Department of Housing and Community Development.

Youthbuild implementation grants required to document that the program has access to the housing project(s) for youth on-site training, e.g., construction can start concurrently with the other aspects of the Youthbuild program, and program participants have permission to work on-site.

Adjusted income has the meaning given the term "adjusted income" in section 3(b) of the United States Housing Act of 1937.

Administrative costs means reasonable and necessary costs, as described in and valued in accordance with OMB Circular Nos. A-87 or A-122 as applicable, incurred by a recipient in carrying out a Youthbuild program.

Applicable residential rental housing quality standards shall mean those standards of the applicable HUD or other Federal, State or local program...
providing assistance for residential rental housing involved in a Youthbuild implementation grant as used under section 455(a), Youthbuild Program Requirements, of the Act.

Applicant means a public or private nonprofit agency, including:
(1) A community-based organization which is accountable to low-income community residents through representation on the governing board and which has a history of serving the local community where the Youthbuild program is to be located;
(2) An administrative entity designated under section 103(b)(1)(B) of the Job Training Partnership Act;
(3) A community action agency;
(4) A State or local housing development agency;
(5) A community development corporation;
(6) A public and/or Indian housing authority and resident management corporations, resident councils and resident organizations;
(7) A State and local youth service and conservation corps; and
(8) Any other entity (including States, units of general local government, and Indian Tribes) eligible to provide education and employment training under other Federal employment training programs.

Combined Youthbuild application means the submission by an applicant of a single application to HUD for a planning and implementation grant request for one Youthbuild program.

Community-based organization means a private nonprofit organization that:
(1) Maintains, through significant representation on the organization’s governing board or otherwise, accountability to low-income community residents and, to the extent practicable, low-income beneficiaries of Youthbuild programs; and
(2) Has a history of serving the local community or communities where a youth program is located.

Comprehensive Housing Affordability Strategy (CHAS) means the housing strategy prepared by a jurisdiction and submitted to HUD in accordance with 24 CFR part 91.

Eligible participant means an individual selected to participate in a Youthbuild program receiving assistance under the NOFA, who is:
(1) 16 to 24 years of age, inclusive;
(2) A very low-income individual or a member of a very low-income family; and
(3) An individual who has dropped out of high school.

An exception of not more than 25% of all full-time participants is permitted for young adults who do not meet the program’s income or educational requirements but who have educational needs despite attainment of a high school diploma or its equivalent.

Firm commitment means documented evidence of additional resources to be made available to the program from the applicant or any other public or private entity. Documented types of commitments shall include but are not limited to: loans, grants, donations, contributions, in-kind services, personnel, supplies, materials, classroom or meeting room space, transportation, tax abatements, public improvements, financial subsidies, architectural and engineering work, or volunteer services. The description of the commitment shall be in the form of a written obligation (on appropriate letterhead) specifying: (i) The dollar amount and source of funds or other types of resources committed and their use in the program; (ii) the date of availability and duration; (iii) the terms and conditions of the commitment other than those conditioned upon the receipt of a Youthbuild grant; (iv) the authority by which the commitment is made (such as board resolution, grant award notification, approvals); and (v) the signature of the appropriate executive officer authorized to commit the resources.

Full-Time Participation for program eligible participants is limited to not less than 6 months and not more than 24 months.

“Graduates” are participants completing the Youthbuild program after which they are able to take advantage of meaningful opportunities in continued education, in owning their own businesses, in meaningful employment or in other means by which the participant can attain economic self-sufficiency.

Homeless Act means the Stewart B. McKinney Homeless Assistance Act, as amended, (42 U.S.C. 11301 et seq.).

Homeless individual has the meaning given the term in section 103 of the Stewart B. McKinney Homeless Assistance Act.

Housing development agency means any agency of a State or local government, or any private nonprofit organization that provides housing for homeless or low-income families.

Income has the meaning given the term in section 3(b) of the United States Housing Act of 1937.

Indian Tribe has the same meaning given such term in section 102(a)(17) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(17)).

“Individual who has dropped out of high school” means an individual who is neither attending any school nor subject to a compulsory attendance law and who has not received a secondary school diploma or a certificate of equivalency for such diploma.

Institution of Higher Education has the meaning given the term in section 120(a) of the Higher Education Act of 1965.

JTPA means the Job Training Partnership Act (P.L. 102–235), as amended.

Limited-English proficiency has the meaning given the term in section 7003 of the Bilingual Education Act.

Low-income Family has the meaning given the term in section 3(b) of the United States Housing Act of 1937.

Offender means any adult or juvenile with a record of arrest or conviction for a criminal offense.

Outreach and recruitment activities mean specific steps to be taken to attract potential eligible participants who are unlikely to be aware of the Youthbuild program because of race, ethnicity, sex or disability.

Private Nonprofit Organization means any private nonprofit organization that:
(1) Is organized and exists under Federal, State, local, or tribal law;
(2) Has no part of its earnings inuring to the benefit of any individual, corporation, or other entity;
(3) Has a voluntary board;
(4) Has an accounting system or has designated a fiscal agent in accordance with requirements established by HUD; and
(5) Practices nondiscrimination in the provision of assistance.

Project-related restrictions mean Youthbuild housing restrictions applicable only in cases where the Youthbuild implementation grant is providing assistance to residential rental, transitional or homeownership housing projects for specific costs relating to property acquisition, architectural and engineering fees, construction, rehabilitation, operating costs, or replacement reserves.

Related facilities must be associated with housing as defined in the program and may include cafeterias or dining halls, community rooms or buildings, child care centers, recreation facilities, and other essential service facilities. Related facilities which stand alone are not appropriate construction sites for trainees.

Secretary means the Secretary of Housing and Urban Development.

Self-sufficiency, as used in the Youthbuild program, means attaining a level by which one is able to economically provide for oneself and one’s immediate family.
State means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, the Trust Territories of the Pacific Islands, or any other territory or possession of the United States.

Title IV means title IV of the National Affordable Housing Act, as amended (42 U.S.C. 1437).

Transitional housing means a project that has as its purpose facilitating the movement of homeless individuals and families to independent living within a reasonable amount of time. Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children.

Useful life shall mean a period of 10 years upon construction completion and issuance of an occupancy permit applicable to a residential rental, transitional or homeownership property acquired, constructed or rehabilitated (including architectural and engineering fees) or maintained (i.e., operating costs or replacement reserves), in whole or in part, with Youthbuild implementation grant funds (as used in section 455(a), Youthbuild Program Requirements, of the Act).

Very low-income family has the meaning given in section 3(b) of the United States Housing Act of 1937.

Youthbuild program means any program that receives assistance under subtitle D of title IV of the National Affordable Housing Act and provides disadvantaged youth with opportunities for employment, education, leadership development and training in the construction or rehabilitation of housing for the homeless and members of low- and very low-income families.

II. Youthbuild Planning Grants.

A. Purpose.

HUD will award Youthbuild planning grants to eligible applicants for the purpose of developing Youthbuild programs in accordance with subtitle D of title IV of the National Affordable Housing Act. Applications will be selected in a national competition in accordance with the selection process described in paragraph J, Selection Process for Planning Grants, of this Part.

B. Maximum awards.

The maximum amount of a Youthbuild planning grant is $100,000 except that HUD may for "good cause" approve a grant in a higher amount.

"Good cause" may include but is not limited to: (a) The added costs of architectural and engineering (A & E) fees paid in the preparation of an implementation grant application; or (b) other documented unusual circumstances which elevate program planning costs beyond the maximum amount of $100,000. No amendments to increase previously approved grant amounts are allowed.

Planning grants are not to exceed a maximum of 12 months to complete approved activities. The award of a Youthbuild planning grant based on the provisions and requirements of the NOFA does not obligate HUD to fund the implementation of the program upon completion of the approved planning activities (unless the companion implementation grant was submitted as a combined application and funded in the implementation grant competition).

C. Locational considerations.

HUD reserves the right to approve one or more applications for planning programs to be carried out in substantially the same general community, as defined by the respective application(s), so long as the size of the community is sufficiently large to justify approval of more than one application.

Applicants must propose a geographic scope of their programs that is reasonably related to the identified participant recruitment and housing areas.

D. Eligible Applicants.

Those applicants defined in Section I.D. are eligible to apply.

E. Eligible Activities.

Planning grant activities used to develop a Youthbuild program may include:

1. The undertaking of studies and research efforts to determine the feasibility and need for a Youthbuild program in a selected location including whether the proposed program can aid in meeting the housing needs of the community and achieve financial feasibility;

2. The formation and establishment of a consortium between Federal, State, or local youth training and education programs, homeless providers, housing programs and housing owners or developers, including other eligible organizations or nonprofit entities listed in paragraph D, Eligible Applicants, of this Part;

3. The preliminary identification and potential selection of a housing project for the Youthbuild program including an assessment of the type of housing program to be used and the method by which program participants will have access to the housing project;

4. Preliminary architectural and engineering (A & E) work for the Youthbuild proposed housing project including:

(a) the development of cost and time estimates associated with the amount of work to be done through new construction or the rehabilitation of existing housing,

(b) technical studies to evaluate environmental problems and to determine whether mitigation is feasible on the potential site, and

(c) the identification and initiation of the permit process required to commence work on the selected site;

5. The identification of multi-disciplinary counseling, educational and training curricula for the Youthbuild program including the identification and training of staff assigned to each program component;

6. The planning and identification of resources required for basic skills instruction and education, job training and job development, leadership and employment skills development and other related services that will be provided as part of the Youthbuild program;

7. The identification and establishment of relationships with local unions, apprenticeship programs, housing owners, local employers and other community groups related to the construction industry;

8. The development and establishment of counseling, referral or supportive services and activities in advance of commencing a Youthbuild implementation program; and

9. The preparation of an application for an implementation grant in accordance with the requirements set forth in the NOFA.

F. Program components.

Youthbuild programs use comprehensive and multi-disciplinary approaches designed to prepare young adults who have dropped out of high school for educational and employment opportunities by employing them as construction trainees on worksites for housing designated for homeless persons and low- and very low-income families.

A Youthbuild planning grant receiving assistance under the NOFA is designed to give applicants sufficient time and financial resources to develop a comprehensive Youthbuild program that can be effectively implemented.

The Youthbuild programs to be developed through the planning grant
are to contain three components with an optional fourth component:

1. Educational Services, including:
   a. Services and activities designed to meet the basic educational needs of participants. For example, a Youthbuild program may include basic skills instruction and remedial education, bilingual education for individuals with limited English proficiency, secondary educational services designed to lead to the attainment of a high school diploma or its equivalency (GED), or counseling and assistance in attaining post-secondary education and required financial aid;
   b. Vocational classroom courses geared to construction terminology and concepts; and
   c. Strategies to coordinate with local trade unions and apprenticeship programs where possible.

2. Leadership Training and Support activities, including:
   a. Activities designed to develop employment and leadership skills, including support for youth councils;
   b. Counseling services to assist trainees in personal, health, housing, child care, family or legal problems and/or referral services to appropriate social service resources;
   c. Support services and stipends necessary to enable individuals to participate in the program and, for a period not to exceed 12 months after completion of training, to assist participants through continued support services;
   d. Job development and placement activities and post-graduation follow-up assistance; and
   e. Pre-employment training plan aimed at developing job seeking skills.

3. On-site training, including:
   a. Worksite training plan for a closely supervised construction site; and
   b. Construction or rehabilitation plan and timetable.

4. Other activities: A local program may be designed to include other, special activities such as:
   a. Entrepreneurial training and courses in small business development;
   b. Assistance to correct learning disabilities; or
   c. Drivers' education courses. Since an implementation grant is required to be structured so that fifty percent (50%) of the time spent by participants in the program is devoted to basic educational services, leadership training and related activities described in sections (1) and (2) above, Youthbuild planning grant applications must contain strategies, plans and approaches to be used during the planning process to ultimately implement this program requirement.

G. Support of other Federal, State, local or private entities.

Applicants are encouraged to use existing housing programs such as the HOPE I, II or III programs, the HOME program, Supportive Housing for the Homeless and other homeless assistance and Transitional housing programs or other housing programs administered by HUD such as the Comprehensive Grant Program or other Federal, State, local or private housing programs. Use of other Federal, State, local or private funds for vocational, adult and bilingual education programs or for job training under the JTPA Act and the Family Support Act of 1988 is also encouraged.

The selection process for planning grants described in this Part provides for applicants to receive points where grant applications contain documented evidence of proposed plans to finance, in whole or in part, Youthbuild activities during the planning stage (and implementation stage for combined applications) from other Federal, State, local, or private sources. (Refer to Part II, paragraph I(4), Selection Criteria for Planning Grants, for further information.)

H. Deadline for completion of activities and reporting requirements.

1. Grant period: Activities under a Youthbuild planning grant are to be carried out within 12 months of the effective date of the planning grant agreement.

2. Performance evaluation plan: Each recipient of a Youthbuild Planning grant must submit a performance evaluation report on activities undertaken and completed in accordance with the grant agreement, including the recipient's determination whether it is feasible for it to undertake a Youthbuild implementation grant. The report will also contain the recipient's implementation plan for a Youthbuild Program. Each recipient must submit its performance evaluation report to HUD not later than 12 months from the effective date of the grant agreement.

3. Quarterly progress reports: Each recipient of a Youthbuild planning grant must submit a report on a quarterly basis covering but not limited to:
   a. Progress made in meeting Youthbuild program goals;
   b. Activities accomplished;
   c. Costs incurred from all sources;
   d. Changes, if any in program design; and
   e. Delays or problems encountered and efforts used to overcome such obstacles.

The form and substance of the quarterly progress report will be provided to recipients at time of execution of the grant agreements. The performance evaluation plan noted above will constitute the fourth and final quarterly report.

I. Selection Criteria for Planning Grants

HUD will review each application for a planning grant and assign up to 100 points in accordance with the following selection criteria: (1) Capability: the qualifications or potential capabilities of the applicant. (Maximum Points: 40) The capability of the applicant to develop and potentially implement a successful youth education and training program within a reasonable time period, within budget and in an effective manner as demonstrated through past performance. In assigning points for this criterion, HUD shall consider:

a. Program experience: The capacity and experience of the applicant entity or key staff to plan and implement programs with similar multidisciplinary characteristics shall be measured by: (i) Previous experience and success in outreach, recruitment, training, counseling, leadership development and educational and placement programs; and (ii) achievements in developing youth programs and youth opportunities in the community or an explanation of how such capability will be obtained. (10 points)

b. Housing experience: The degree of knowledge and experience of the applicant entity, key staff or other participating parties (applicant's partner, cooperating developer, rightful property owner or the consortium formed to participate in the program) to: (i) understand and use relevant Federal, State and/or local housing programs in the Youthbuild program; and (ii) produce sound and affordable housing for the homeless and low-income families, or an explanation of how such knowledge and experience will be obtained. (10 points)

c. Fiscal responsibility: The ability of the applicant or key staff to handle, manage, and adequately account for financial resources, and to use acceptable financial control procedures, demonstrated through past performance of the applicant entity or key staff with other Federal, State or local public funds, or an explanation of how such capability will be obtained. (10 points)

d. Program linkages: The experience of the applicant entity or key staff in establishing community-based linkages with local youth groups, neighborhood organizations, housing providers, apprenticeship programs, trade unions, private employers, public and private
social, educational and training programs, and other public and private initiatives or an explanation of how such capability will be obtained. (10 points)

(2) Need: the need for the proposed program, as determined by the degree of distress. (Maximum Points: 10) In assigning points for this criterion, HUD will consider the relative degree of distress of the community from which participants will be recruited and of the community in which the housing proposed to be constructed or rehabilitated will be located. Applicants are required to provide U.S. Bureau of Census 1990 poverty data, by Census tract, where appropriate. Any other recent State or local statistical studies, reports or analyses providing relevant data on distress (such as a locally-approved CHAS) may also be submitted. The source of the data should be clearly identified. Degree of distress shall be measured by:

(a) Participant Recruitment Area:
Applicants should submit documentation on youth unemployment rate, high school dropout data, and overall poverty rate by Census tract for the participant recruitment area. Any other documented State or local data on youth as measured by education, crime, homelessness or other relevant data can be submitted to support degree of distress. The source of the data should be clearly identified. (5 points)

(b) Youthbuild Housing Area:
Applicants should submit documentation on shortage of affordable housing units and the overall poverty rate by Census tract for the Youthbuild housing area. Any other documented State or local data on housing as measured by vacancy rates, number of substandard and available public housing units, or other relevant data can also be submitted. The source of the data should be clearly identified. (5 points)

(3) Program Quality and Feasibility: the comprehensiveness of the plan and the potential of the applicant for developing a successful and affordable Youthbuild program. (Maximum Points: 40) HUD will consider the extent to which the proposed program represents a sound, comprehensive and responsive plan for developing outreach and recruitment efforts, leadership development approaches, job development services, counseling and referral services, educational, vocational and alternative schooling, and participant training and job placement activities. Program quality will be evaluated in terms of whether proposed program activities meet the Youthbuild program objectives. The comprehensiveness and potential success of the proposed program will be measured by:

(a) Commitment: The extent of applicant commitment and responsiveness to the needs and problems of unemployed disadvantaged youth. (5 points)

(b) Comprehensive Plan: A description of the proposed program elements to be developed for youth outreach, recruitment and selection efforts, support services, leadership development, on-site training, educational courses and strategies, and job development and placement etc. (5 points)

(c) Potential Housing Project(s):
Preliminary identification and description of the potential housing project(s) proposed to be used for participant training purposes, including how the applicant entity is likely to: (i) Gain access to the housing project through purchase, option, lease, land contract, donation, or other arrangements with the current owner(s); and (ii) obtain commitments of materials, supplies, instructors, and other resources needed to undertake construction and conduct an on-site participant training program. The role the applicant is likely to play in the housing project (e.g., as developer, general contractor, owner, subcontractor, co-developer, manager, or some other arrangement) should be included in the description as well as the preliminary identification of the entity which will own and manage the project after construction or rehabilitation completion. (5 points)

(d) Potential Impediments and Recommended Solutions: The degree to which the applicant plans to address impediments to implementation of a Youthbuild program and to propose strategies to overcome such obstacles in the planning process. (5 points)

(e) Reasonable Costs: The applicant's strategy to develop accurate and reasonable costs for proposed activities including estimated costs per youth to be recruited, trained and educated; proposed costs for student stipends and wages; and estimated costs per housing unit to be rehabilitated or constructed. (5 points)

(f) Coordination: How the applicant intends to coordinate the Youthbuild program with other Federal, State, Indian tribe, local and private housing programs, youth education services, employment training programs, social service programs, and apprenticeship programs of local building trade unions. (5 points)

(g) Job Placement and Follow-Up: The applicant's goals and strategies for participant retention, job placement, continued training and educational opportunities and other follow-up services for program graduates. (3 points)

(b) In-House Staff Training: How the applicant intends to provide an adequate in-house training program for program staff and other personnel associated with the program. (2 points)

(i) Evaluation Plan: How the applicant intends to develop an evaluation plan for the program to be developed through the planning grant to assess program achievements as measured against such factors as: Program goals and objectives; youth recruitment efforts; attendance rates; degree of academic improvement and achievement; student retention rates; job placement rates; attainment of post-secondary educational goals; and completion rate of housing for homeless and low-income persons. (5 points)

(4) Program support: the level and types of commitments obtained or proposed to be obtained from Federal, State, local and private sources. (Maximum Points: 10) In assigning points for this criterion, HUD shall consider:

(a) Public Support: The extent of interest of Federal, State or local programs in support of a Youthbuild planning program or potentially the implementation program, demonstrated through evidence of intent to provide direct financial assistance or other resources, such as social services (i.e., counseling and training); potential use of existing vocational, adult, bilingual educational courses; use of public housing funds available through existing State or local programs; potential availability of construction and/or rehabilitation loans or grants, interest rate subsidies, resource personnel, supplies, materials, classroom and/or meeting space, public improvements, tax abatements, or other commitments. (4 points)

(b) Private Support: The extent of interest of the private sector, (including banks, other private community groups, the business community, foundations, unions, etc.) in support of the Youthbuild planning program or potentially the implementation program, demonstrated through evidence of intent to potentially provide direct financial assistance or other resources such as donation of labor or materials, interest rate reductions or other financial subsidies, operating subsidies, preliminary architectural and engineering (A & E) work, volunteer assistance in selected areas of the program, or other commitments. (3 points)
During the period immediately used for implementation.) Comprehensive Grant Program and Transitional housing programs or use of existing housing programs such as the Comprehens ve Grant Program administered by HUD or other Federal, State, or local housing programs. (Potential for housing programs to be used for implementation.) [3 points]

J. Selection process

In order to afford applicants every opportunity to submit a reliable application, while at the same time ensuring the fairness and integrity of the selection process, HUD is adopting the following application submission and selection procedures:

(1) Curable Technical Deficiencies: During the period immediately following the application deadline, HUD will screen each application to determine whether it is complete, internally consistent, and contains correct computations. Curable technical deficiencies are items that are not necessary for HUD to review under the selection criteria (e.g., failure to submit a required certification with the application). Applicants may not submit items that would improve the substantive quality of the application after the application due date has expired. Refer to Part V, Corrections to Deficient Applications, of the NOFA for further information.

(2) Qualifying Threshold Points: Upon completion of the initial application deficiency screening process, HUD will assign points in accordance with the planning grant selection criteria described in Part II, paragraph I, of the NOFA. All planning grant applications must receive a minimum threshold score of 50 points to qualify for competition in the rating and ranking process. Applications falling below 50 points will be deemed not suitable or not feasible for developing a Youthbuild program and will be eliminated from the competition.

(3) Selecting applicants: HUD will rank planning grant applications meeting the required threshold points according to total points assigned regardless if they are submitted as single or combined applications. Planning grants will be selected for funding from the rank order, unless the geographic diversity provision described below is used.

(a) Combined applications: Any planning grant request falling to qualify for the planning grant competition (e.g., receive a minimum of 50 points) and submitted in combination with an implementation grant request will automatically cause the implementation grant application to be eliminated from the implementation grant competition. Similarly, if there are insufficient funds to fund a planning grant submitted in combination with an implementation grant request, the latter will not be considered.

Any implementation grant request failing to be selected under the implementation grant competition and submitted in combination with a planning grant request will not cause its companion planning grant application to be disqualified from the planning grant competition provided the planning grant qualifies and HUD has determined that the activities proposed in the planning grant request stand alone and are not contingent upon activities proposed in the implementation grant request.

(b) Breaking tie scores: If two or more applications receive the same number of points and sufficient funds are not available to fund all such applications, the application or applications including other public or private resources shall be selected. If a tie still remains, the application or applications with the highest score for the planning grant selection criterion (1), Capability, found in Part II, paragraph I, shall be selected. If the tied application is a combined submission and has been selected in the planning grant competition and insufficient funds remain in the implementation grant competition, HUD will award provided HUD has determined that the activities proposed in the planning request stand alone and are not contingent upon activities proposed in the implementation grant request.

(c) Geographic Diversity: HUD will rate and rank all planning grant applications based on the selection criteria and assign them in rank order from highest to lowest. Selections will normally be made in rank order. However, to ensure national geographic diversity among awardees, HUD reserves the right to select lower ranked applications if any of the 10 HUD Regions are not represented or if any receive substantially fewer awards.

After correction to allow for geographic diversity, HUD will select the remaining grants without regard to their location to the extent funds are available. The above procedure may result in applications being selected out of order. This procedure will only be used, if needed, to ensure national geographic diversity.

(d) Reduction in requested grant amount: HUD will approve an application for an amount lower than the amount requested or adjust line items in the proposed budget within the amount requested (or both) if it determines that:

(a) The amount requested exceeds the cost limitation established for a planning grant; or
(b) There are insufficient funds remaining for the whole request.

5 Notification of approval or disapproval: After completion of the ranking and selection of applications, but no later than four months after the date of submission of the application, HUD will notify the selected applicants and the applicants that have been selected, in writing. HUD’s notification to the applicant of the grant award amount, based on the approved application, will constitute a preliminary approval by HUD, subject to HUD and recipient execution of a grant agreement to initiate program activities.

III. Youthbuild Implementation Grants

A. Purpose

HUD will award Youthbuild implementation grants to eligible applicants for the purpose of implementing and carrying out Youthbuild programs in accordance with subtitle D of title IV of the National Affordable Housing Act. Applications will be selected in a competition in accordance with the implementation grant selection process described in paragraph M of this Part.

B. Maximum awards.

The maximum award for a Youthbuild implementation grant is $1,000,000.00 except that HUD may for “good cause” approve a grant in a higher amount. “Good cause” may include but is not limited to (a) inclusion of acquisition costs for the property selected for the program; (b) extraordinary site preparation and/or construction or rehabilitation costs; (c) a large number of youth participants in the program; and (d) other documented unusual circumstances which elevate program implementation costs beyond the maximum award amount of $1,000,000. No amendments to increase previously approved grant amounts are allowed.
Implementation grants are not to exceed a maximum of 30 months to complete approved activities.

C. Combined planning and implementation grant applications

Implementation grant requests submitted in combination with planning grant requests will be considered for funding provided both requests qualify for competition according to the procedures and requirements set forth in the NOFA. An implementation grant request will be disqualified from the implementation grant competition if its companion planning grant request is not selected for the planning grant competition.

D. Locational considerations

HUD reserves the right to approve more than one application for Youthbuild implementation programs to be carried out in substantially the same geographic community, as defined by the respective applications, so long as different applicants are involved and the size of the community is sufficiently large to justify approval of more than one application. Applicants must propose a geographic scope of their programs that is reasonably related to the identified participant recruitment and housing areas.

E. Eligible Applicants

Those applicants defined in section I. D. are eligible to apply.

F. Eligible Participants

Very low-income young adults, ages 16 to 24, who have dropped out of high school are eligible to participate full-time in a Youthbuild program. The program emphasizes special outreach efforts to be undertaken to recruit eligible young women (including young women with dependent children). For purposes of the NOFA, full-time participation is limited to not less than 6 months and not more than 24 months. The program permits exceptions for young adults who do not meet the program’s income or education requirements but who have educational needs despite attainment of a high school diploma or its equivalent. Exceptions for individuals in this category cannot exceed 25 percent of all full-time participants in the program.

G. Eligible Activities

Implementation grant activities used to conduct a Youthbuild program may include:

1. Architectural and engineering work associated with Youthbuild housing project(s);

2. Acquisition, rehabilitation, acquisition and rehabilitation, or construction of housing and related facilities to be used for the purposes of a project providing homeownership, residential rental housing, or transitional housing for the homeless and low- and very low-income persons and families;

3. Relocation payments and other assistance required to comply with paragraph N. Part III of the NOFA;

4. Administrative costs (Youthbuild funds for these costs may not exceed 15 percent of the total amount of Youthbuild program and project costs or such higher percentage as HUD determines is necessary to support capacity development by a private nonprofit organization);

5. Education and job training services and activities including work experience, basic skills instruction and remedial education, bilingual education; secondary education leading to the attainment of a high school diploma or its equivalent; counseling and assistance in attaining post-secondary education and required financial aid;

6. Counseling services and related activities;

7. Activities designed to develop employment and leadership skills, including support for youth councils;

8. Support services and need-based stipends necessary to enable young adults to participate in the program and, for a period not to exceed 12 months after completion of training, to assist participants through continued support services;

9. Wages, stipends and benefits provided to participants;

10. Operating expenses and replacement reserves for the housing project assisted in the Youthbuild program;

11. Legal fees;

12. Defraying costs for the ongoing training and technical assistance needs of the applicant that are related to developing and carrying out a Youthbuild program.

H. Program components

Youthbuild implementation programs receiving assistance under the NOFA are to contain three components with an optional fourth component:

1. Educational Services, including:

   a. Services and activities designed to meet the basic educational needs of participants. For example, a Youthbuild program may include basic skills instruction and remedial education, bilingual education for individuals with limited English proficiency, secondary educational services and activities designed to lead to the attainment of a high school diploma or its equivalency; or counseling and assistance in attaining post-secondary education and required financial aid;

   b. Vocational classroom courses geared to construction terminology and concepts;

   c. Strategies to coordinate with local trade unions and apprenticeship programs where possible.

2. Leadership training and support activities, including:

   a. Activities designed to develop employment and leadership skills, including support for youth councils;

   b. Counseling services to assist trainees in personal, health, housing, child care, family or legal problems and/or referral services to appropriate social service resources;

   c. Support services and stipends necessary to enable individuals to participate in the program and, for a period not to exceed 12 months after completion of training, to assist participants through continued support services;

   d. Job development and placement and post-graduation follow-up assistance; and

   e. Pre-employment training plan aimed at developing job seeking skills.

3. On-site training, including:

   a. Access to housing construction/rehabilitation project(s) for participant worksite training;

   b. Worksite training plan for a closely supervised construction site;

   c. Construction or rehabilitation plan and timetable; and

   d. Approaches to worksite safety.

4. Other activities: A local program may be designed to include other, special activities such as:

   a. Entrepreneurial training and courses in small business development;

   b. Assistance to correct learning disabilities;

   c. Drivers’ education courses; or

   d. In-house staff training to build capacity. Each Youthbuild program is required to be structured so that fifty percent (50%) of the time spent by participants in the program is devoted to basic educational services, leadership training and related activities described in sections (1) and (2) above.

I. Support of other Federal, State, local or private entities

Applicants are encouraged to use existing housing programs such as the HOPE I, II or III programs, the HOME program, the Supportive Housing for the Homeless and other homeless assistance and Transitional housing programs or other housing programs such as the Comprehensive Grant Program administered by HUD or other Federal,
State, local or private housing programs. Use of other Federal, State, local or private funds available for vocational, adult and bilingual education programs or for job training under the JTPA Act and the Family Support Act of 1988 is also encouraged. The selection process described in this section provides for applicants to receive points where implementation grant applications contain documented evidence of firm commitments from Federal, State, local, or private sources to finance, in whole or in part, Youthbuild activities during the implementation stage. Refer to paragraph L(4), Program Support Selection Criteria for Implementation Grants, of this Part for further information.

J. Environmental procedures and standards

(1) Environmental procedures: Applicants are encouraged to select hazard-free and problem-free properties for their Youthbuild projects. Environmental procedures apply to HUD approval of implementation grants when the applicant proposes to use Youthbuild funds to cover any costs for the lease, acquisition, rehabilitation, or new construction of real property that is proposed for housing project development. Environmental procedures do not apply to HUD approval of implementation grants when applicants propose to use their Youthbuild funds solely to cover any costs for vocational, adult and bilingual educational programs or for job training for an existing program until a grant agreement is executed through the HUD approval procedure. Environmental procedures are to be carried out within the HUD review period for applications.

For those applicants that propose to use their Youthbuild funds to cover any costs of the lease, acquisition, rehabilitation, or new construction of real property, the applicant shall submit all relevant environmental information in its application to support HUJD decision-making in accordance with the following environmental procedures and standards.

Before any amounts under this program are used to acquire, (including by lease), construct or rehabilitate properties to provide housing:

(a) HUD shall determine whether any thresholds are exceeded in accordance with 24 CFR part 50, which implements the National Environmental Policy Act (NEPA) and the related Federal environmental laws and authorities listed under 24 CFR 50.4. (These are specified in subsection (2) below);

(b) If HUD determines that one or more of the thresholds are exceeded, HUD shall conduct a compliance review of the issue and, if appropriate, establish mitigating measures that the applicant shall carry out for the property;

(c) In performing its review, HUD may use previously issued environmental reviews prepared by local, State, or other Federal agencies for the proposed property;

(d) The application for the Youthbuild implementation grant shall provide HUD with: (i) applicant documentation for environmental threshold review; and (ii) any previously issued environmental reviews prepared by local, State, or other Federal agencies for the proposed property. The applicant is encouraged to contact the local community development agency to obtain any previously issued environmental reviews for the proposed property as well as for other relevant information that can be used in the applicant documentation for the environmental threshold review. In the event of previous reviews by other sources, HUD must, however, conduct the environmental analysis and prepare the environmental review and be responsible for any required environmental findings;

(e) HUD reserves the right to disqualify any application where one or more environmental thresholds are exceeded If HUD determines that the compliance review cannot be conducted and satisfactorily completed within the HUD review period for applications.

(f) Applicants are prohibited from committing or expending State, local or other funds to undertake property acquisition (including lease), rehabilitation or construction under this program until a grant agreement is executed by HUD and the recipient.

(2) Environmental thresholds: HUD shall determine whether a NEPA environmental assessment is required. Also, HUD shall determine whether the proposed property triggers thresholds for the applicable Federal environmental laws and authorities listed under 24 CFR 50.4 as follows:

For minor rehabilitation of a building and any property acquisition (including lease), Federal environmental laws and authorities may apply when the property is:

(a) Located within designated coastal barrier resources;

(b) Contaminated by toxic chemicals or radioactive materials;

(c) Located within a floodplain;

(d) A building for which flood insurance protection is required;

(e) Located within a runway clear zone at a civil airport or within a clear zone or accident potential zone at a military airfield;

(f) Listed on, or eligible for listing on, the National Register of Historic Places; located within, or adjacent to, an historic district, or is a property whose area of potential affects includes a historic district or property.

For major rehabilitation of a building and also for substantial improvement in floodplains, in addition to items (a) through (f) above, other Federal environmental laws and authorities may apply when the property:

(g) Has significant impact to the human environment;

(h) Is a project involving five or more dwelling units severely noise-impacted;

(i) Affects coastal zone management. For new construction, conversion or increase in dwelling unit density, in addition to items (a) through (i) above, other Federal environmental laws and authorities may apply when the property:

(j) Is located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature;

(k) Affects a sole source aquifer;

(l) Affects endangered species; or

(m) Is located within a designated wetland.

(3) Qualified data sources: The environmental threshold information provided by applicants must be from qualified data sources. A qualified data source means any Federal, State, or local agency with expertise or experience in environmental protection (e.g., the local community development agency; the local planning agency; the State environmental protection agency; the State Historic Preservation Officer) or any other source qualified to provide reliable information on the particular property.

(4) Minor rehabilitation means proposed fixing and repairs: (i) whose estimated cost is less than 75 percent of the property value after completion; (ii) that does not involve changes in land use from residential to nonresidential, or from nonresidential to residential; (iii) that does not involve the demolition of one or more buildings, or parts of a building, containing the primary use served by the property; and (iv) that does not increase unit density more than 20 percent.

K. Deadline for completion of activities and reporting requirements

(1) Grant period: Activities under a Youthbuild Implementation grant are to be carried out within 30 months of the effective date of the implementation grant agreement.

(2) Performance evaluation report: Each recipient of a Youthbuild implementation grant must submit a performance evaluation report on activities undertaken and completed in accordance with the grant agreement,
L. Selection criteria for implementation grants

HUD will review each application for an implementation grant and assign up to 115 points in accordance with the following selection criteria in this section, with the possibility of additional priority points being added as defined in section M:

(1) Capability: the qualifications or potential capabilities of the applicant. (Maximum Points: 30) The capability of the applicant to develop and implement a successful youth education, and training program within a reasonable time period, within budget and in an effective manner as demonstrated through past performance. In assigning points for this criterion, HUD will consider evidence in the application that demonstrates:

(a) Program experience: The capacity and experience of the applicant entity or key staff to plan and implement programs with similar multi-disciplinary characteristics shall be measured by: (i) Previous experience and success in youth outreach, recruitment, training, counseling, leadership development and educational and placement programs; and (ii) achievements in developing youth programs and youth opportunities in the community or an explanation of how such capability will be obtained. (10 points)

(b) Housing experience: The degree of knowledge and experience of the applicant entity, key staff or other participating parties (applicant’s partner, cooperating developer, rightful property owner or the consortium formed to participate in the program) to: (i) Understand and use relevant Federal, State and/or local housing programs in the Youthbuild program; and (ii) produce sound and affordable housing for the homeless and low-income families; or an explanation of how such capability will be obtained. (10 points)

(c) Fiscal responsibility: The ability of the applicant or key staff to handle, manage, and adequately account for financial resources, and to use acceptable financial control procedures, demonstrated through past performance of the applicant entity or key staff with other Federal, State or local public funds, or an explanation of how such capability will be obtained. (10 points)

(2) Need: the need for the proposed program, as determined by the degree of distress. (Maximum Points: 10) In assigning points for this criterion, HUD will consider the relative degree of distress of the community from which participants will be recruited and of the community in which the housing to be constructed or rehabilitated will be located. Applicants are required to provide U.S. Bureau of Census 1990 poverty data, by Census tract, where appropriate. Any other recent State or local statistical studies, reports or analyses providing relevant data on distress (such as a locally approved CHAS) may also be submitted (with the sources of the data clearly identified).

Degree of distress shall be measured by:

(a) Participant recruitment area:

Applicants should submit documentation on youth unemployment rate, high school dropout data, and overall poverty rate by Census tract for the participant recruitment area. (Any other documented local data on youth measured by education, crime, homelessness, or other relevant data can also be submitted to support degree of distress.) (5 points)

(b) Youthbuild housing area:

Applicants should submit documentation on shortage of affordable housing units and the overall poverty rate by Census tract for the Youthbuild housing area. (Any other documented local data on housing measured by such factors as vacancy rates, number of substandard housing units, number of available public housing units, or other relevant data can also be submitted to support degree of distress.) (5 points)

(3) Program Quality and Feasibility: Comprehensiveness and effectiveness of the implementation program. (Maximum Points: 60) HUD will consider the overall quality of the proposed program of multi-disciplinary services and activities to be accomplished within a reasonable period of time and at reasonable expense. Program quality will be evaluated in terms of whether proposed program activities for outreach and recruitment, education and job training, job development services, counseling and leadership development, coordination, job placement and affordable housing meet the overall objectives of the Youthbuild program. In assigning points for this criterion, HUD will consider the comprehensiveness and potential success of the program as measured by:

(a) Commitment: The extent of applicant commitment and responsiveness to the needs and problems of unemployed disadvantaged youth. (5 points)

(b) Outreach, recruitment and selection activities: The level, nature and comprehensiveness of proposed outreach, recruitment (including specific steps to be taken to attract potential eligible participants who are unlikely to be aware of this program because of race, ethnicity, sex or disability) and selection strategies, as measured by: (i) The extent to which the applicant has developed special outreach efforts to recruit eligible young women and young women with dependent children; (ii) the extent and nature of recruitment arrangements made with public agencies, courts, homeless shelters, local school systems, etc. and private community-based organizations; and (iii) the extent to which the proposed participant selection system supports these efforts. (5 points)

(c) Educational and job training services and activities: A comprehensive description of the educational component of the program, as measured by: (i) Type of instructional services to be provided; (ii) the number and qualifications of program instructors and ratio of instructors to participants; (iii) the development of an integrated multi-disciplinary curriculum; (iv) realistic scheduling plan for classroom and on-the-job training; and (v) reasonable payments for participant wages, stipends and incentives. (10 points)

(d) Counseling and leadership development services: A comprehensive description of the leadership
development, counseling, referral and social services to be offered to participants, as measured by: (i) the type of supportive services to be provided; and (ii) the design of an effective plan to build group cohesion and peer support through strong leadership development strategies. (5 points)

(a) Coordination: The extent of coordination of the proposed program activities with ongoing Federal, State, Indian tribe, local, private and community-based services, as measured by program activities associated with (i) educational, job training, child care, social services, counseling and referral services; (ii) homeless and housing programs; and (iii) established apprenticeship programs of local building trade unions. (5 points)

(f) Access to housing project(s): (i) A description of the specific housing project(s) to be used by program participants for worksite training purposes and a description of how the applicant has access to the project(s). Access may be in the form of ownership, purchase, option, lease, land contract, donation, or other arrangements made with the current owner(s) to use the housing site for participant training. (ii) A description of the construction or rehabilitation activities to be undertaken at the site(s) and the anticipated schedule for carrying out such activities. Firm commitments for building supplies, materials, tools and other required items needed to complete construction or rehabilitation work should be included. All financial commitments associated with the housing site must be firm and readily available so that the program can initiate construction worksite training concurrently with classroom study. (10 points)

(g) Construction and Property Management roles and responsibilities: (i) A description of the applicant's role and responsibilities for on-site housing construction/rehabilitation work, i.e., as developer, owner, general contractor, subcontractor, manager, co-developer, operator, or some other arrangement, or, if the construction management role is to be carried out by another party, an identification of that party. (ii) Identification of the entity which will own and manage the property after the construction or rehabilitation work is completed. (5 points)

(b) Housing for the Homeless: The applicant's proposal for outreach and placement of the homeless in the completed housing. (6 points)

(i) Post graduate housing plans and job placement: A description of the applicant's strategies and procedures for participant placement in meaningful employment, enrollment in post-secondary education programs, job development, starting business enterprises, or other opportunities leading to economic independence; and (ii) follow-up assistance and support activities to program graduates. (5 points)

(j) Program evaluation plan: The development of an evaluation plan to measure the success of the program, as measured by its comprehensiveness and procedures for evaluating overall program goals, program delays and problems with accompanying solutions, measuring objectives for attendance, retention, academic improvement, college and job placement rates, and completion of housing for homeless and low-income families. (5 points)

Program evaluation plan: The level of support obtained from the private sector; (ii) training, child care, social services to be offered to participants, as measured by the Comprehensive Grant Program, or the Homeless Assistance or Transitional Housing programs administered by HUD or other public or private housing programs. (5 points)

M. Selection process

In order to afford applicants every opportunity to submit a ratable application, while at the same time ensuring the fairness and integrity of the selection process, HUD is adopting the following application submission and selection procedures:

(1) Curable technical deficiencies: During the period immediately following the application deadline, HUD will screen each application to determine whether it is complete, internally consistent, and contains correct computations. Curable technical deficiencies are items that are not necessary for HUD to review under the selection criteria (e.g., failure to submit a required certification with the application). Refer to Part V, Corrections to Deficient Applications, of the NOFA for further information.

(2) Program threshold requirements: Upon completion of the initial screening process for technical deficiencies, each implementation grant application will be reviewed to determine:

(a) The applicant is eligible; (b) The proposed Youthbuild program is structured so that fifty percent of the time spent by program participants is devoted to educational services and activities; (c) The outreach and recruitment efforts to be used by the program are targeted to disadvantaged youth between the ages of 16 and 24 years; (d) The program has obtained access to the housing project(s) for on-site construction training purposes; and (e) The housing produced is to be provided for homeless and low- and very low-income families.
Implementation applications must satisfy all five (5) program threshold requirements in order to be rated and ranked in the selection process. Applications failing to meet program threshold requirements will be disqualified from the implementation grant competition.

(3) Potential environmental disqualification: HUD reserves the right to disqualify an application where one or more environmental thresholds are exceeded if it is determined that the environmental review cannot be conducted and satisfactorily completed by HUD within the HUD review period. (Refer to paragraph L of this Part, Environmental Procedures and Standards, for further information.)

(a) Qualifying Threshold Points: For applications satisfying the above listed program threshold requirements, HUD will assign points in accordance with the implementation selection criteria found in paragraph L of this Part. All implementation applications must receive a minimum threshold score of 60 points to be qualified for competition in the rating and ranking process. Applicants must attain the following minimum points in two implementation grant selection criteria as part of the threshold score of 60 points:

(1) Eligibility—minimum score of 15 of 30 points.
(2) Quality and Feasibility—minimum score of 30 of 60 points.

Applications falling below 60 points or not meeting program threshold requirements will be deemed not suitable or not feasible for implementing a Youthbuild program and will be eliminated from the competition.

Priority Points: Upon completion of the rating process, HUD will assign an additional twenty (20) priority points to all implementation grant applications provided such applications:

(a) score 60 points or above, and
(b) contain firmly committed and documented housing funds from other Federal, State, local or private sources as long as such funds cover costs, in full, for the following housing activities: acquisition, architectural and engineering fees, construction, rehabilitation, operating expenses, and replacement reserves.

Implementation applications using Youthbuild grant funds, in whole or in part, for any one of the housing activities listed above will not be entitled to 20 priority points even if the applications score 60 points or more.

(b) Selecting applicants: Once priority points have been assigned according to the conditions set forth above, HUD will then rank implementation grant applications meeting threshold requirements based on total points assigned regardless if they are submitted as single or combined applications. Implementation grants will be selected from the rank order, unless the geographic diversity provision in (c) is used.

(a) Combined applications: Where a planning grant request submitted in combination with an implementation grant request fails to qualify for or is not selected for funding under the planning grant competition, the companion implementation grant request will automatically be eliminated from the implementation grant competition.

(b) Breaking tie scores: If two or more applications receive the same number of points and sufficient funds are not available to fund all such applications, the Youthbuild application or applications which include firmly committed Federal, State, local or private resources shall be selected for funding. If a tie still remains, the application or applications with the highest score for the implementation grant selection criterion (1), Capability, found in Part III, paragraph L, shall be selected.

(c) Geographic Diversity: HUD will rate and rank all implementation grant applications based on the selection criteria and array them in rank order from highest to lowest. Selections will normally be made in round rank order. However, to ensure national geographic diversity among awardees, HUD reserves the right to select lower ranked applications if any of the 10 HUD Regions are not represented orock any recipient substantially fewer awards. After correction to allow for geographic diversity, HUD will select the remaining grants without regard to their location to the extent funds are available. The above procedures result in applications being selected out of order. This procedure will only be used, if needed, to ensure national geographic diversity.

(7) Reduction in requested grant amount: HUD will approve an application for an amount lower than the amount requested by the applicant or adjust line items in the proposed implementation grant budget within the amount requested (or both) if it determines that:

(a) The amount requested for one or more eligible activities is not supported in the application or is unreasonable related to the service or activity to be implemented for the population to be served or the housing to be produced;
(b) An activity proposed for funding does not qualify as an eligible activity;
(c) The amount requested exceeds the cost limitation established for an implementation grant; or
(d) insufficient funds remain for the whole request.

(8) Notification of approval or disapproval: After completion of the ranking and selection of applications, but no later than four (4) months after the date of submission of the application, HUD will notify the selected applicants and the applicants that have not been selected, in writing. HUD will establish the amount of the award, based on the approved application, will be a preliminary approval by HUD, subject to HUD end recipient execution of the grant agreement to initiate program activities.

N. Relocation Assistance and Real Property Acquisition

The Youthbuild program is subject to the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) and implementing regulations at 49 CFR part 24. HUD Handbook 1376, Tenant Assistance, Relocation and Real Property Acquisition, describes these policies and procedures. Any occupied property used in a Youthbuild program is subject to the URA regardless of the source of the property. The URA requires grantees to provide relocation assistance to persons (families, individuals, businesses, and nonprofit organizations) that are displaced as a direct result of acquisition, rehabilitation or demolition for an assisted project. Property occupants who are not displaced also have certain rights. Therefore, if a proposed Youthbuild implementation program involves occupied property, before submitting the application the applicant should consult with staff of the Office of Community Planning and Development, Department of Housing and Urban Development, Room 7754, 451 Seventh Street, SW, Washington, DC 20410; telephone: (202) 708–0336, TDD/Voice: (202) 708–1112, Fax: (202) 708–1744. (These are not toll-free numbers.)

IV. Checklist of Application Submission Requirements

Applicants must complete and submit applications for planning, implementation or combined Youthbuild grants in accordance with instructions contained in the Youthbuild application package. The application package will request information in sufficient detail for HUD to determine whether the proposed activities are feasible and meet all the requirements of applicable statutes and regulations. The following is a checklist
of the application content required. Applicants should refer to the Youthbuild application package for further instructions.

A. OMB Standard Form 424.

Request for Federal Assistance signed by the authorized executive officer of the entity or organization submitting the Youthbuild application.

B. Program Summary.

A summary overview of the activities to be undertaken, the location of the activities, the proposed youth participants and the area from which they will be recruited, the participating entities, the arrangements for the on-site work, other resources involved and program costs.

C. Applicant Information:

An identification of the lead applicant, any co-applicants and other participating parties and a description of their respective roles. A description of the applicant’s program related experience, housing experience (or housing experience of other participating party), financial control capability, experience with linkages to other programs and commitment to youth. For private nonprofit applicants, evidence of 501 (c) status is to be submitted.

D. Economic Distress Information:

Economic distress data for the area from which participants will be recruited (unemployment rate, high school dropout rate, and overall poverty rate by Census tract) and for the area in which the housing will be located (shortage of affordable housing and overall poverty rate by Census tract). Where appropriate, U.S. Census 1990 poverty data should be used. Other relevant state or local data can also be submitted with the data source clearly identified.

E. Detailed Program Information:

For applicants for planning and combined grants, a description of the proposed program elements, potential program impediments, a strategy to develop program costs and the plan to train program staff. For applicants for implementation and combined grants, a description of the outreach, recruitment and selection procedures, the education and job-training services, the counseling and leadership development activities and the plan for housing the homeless. For all applicants, information on the housing to be used for the on-site work, how the program will be coordinated with other programs and services, and the plans for job placement and follow-up for program graduates.

F. Public/Private Support:

A description of the other public and private resources to be used in conjunction with the Youthbuild program and the commitments for these resources. A description of the existing Federal, state, local or private housing programs to be used in conjunction with the Youthbuild program.

G. Detailed Housing Site Information:

This section of the application applies to applicants for implementation and combined grants. An identification of all housing sites to be used for the on-site training work, a description of the construction/rehabilitation work to be undertaken at each site, the schedule for accomplishing it, and a budget for each site.

Environmental and Relocation information is required for certain housing sites to be used in the program. Environmental information will include sufficient documentation for environmental threshold reviews and any previously issued environmental reviews prepared by a qualified source for the identified property in accordance with Part III, paragraph J of the NOFA.

When Youthbuild funds will be used for acquisition, architectural and engineering fees, construction/rehabilitation costs, operating costs or replacement reserves, additional information and certifications are to be submitted, as defined in sections VI, VII and VIII of the NOFA.

When Youthbuild funds will be used for acquisition, architectural and engineering fees, construction/rehabilitation costs, operating costs or replacement reserves, additional information and certifications are to be submitted, as defined in sections VI, VII and VIII of the NOFA.

When Youthbuild funds will be used for acquisition, architectural and engineering fees, construction/rehabilitation costs, operating costs or replacement reserves, additional information and certifications are to be submitted, as defined in sections VI, VII and VIII of the NOFA.

H. Program Budgets:

For planning grant applicants, a budget is to be submitted showing the cost of each activity to be undertaken and the various sources of funds to be used for that activity. For implementation grant applicants, a two-part budget is to be submitted: one part showing the costs and sources of funds for each activity to be undertaken for the educational and support services (non-housing) part of the implementation program, and a second part showing the total construction/rehabilitation costs and funding sources for all of the housing sites involved. Applicants for combined grants will submit all of the above.

I. Management Plan:

A description of the major tasks to be accomplished, the schedule for accomplishing these activities and a staffing plan for completing the proposed activities.

J. Certifications:

In addition to the standard assurances of compliance with Federal rules and OMB Circulars contained in applications for Federal grant assistance, applicants will also make the following certifications:

(1) Comprehensive Housing Affordability Strategy (CHAS): Applicants that are States or units of general local government: The applicant must have a HUD-approved CHAS for FY 1993 and must submit a certification that the proposed activities are consistent with the HUD-approved CHAS for FY 1993.

Applicants that are not States or units of general local government: The applicant must submit a certification by the jurisdiction or jurisdictions in which the proposed program will be located that the applicant and the proposed activities are consistent with the jurisdiction’s HUD-approved CHAS for FY 1993. A required certification must be made by the unit of general local government if it is required to have, or has, a complete CHAS, or if it is authorized to use an abbreviated CHAS and is applying for the same program under the NOFA (and therefore has, or will have, an abbreviated CHAS for FY 1993 for that program). Otherwise the certification may be made by the State, or if the program will be located, in part, in a unit of general local government authorized to use an abbreviated CHAS, by the unit of general local government if it is willing to prepare such a CHAS.

Certain entities (Indian tribes and the Insular Areas of Guam, the Virgin Islands, American Samoa and the Northern Mariana Islands) are not required to have a CHAS or to make CHAS certifications. An application by an Indian tribe or other applicant for a Youthbuild program that will be located on a reservation of an Indian tribe does not require a certification by the tribe or State. However, where an Indian tribe or an Indian Housing Authority (IHA) is the applicant for a Youthbuild program that will not be located on a reservation, the requirement for a certification by the jurisdiction of jurisdictions in which the Youthbuild program will be located under the preceding paragraph applies.

All CHAS certifications must be made by the public official responsible for submitting the CHAS certification to HUD, or his or her authorized representative. All CHAS certifications must be submitted as part of the application by the application submission deadline except as provided in the next paragraph. The required CHAS must therefore have been submitted more than 60 days before the
application submission deadline, since HUD has 60 days to review and approve the CHAS. Where the certification of consistency with an abbreviated CHAS is permitted to be submitted after the application submission deadline, as described in the next paragraph, the CHAS must nevertheless be submitted by the application submission deadline. Failure to submit the CHAS by the application submission deadline is not a correctable deficiency during application screening.

If a required certification will be made by a unit of general local government with respect to an abbreviated CHAS which has been submitted by the application submission deadline but has not yet been approved by HUD, the deadline will not be applied to the certification of consistency. Instead, the application must include a written statement from an authorized public official responsible for the CHAS that the jurisdiction has submitted an abbreviated CHAS for FY 1993 for HUD approval and that the proposed activities in the application are consistent with it. If HUD approves the CHAS, the required certification of consistency with the HUD-approved CHAS for FY 1993 must be submitted as soon as possible thereafter, but not later than grant approval. The grant will not be awarded unless the abbreviated CHAS is approved and the required certification is made.

(2) Fair Housing and Equal Opportunity: A certification that the applicant is in compliance and will continue to comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing, or, in the case of a Youthbuild application from an Indian tribe or an Indian Housing Authority (IHA), a certification that the applicant will comply with the Indian Civil Rights Act (25 U.S.C. 1301 et seq.), section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

(3) Drug-free workplace: A certification that the grantee will comply with the requirements of the Drug-Free Workplace Act of 1989 (55 FR 21688, 21689) and HUD's implementing regulations at 24 CFR part 24, subpart F.

(4) Employment opportunities: A certification that the applicant will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 17017). Section 3 requires that employment and other economic opportunities generated by HUD assisted housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons.

(5) Anti-lobbying: In accordance with the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (the "Byrd" Amendment) and the implementing regulations at 24 CFR part 97, applicants for and recipients of assistance exceeding $100,000 must certify that no Federal funds have been or will be spent on lobbying activities in connection with the assistance. Applicants and recipients must also disclose where nonappropriated funds have been spent or committed for lobbying activities if those activities would be prohibited if paid with appropriated funds. Substantial monetary penalties may be imposed for failure to file the required certification or disclosure.

(6) Relocation Assistance and Real Property Acquisition: A certification that the grantee will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR part 24 and HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition.

(7) Use of Housing: A certification that the housing to be produced in conjunction with the Youthbuild program is to be provided for the homeless and low- and very low-income families.

(8) Lead-Based Paint: A certification that the grantee will comply with the requirements of the Lead-Based Paint Poisoning Prevention Act and implementing regulations at 24 CFR part 35.

(9) State and Local Standards: A certification that all educational programs and activities supported with funds provided under this subtitle shall be consistent with applicable State and local educational standards. Standards and procedures with respect to the awarding of academic credit and certifying educational attainment in such programs shall be consistent with applicable State and local educational standards.

(10) Labor Standards: A certification that the grantee and related parties will comply with the provisions of the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), and HUD Handbook 1344.1, Revision 1, Federal Labor Standards in Housing and Community Development Programs.

V. Corrections to Deficient Applications

(The provisions of this section of the NOFA are not repeated here because those provisions do not include information subject to public comment.)

VI. Project-Related Restrictions Applicable to Youthbuild Residential Rental Housing

Where the award of a Youthbuild implementation grant includes the eligible activities of acquisition, architectural and engineering fees, construction, rehabilitation, operating costs or replacement reserves for residential rental units, and where the costs for these activities are to be funded, in whole or in part, from the Youthbuild grant award, the housing project shall be required to comply with the following Youthbuild project-related restrictions for a period of not less than 10 years:

A. Occupancy by low- and very low-income families

For the 10 year period of the residential rental Youthbuild project, the applicant or rightful owner will be required to maintain at least a 90% level of occupancy for individuals and families with incomes less than 60 percent of the area median income, adjusted for family size—"the 90% category." The applicant or rightful owner must offer each available rental unit to the 90% of area median income group for an advertising period of not less than 90 days upon each vacancy occurrence throughout the 10 year period. Community-wide advertisements for tenants of this income group must be conducted.

In order to maintain the financial stability of the project and to provide flexibility in serving long-term vacancies in the 90% category, the rightful owner is permitted, under certain circumstances described below, to execute temporary one-year leases with individuals and families with incomes between 60 and 80 percent of the area median income. This temporary deviation is permitted when no qualifying tenant (with an income of 60% or less of median) leases the unit upon the end of the 90 day advertising period. The owner may then advertise the unit to individuals and families with incomes less than 80 percent of the area median income, adjusted for family size, for another advertising period of 90 days. Temporary leases for tenants whose incomes are between 60 and 80 percent of the area median income (exclusive of the 10 percent allowance)
shall be limited to one year. Temporary tenants are not covered by Youthbuild tenant protections regarding termination of tenancy (paragraph B(2)), tenant selection plan (paragraph B(4)) and tenant participation plan (paragraph D) below.

The remaining 10% of the units must be made available to and occupied by low-income families—“the 10% category.” The income test must be conducted for both the 90% and 10% categories only at time of entry for each unit available for occupancy.

B. Tenant protections

Upon submission of the implementation grant application, the applicant or rightful owner of the residential rental units covered under this paragraph shall certify to the following tenant protections:

(1) Lease: As part of the Youthbuild implementation grant application, the applicant or rightful owner of the property shall provide a model lease containing terms and conditions acceptable to HUD. The model lease shall become an addendum to the executed grant agreement and shall remain in force for a period of 10 years. The lease between a tenant and the rightful owner of residential rental housing shall be for a period of not less than one year, unless otherwise mutually agreed to by the tenant and the rightful owner, and shall contain such terms and conditions as HUD determines to be appropriate.

(2) Termination of tenancy: Upon submission of the implementation grant application, the applicant or other rightful owner of the property must certify that the following restrictions will be applied to all lease terminations initiated by the owner. The restrictions must state that an owner shall not terminate the tenancy or refuse to renew the lease of a tenant occupying a Youthbuild residential rental housing unit except for serious or repeated violations of the terms and conditions of the lease, or for violation of applicable Federal, State, or local laws, or for other good cause. Any termination or refusal to renew the lease must be preceded by not less than 30 days by the owner's service upon the tenant of a written notice specifying the grounds for the action.

(3) Maintenance and replacements: Upon submission of the implementation grant application, the applicant or rightful owner of Youthbuild residential rental housing must certify that the premises will be maintained in compliance with all applicable housing quality standards and local code requirements for the 10 year period. HUD's Section 8 housing quality standards apply when no other public assistance is involved other than the Youthbuild grant. In other cases, the applicable HUD or other Federal, State or local program guidelines shall apply.

(4) Tenant selection: The applicant or rightful owner of Youthbuild residential rental housing must develop and adopt a tenant selection plan containing selection policies and criteria that are consistent with HUD requirements. The tenant selection plan shall remain in force for the 10 year period. Upon submission of the implementation grant application, the applicant or owner of the property must certify that the plan complies with the following HUD requirements:

(a) The plan is consistent with the purpose of providing housing for homeless and very low-income families and individuals;

(b) The plan is reasonably related to program eligibility and the applicant's or owner's ability to perform the obligations of the lease;

(c) The plan gives reasonable consideration to the housing needs of families that would qualify for a preference under section 6(c)(4)(A) of the United States Housing Act of 1937;

(d) The plan provides for the selection of tenants from a written waiting list in the chronological order of their application, to the extent practicable, and for the prompt notification in writing of any rejected applicant of the grounds for any rejection; and

(e) The plan acknowledges that a family holding tenant-based assistance under section 8 of the United States Housing Act of 1937 will not be refused tenancy because of the status of the prospective tenant as a holder of such assistance.

C. Limitation on rental payments

Upon submission of the implementation grant application, the applicant or rightful owner of Youthbuild residential rental housing project involved in a Youthbuild program shall certify that tenants in each rental unit shall be not required to pay rent in excess of the amount provided under section 3(a) of the United States Housing Act of 1937.

D. Tenant participation plan

The Youthbuild program shall require a tenant participation plan applicable to the rightful owner of Youthbuild residential rental housing, provided such owner is a nonprofit public or private organization. Upon submission of the implementation grant application, the nonprofit owner shall certify that the tenant participation plan is the plan to be adopted and followed for tenant participation in management decisions for the 10 year period.

E. Limitations on profit

Youthbuild residential rental housing projects meeting the requirements of this Part shall be restricted from producing profit in excess of the following limitations:

(1) Monthly rental limitation: The aggregate monthly rental for each eligible project may not exceed the operating costs of the project (including debt service, management, adequate reserves, and other operating costs) plus 6 percent return on any equity investment of the project owner.

(2) Profit limitations on partners: A nonprofit organization receiving Youthbuild assistance for a residential rental housing project shall agree to use any profit received from the operation, sale, or other disposition of the project for the purposes of providing housing for low- and moderate-income families. Profit-motivated partners in a nonprofit partnership may receive (i) not more than a 6 percent return on their equity investment from project operations; and (ii) upon disposition of the project, not more than an amount equal to their initial equity investment plus a return on that investment equal to the increase in the Consumer Price Index for the geographic location of the project since the time of the initial investment of such partner in the project.

F. Restrictions on conveyance

Conveyance restrictions apply to Youthbuild residential rental housing project(s) meeting the requirements of this Part. Ownership of the property may not be conveyed unless the instrument of conveyance requires a subsequent owner to comply with the same restrictions imposed upon the original owner for the balance of the 10 year period.

G. Ten year restriction

The restrictions listed in Paragraphs A through F above shall remain in force for a period of not less than 10 years after construction completion and issuance of an occupancy permit for all Youthbuild residential rental housing projects receiving Youthbuild assistance.

VII. Project-Related Restrictions Applicable to Youthbuild Supportive Housing Including Transitional Housing.

Where the award of a Youthbuild implementation grant includes the eligible activities of acquisition, architectural and engineering fees, construction, rehabilitation, operating
costs or replacement reserves of Transitional housing units, and where the costs for these activities are funded, in whole or in part, with Youthbuild grant funds, the housing project shall be required to comply with the following Youthbuild project-related restrictions:

A. Limitations on profit.

Youthbuild transitional housing projects meeting the requirements of this Part shall be restricted from producing profit in excess of the following limitations:

1. Monthly rental limitation: The aggregate monthly rental for each Youthbuild project may not exceed the operating costs of the project (including debt service, management, adequate reserves, and other operating costs) plus a six (6) percent return on any equity investment of the project owner.
2. Profit limitations on partners: A nonprofit organization receiving Youthbuild assistance for a housing project shall agree to use any profit received from the operation, sale, or other disposition of the project for the purposes of providing housing for low- and moderate-income families.
3. Profit-motivated partners in a nonprofit partnership may receive: (i) Not more than a six (6) percent return on their equity investment from project operations; and (ii) upon disposition of the project, not more than an amount equal to their initial equity investment plus a return on that investment equal to the increase in the Consumer Price Index for the geographic location of the project since the time of the initial investment of such partner in the project.

B. Restrictions on conveyance

Conveyance restrictions apply to Youthbuild transitional housing projects meeting the requirements of this Part. Ownership of the property may not be conveyed unless the instrument of conveyance requires a subsequent owner to comply with the same restrictions imposed upon the original owner for the balance of the 10-year period.

C. Program requirements for Transitional housing

Youthbuild transitional housing projects meeting the requirements of this Part shall adhere to the requirements regarding service delivery, housing standards and rent limitations applicable to comparable housing receiving assistance under title IV of the Stewart B. McKinney Homeless Assistance Act. The Secretary may waive these requirements to permit the conversion of a Youthbuild transitional housing project to a permanent housing project only if such housing complies with the Youthbuild project-related restrictions for residential rental housing projects found in Part VI of the NOFA.

D. Ten Year Restriction.

The restrictions listed in Paragraphs A through C above shall remain in force for a period of not less than 10 years after construction completion and issuance of an occupancy permit for a Youthbuild transitional housing project receiving Youthbuild assistance.

VIII. Project-Related Restrictions Applicable to Youthbuild Homeownership

Where the award of a Youthbuild implementation grant includes the eligible activities of acquisition, architectural and engineering fees, construction, or rehabilitation of homeownership housing, and where the costs for these activities are to be funded, in whole or in part, with Youthbuild grant funds, the housing project shall be required to comply with the following Youthbuild project-related restrictions:

A. Program compliance.

Each homeownership project meeting the requirements of this Part shall comply with the requirements of the HOPE II or HOPE III programs authorized under subtitles B or C respectively of title IV of the National Affordable Housing Act.

B. Restrictions on conveyance.

Conveyance restrictions apply to Youthbuild homeownership housing projects meeting the requirements of this Part. Ownership of the property may not be conveyed unless the instrument of conveyance requires a subsequent owner to comply with the same restrictions imposed upon the original owner for the balance of the 10-year period.

C. Ten Year Restriction.

The restrictions listed in Paragraphs A and B above shall remain in force for a period of not less than 10 years after construction completion and issuance of an occupancy permit for Youthbuild homeownership housing projects meeting the requirements of this Part.

IX. Other Matters

A. Recordkeeping and reports; audits of recipients

1. General records: Each recipient of a planning, implementation or combined Youthbuild grant award must keep records that will facilitate an effective audit to determine compliance with program requirements and that fully disclose:
   a. The amount and disposition by the recipient of the planning, implementation or combined Youthbuild grants received under the NOFA, including sufficient records that document the reasonableness, accuracy and necessity of such expenditure;
   b. The amount and disposition of proceeds, if any, from financing obtained in connection with the Youthbuild program, e.g., housing sales to eligible low-income families, property sales to other public or private entities;
   c. The total cost from all sources of funding for the Youthbuild program including all educational, training, counseling, placement, and housing activities and services;
   d. The amount and nature of any other assistance, including cash, property, services, materials, in-kind contributions or other items contributed as a condition of receiving an implementation grant;
   e. Any other proceeds received for, or otherwise used in connection with, the Youthbuild program.

2. Participant information: The recipient must maintain records on Youthbuild participant information concerning participant age, high school drop out status, income level, gender, and racial and ethnic characteristics.

3. Housing information: If Youthbuild grant funds are used for acquisition, architectural and engineering fees, construction, rehabilitation, operating costs or replacement reserves for housing used in a Youthbuild program, the recipient must maintain records on family size, income, and racial and ethnic characteristics of families renting or purchasing Youthbuild properties.

4. Relocation Assistance and Real Property Acquisition: The recipient shall maintain records sufficient to demonstrate compliance with relocation assistance and real property acquisition requirements, as described in Chapter 6 of HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition.

5. Access by HUD and the Comptroller General: For purposes of audit, examination, monitoring, and evaluation, each recipient must give HUD (including any duly authorized representatives and the Inspector General) and the Comptroller General of the United States (including any duly authorized representatives) access to any books, documents, papers, and records of the recipient that are
pertinent to assistance received under the NOFA.

(6) Reports: The recipient must submit reports required by HUD. (Approval pending by the Office of Management and Budget)

B. Conflict of Interest.

(1) Conflict of interest. In addition to the conflict of interest requirements in OMB Circular A-110 and 24 CFR part 58, no person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or cooperating entity named in the application and who exercises any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter, except that a resident of an eligible property may acquire an ownership interest.

(2) Exception. HUD may grant an exception to the exclusion in paragraph (1) of this section on a case-by-case basis when it determines that such an exception will serve to further the purposes of the Youthbuild program. An exception may be considered only after the applicant or recipient has provided a disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict, a description of how the public disclosure was made, and an opinion of the applicant's or recipient's attorney that the interest for which the exception is sought would not violate State or local law. In determining whether to grant a requested exception, HUD will consider the cumulative effect of the following factors, where applicable:

(a) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the Youthbuild program that would otherwise not be available;

(b) Whether an opportunity was provided for open competitive bidding or negotiation;

(c) Whether the person affected is a member of a group or class intended to be the beneficiaries of the activity and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(d) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process, with respect to the specific activity in question;

(e) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (2) of this section;

(f) Whether undue hardship will result either to the applicant, recipient, or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(g) Any other relevant considerations.

C. Application of OMB Circulars.

(1) The policies, guidelines and requirements of OMB Circular Nos. A-87 (Cost Principles Applicable to Grants, Contracts and other Agreements with State and Local Governments) and 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments) apply to the award, acceptance and use of assistance under the program by applicable entities, and to the remedies for non-compliance, except where inconsistent with the provisions of NAHA, other Federal statutes or this part. Circular Nos. A-110 (Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations), A-122 (Cost Principles Applicable to Grants, Contracts and other Agreements with Nonprofit Institutions), and, as applicable, A-21 (Cost Principles for Educational Institutions) apply to the acceptance and use of assistance by covered organizations, except where inconsistent with the provisions of NAHA, other Federal statutes or this part. Recipients are also subject to the audit requirements of OMB Circular A-128 (Audits of State and Local Governments) implemented at 24 CFR part 44, and OMB Circular A-133 (Audits of Institutions of Higher Learning and other Nonprofit Institutions), as applicable.

(2) Copies of OMB Circulars may be obtained from E. O. P. Publications, Room 2200, New Executive Office Building, Washington, D. C. 20503, telephone (202) 395–7332. (This is not a toll-free number.) There is a limit of two free copies.

Other Matters (Concerning this Proposed Rule)

1. Environmental impact. A Finding of No Significant Impact with respect to the environment for the Notice of Funds Availability and this rule has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, D.C. 20410.

2. Regulatory Impact Analysis. This rule would not constitute a "major rule" as that term is defined in section 1(d) of the Executive Order on Federal Regulations issued on February 17, 1981. An analysis of the rule indicates that it would not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

3. Regulatory Flexibility Act. The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule would not have a significant economic impact on a substantial number of small entities because the Youthbuild program affects primarily economically disadvantaged youth by providing assistance for a wide range of multi-disciplinary activities to assist those youth. The opportunities are designed to help disadvantaged young adults who have dropped out of high school to obtain the education and employment skills necessary to achieve economic self-sufficiency and develop leadership skills and a commitment to community development in low-income communities. A related objective of the program is to add to the supply of permanent affordable housing for homeless persons and members of low- and very low-income families by giving young adults participating in the program meaningful on-site training experiences in construction and rehabilitation of housing. It is anticipated that fewer than 120 projects will receive assistance under this program.

4. Executive Order 12612, Federalism. The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this rule does not have "federalism implications" because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of
power and responsibilities among the various levels of government.

5. Executive Order 12606, the Family. The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that some of the policies of this rule would have a potential significant impact on family formation, maintenance, and general well-being. The expected expansion of the housing supply for homeless and low- and very-low income persons and the provision of opportunities to economically disadvantaged young adults to enhance their education and employment skills will provide a positive impact on the family maintenance and general well-being. However since the impact on the family is beneficial and the rule involves very little HUD discretion, no further review is necessary.

6. Semi-Annual Agenda of Regulations. This rule was listed as item number 1498 in the Department's Semiannual Agenda of Regulations published on April 26, 1993 (58 FR 24382) in accordance with Executive Order 12291 and the Regulatory Flexibility Act.

7. Catalog of Federal Domestic Assistance. The Catalog of Federal Domestic Assistance Program number assigned to this program is 14.243.

8. List of Subjects in 24 CFR Part 585. Grant programs—housing and community development, Homeless, Low- and very low-income families, Reporting and record keeping requirements.


Date: August 26, 1993.

Andrew Cuomo,
Assistant Secretary for Community Planning and Development.

[FR Doc. 93-23121 Filed 9-22-93; 8:45 am]
Billing Code 4210-25-F
SUMMARY: This Notice of Funds Availability (NOFA) announces the availability of up to $38,000,000 in program funds for planning and implementation grant assistance under the Opportunities for Youth: Youthbuild Program established by the Housing and Community Development Act of 1992. In addition, $2.0 million has been set aside for management and technical assistance consistent with section 458 of the Act.

In the body of this NOFA is information concerning the following:

(a) The purpose of the NOFA and information regarding eligibility, available amounts, and selection criteria;

(b) The application process, including how to apply and how selections will be made; and

(c) A checklist of steps and exhibits involved in the application process.

APPLICATION SUBMISSION DATE: Applications for Youthbuild planning and implementation grant funds must be received by 4:30 p.m. Eastern Standard Time on the date specified in the application package. Applications must be physically received by the deadline date and time by HUD's Processing and Control Unit, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7255, Washington, DC 20410. Requests for application packages must be in writing, but may be faxed to (202) 708-3363. The TDD number for the hearing impaired is (202) 708-2565. (These are not toll-free numbers.)

Requests for application packages must include the applicant's name, mailing address, zip code, area code and telephone number, and must refer to "Youthbuild" document FR-3451. The Youthbuild application package contains appropriate instructions, forms and required certifications for completing a planning, implementation or combined grant request. Requests for Youthbuild application packages for 1993 should be made immediately and HUD will distribute application packages as soon as they become available.

SUBMISSION ADDRESSES: An original and two copies of the completed application must be submitted to the following address: U. S. Department of Housing and Urban Development, Processing and Control Unit, Office of Community Planning and Development, Room 7255, 451 Seventh Street SW, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: All procedural and substantive questions should be directed to Michael J. McMahon, Office of Economic Development, Department of Housing and Urban Development, Room 7134, 451 Seventh Street SW, Washington DC 20410; telephone (202) 708-2035 or TDD (202) 708-2565 for the hearing impaired. Program information inquiries may be faxed to (202) 708-7543, Attention: Michael J. McMahon. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION: The information collection requirements contained in this Notice have been approved under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520) by the Office of Management and Budget (OMB), and have been assigned OMB control number 2506-0142, expiration date August 31, 1996.

I. Purpose and Substantive Description

The purpose of the competitions for Youthbuild planning and implementation grants is: 1) to expand the supply of permanent affordable housing for homeless and low—and very low-income persons by providing planning grants for program design and implementation grants for carrying out a Youthbuild Program, and 2) to provide economically disadvantaged young adults with opportunities to obtain an education, employment skills and meaningful on-site work experience as a service to their communities.

A. Authority


Elsewhere in today's Federal Register, there is a proposed rule stating that applicants shall be guided by the provisions and requirements contained in this Notice of Funds Availability for Fiscal Year 1993. Accordingly, public comments are requested on the provisions contained in this Notice. Interested persons should submit their comments to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development. Refer to the proposed rule for further submission instructions. HUD intends to publish a final rule covering all aspects of the Youthbuild program after review and consideration of the public comments received.

Authority restriction: No provision of the Youthbuild program may be construed to authorize any agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials used by any educational institution or school system participating in a Youthbuild program.

B. Allocation amounts

This Notice announces the availability of up to $38,000,000 in funds appropriated by the HUD appropriations act for Fiscal Year 1993 (Pub. L. 102–389, enacted October 6, 1992). Of the $38,000,000, up to $9,400,000 will be reserved for the competition funding planning grant awards and up to $26,700,000 will be reserved for the competition funding implementation grants. Five percent of program funds or $1,900,000 is set aside for emergency purposes for implementation grants only. HUD reserves the right to adjust these allocations between the planning and
implementation grant competitions in the event there are not enough qualified proposals received. In addition, $2.0 million has been set aside for management and technical assistance consistent with section 458 of the Act.

(1) Maximum Awards: The maximum amount an applicant may receive for a Youthbuild planning grant is $100,000. The maximum amount an applicant may receive for a Youthbuild implementation grant is $1,000,000. HUD reserves the right to approve a planning or implementation grant in a higher amount for "good cause" (see Paragraph B, Part II, for Planning Grants and Paragraph B, Part III, for Implementation Grants) or to reduce the amount of grant funds requested by an individual applicant (see Paragraph J(4), Part II, for Planning Grants and Paragraph M(7), Part III, for Implementation Grants).

(2) Combined Planning and Implementation Grant Applications: Applicants may apply for both types of grants using one application. The application package provides instructions on submitting a combined Youthbuild application.

Combined planning and implementation grant applications will compete separately in each competition. Planning grant requests must receive a minimum point score of 50 points to qualify for the planning grant competition. Planning grant selection criteria can be found in Part II, paragraph I, of this NOFA. Implementation grant requests must receive a minimum point score of 60 points, attain a minimum score for two implementation grant selection criteria (Capability: minimum 15 of 30 points and Program Quality and Feasibility: minimum 30 of 60 points) and meet all required program requirements to qualify for the implementation grant competition. Implementation grant selection criteria can be found in Part III, paragraph L, of this NOFA.

For combined applications, the receipt of the implementation grant award is conditioned upon the successful completion of the eligible activities funded by the planning grant and submission of the recipient's plan and performance evaluation report to HUD for approval. Upon HUD approval, reserved implementation grant funds would be released to the recipient in accordance with the grant agreement.

(3) Period of Award: Funds awarded for planning grants are to be used over a maximum 12 month period. Funds awarded for implementation grants, including administrative costs, are to be used over a maximum 30 month period. Grant periods commence upon execution by HUD and the recipient of the respective grant agreements.

(4) Youthbuild Emergency Program Funds: The Secretary may reserve up to five percent of each Fiscal Year's Program funds for implementation grants for emergency purposes to respond quickly to vital needs to stimulate the provision of services to disadvantaged youth and to expand the supply of affordable housing for the homeless and very low-income persons.

Unforeseen emergency needs may result from natural and other disasters including hurricanes, tornadoes, earthquakes, fires, floods, etc. Other unpredictable and sudden circumstances, such as civil disturbances, may affect the provision of services to youth or result in housing deprivation and increased demand for housing for low-income persons and the homeless. The Secretary will determine whether the emergency is of sufficient severity to warrant use of Youthbuild funds.

The Secretary will establish a separate and expedited process to award funds for emergency purposes. Specific instructions governing the use of these funds may be published by notice in the Federal Register, as necessary. If the set-aside funds are not used for emergency purposes by the time that awards for each fiscal year's funds are to be announced, these funds will be made available for the general implementation grant competition for that year.

C. Background and Objectives

The Opportunities for Youth initiative (Youthbuild) is designed to help disadvantaged young adults who have dropped out of high school to obtain the education and employment skills necessary to achieve economic self-sufficiency and develop leadership skills and a commitment to community development in low-income communities. Grant funds can be used to fund eligible educational and supportive services and activities, as defined by the Act, composed of basic skills instruction and remedial education, employment skills and leadership development, and counseling, referral and support services.

Another important objective of the Youthbuild program is to expand the supply of permanent affordable housing for homeless persons and members of low—and very low-income families. By giving disadvantaged young adults participating in the program meaningful on-site training experiences constructing or rehabilitating housing as a community service, they are helping to meet the housing needs of homeless and low-income families in their community. Eligible activities, such as acquisition, architectural and engineering fees, construction, rehabilitation, operating expenses and replacement reserves can be covered for Youthbuild housing. All housing assisted or used in a Youthbuild program must meet the needs of homeless and members of low—and very low-income families.

Youthbuild Project-related Restrictions:

The Youthbuild program provides funding assistance for a wide range of multi-disciplinary activities and services to assist economically disadvantaged youth. However, when Youthbuild implementation grant assistance is provided for housing projects and specifically for acquisition, architectural and engineering fees, construction, rehabilitation, operating expenses or replacement reserves, certain Youthbuild restrictions (defined in Parts VI, VII, and VIII of this NOFA) shall apply to the housing designated in the program to receive such assistance. These Youthbuild project-related restrictions apply to residential rental, transitional and homeownership housing projects used in the program and assisted with Youthbuild funds. For example, a Youthbuild implementation grant might only provide funding for participant education, training, counseling and stipend costs. In this example, the actual acquisition, architectural and engineering fees, rehabilitation costs, construction costs, operating expenses or replacement reserves associated with the housing property are covered, in full, by other public or private sources of funds. If a broad application of the program's grant program restrictions were imposed on all multi-disciplinary services and activities funded with Youthbuild grant assistance, this property would be required to comply with these restrictions even though Youthbuild grant funds are not used for housing costs. This could create a heavier burden than anticipated for the applicant or the property owner that allows Youthbuild training on-site during construction or rehabilitation as a means of developing skills and hands-on training essential to the success of the program. Therefore, HUD has determined that the Youthbuild project-related restrictions shall apply only when Youthbuild grant funds provide for project acquisition, architectural and engineering fees, construction, rehabilitation, operating costs or replacement reserves. This determination is designed to ins certain
applicants are not limited in their abilities to seek out and secure potential housing projects for training purposes and are not overly burdened by program restrictions when housing costs are paid by other sources. Youthbuild participant stipends even for on-site work are not considered construction or rehabilitation costs.

Useful life of the Youthbuild property:

The project-related restrictions placed on residential rental, transitional, or homeownership projects receiving Youthbuild assistance for acquisition, architectural and engineering fees, construction, rehabilitation, operating expenses, or replacement reserves shall apply for the "remaining useful life" of the property. For purposes of this program, "remaining useful life" is defined as 10 years. In the interest of maintaining affordable housing produced in cooperation with a Youthbuild program for a reasonable period of time, HUD has determined that where Youthbuild housing restrictions apply, Youthbuild program requirements shall remain in effect for a period of 10 years after completion of construction and issuance of occupancy permits.

Availability of Residential Rental Units:

Residential rental projects covered by Youthbuild project-related restrictions are required to make at least 90 percent of the units available to individuals and families with incomes less than 60 percent of the area median income, adjusted for family size. It is anticipated that this restriction can be easily satisfied in a majority of cases. However, there may be rare instances where the 90% lease-up requirement cannot be readily satisfied causing long vacancy periods. Extended vacancy periods can greatly reduce the project's cash flow or create a negative cash flow which can lead to serious financial consequences. It is not the intent of the program to place unrealistic restrictions on Youthbuild housing projects to such a degree that the project's financial condition becomes seriously threatened. Therefore, HUD has determined that when a rental unit is advertised community-wide in support of the 90 percent occupancy requirement but is not leased to a tenant with an income of less than 60 percent of the area median income within an advertisement period of 90 consecutive days, the unit may then be made available to persons with incomes of less than 80 percent of the area median income. The advertisement period for this higher income group may not exceed 60 consecutive days. Leases to persons with incomes between 60 and 80 percent may not exceed one year.

Availability of rental units to this higher income group is only permitted in the interest of maintaining the financial stability of the Youthbuild residential housing project.

Other Federal, State or Local housing rules and regulations:

When funds from other types of Federal, State or local housing programs are used in a Youthbuild property, the Federal, State or local program rules shall also govern. Uniform Relocation Act requirements apply to any property in a Youthbuild program regardless of the source.

Other public and private resources:

Applicants are strongly encouraged to seek out and take advantage of other Federal, State, local or private funds for housing construction, job training, counseling, referral or social services which can be augmented with a Youthbuild grant. The selection criteria for planning and implementation grants provide points for program coordination (using resources from other Federal, State, local and private programs) and for securing financial assistance from these other sources of funds.

Wages, Labor Standards, and Nondiscrimination:

Sections 142, 143 and 167 of the Job Training Partnership Act, related to wages and benefits, labor standards, and nondiscrimination, shall apply to Youthbuild programs as if the programs were conducted under the Job Training Partnership Act. This provision may not be construed to prevent Youthbuild recipients from using funds from non-Federal sources to increase wages and benefits under such programs, if appropriate.

Labor Standards:

(a) Trainees. Davis-Bacon prevailing wage rate requirements are not applicable to trainees on housing projects or in training programs assisted by Youthbuild grant funds, where the Youthbuild grant is the only Federal assistance provided. If other Federal programs provide assistance to the housing project or the Youthbuild training program, labor standards apply to trainees to the extent required by the other Federal programs.

(b) Laborers and mechanics other than Youthbuild Trainees.

(1) All laborers and mechanics (other than Youthbuild trainees) employed by contractors or subcontractors in any construction, alteration or repair, including painting and decorating, of housing that is assisted by a Youthbuild grant shall be paid at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a—276a—5). The employment of such laborers and mechanics on assisted housing shall be subject to the provisions of the Uniform Relocation Act and the Davis-Bacon Act (40 U.S.C. 327—333). Where these requirements are applicable, recipients, sponsors, owners, contractors and subcontractors must comply with all related Department of Labor and HUD rules, regulations and requirements.

(2) The labor standards requirements in paragraph (b)(1) above do not apply where a Youthbuild grant is provided solely for classroom and/or on-the-job training and supportive services for Youthbuild trainees, and the grant does not include costs for housing project development involving acquisition (including lease), rehabilitation or new construction of real properties; however, if other Federal programs provide assistance to the housing project, labor standards apply to laborers and mechanics to the extent required by the other Federal programs. Applicants need to review applicable Federal regulations to determine which relevant requirements apply to their individual situations.

Primarily religious organizations:

(1) HUD will provide Youthbuild assistance to a recipient that is a primarily religious organization if it agrees to provide housing, educational and training activities or supportive services in a manner that is free from religious influences and in accordance with the following principles:

(a) It will not discriminate against any employee or applicant for employment on the basis of religion and will not limit employment or give employment preference to persons on the basis of religion;

(b) It will not discriminate against any person applying for Youthbuild activities, supportive services or housing on the basis of religion and will not limit such activities or services or give preference to persons on the basis of religion; and

(c) It will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of housing, education, training activities, or supportive services.

(2) HUD will provide Youthbuild assistance to a recipient that is a
primarily religious organization if the assistance will not be used to acquire, construct or rehabilitate a property to be owned by the recipient.

D. Definitions.

As used in this NOFA:

1937 Act means the United States Housing Act of 1937. 
“Access to housing” applies to Youthbuild implementation grants required to document that the program has access to the housing project(s) for youth on-site training, e.g., construction can start concurrently with the other aspects of the Youthbuild program, and program participants have permission to work on-site.

Adjusted income has the meaning given the term “adjusted income” in section 3(b) of the United States Housing Act of 1937.

Administrative costs means reasonable and necessary costs, as described in and valued in accordance with OMB Circular Nos. A-87 or A-122 as applicable, incurred by a recipient in carrying out a Youthbuild program.

Applicable residential rental housing quality standards shall mean those standards of the applicable HUD or other Federal, State or local program providing assistance for residential rental housing involved in a Youthbuild implementation grant as used under section 455(a), Youthbuild Program Requirements, of the Act.

Applicant means a public or private nonprofit agency, including:
(1) a community-based organization which is accountable to low-income community residents through representation on the governing board and which has a history of serving the local community where the Youthbuild program is to be located;
(2) an administrative entity designated under section 103(b)(1)(B) of the Job Training Partnership Act; 
(3) a community action agency; 
(4) a State or local housing development agency; 
(5) a community development corporation; 
(6) a public and/or Indian housing authority and resident management corporations, resident councils and resident organizations; 
(7) a State and local youth service and conservation corps; and 
(8) any other entity (including States, units of general local government, and Indian Tribes) eligible to provide education and employment training under other Federal employment training programs.

Combined Youthbuild application means the submission by an applicant of a single application to HUD for a planning and implementation grant request for one Youthbuild program.

Community-based organization means a private nonprofit organization that:
(1) maintains, through significant representation on the organization’s governing board or otherwise, accountability to low-income community residents and, to the extent practicable, low-income beneficiaries of Youthbuild programs; and
(2) has a history of serving the local community or communities where a youth program is located.

Comprehensive Housing Affordability Strategy (CHAS) means the housing strategy prepared by a jurisdiction and submitted to HUD in accordance with 24 CFR part 91.

Eligible participant means an individual selected to participate in a Youthbuild program receiving assistance under this NOFA, who is:
(1) 16 to 24 years of age, inclusive;
(2) A very low-income individual or a member of a very low-income family; and
(3) An individual who has dropped out of high school.
(An exception of not more than 25% of all full-time participants is permitted for young adults who do not meet the program’s income or educational requirements but who have educational needs despite attainment of a high school diploma or its equivalent.)

Firm commitment means documented evidence of additional resources to be made available to the program from the applicant or any other public or private entity. Documented types of commitments shall include but are not limited to: loans, grants, donations, contributions, in-kind services, personnel, supplies, materials, classroom or meeting room space, transportation, tax abatements, public improvements, financial subsidies, architectural and engineering work, or volunteer services. The description of the commitment shall be in the form of a written obligation (on appropriate letterhead) specifying: (i) the dollar amount and source of funds or other types of resources committed and their use in the program; (ii) the date of availability and duration; (iii) the terms and conditions of the commitment other than those conditioned upon the receipt of a Youthbuild grant; (iv) the authority by which the commitment is made (such as board resolution, grant award notification, approvals); and (v) the signature of the appropriate executive officer authorized to commit the resources.

Full-Time Participation for program eligible participants is limited to not less than 6 months and not more than 24 months.

“Graduates” are participants completing the Youthbuild program after which they are able to take advantage of meaningful opportunities in continued education, in owning their own businesses, in meaningful employment or in other means by which the participant can attain economic self-sufficiency.

Homeless Act means the Stewart B. McKinney Homeless Assistance Act, as amended, (42 U.S.C. 11301 et seq.).

Homeless individual has the meaning given the term in section 103 of the Stewart B. McKinney Homeless Assistance Act.

Housing development agency means any agency of a State or local government, or any private nonprofit organization that provides housing for homeless or low-income families.

Income has the meaning given the term in section 3(b) of the United States Housing Act of 1937.

Indian Tribe has the same meaning given such term in section 102(a)(17) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(17)).

“Individual who has dropped out of high school” means an individual who is neither attending any school nor subject to a compulsory attendance law and who has not received a secondary school diploma or a certificate of equivalency for such diploma.

Institution of Higher Education has the meaning given the term in section 120(a) of the Higher Education Act of 1965.

JTPA means the Job Training Partnership Act (P.L. 102-235), as amended.

Limited-English proficiency has the meaning given the term in section 7003 of the Bilingual Education Act.

Low-income Family has the meaning given the term in section 3(b) of the United States Housing Act of 1937.

Offender means any adult or juvenile with a record of arrest or conviction for a criminal offense.

Outreach and recruitment activities mean specific steps to be taken to attract potential eligible participants who are unlikely to be aware of the Youthbuild program because of race, ethnicity, sex or disability.

Private Nonprofit Organization means any private nonprofit organization that:
(1) is organized and exists under Federal, State, local, or tribal law;
(2) has no part of its earnings inuring to the benefit of any individual, corporation, or other entity;
(3) has a voluntary board; 
(4) has an accounting system or has designated a fiscal agent in accordance with requirements established by HUD; and 
(5) practices nondiscrimination in the provision of assistance.  

Project-related restrictions mean Youthbuild housing restrictions applicable only in cases where the Youthbuild implementation grant is providing assistance to residential rental, transitional or homeownership housing projects for specific costs relating to property acquisition, architectural and engineering fees, construction, rehabilitation, operating costs, or replacement reserves. 

Related facilities must be associated with housing as defined in the program and may include cafeterias or dining halls, community rooms or buildings, child care centers, appropriate recreation facilities, and other essential service facilities. Related facilities which stand alone are not appropriate construction sites for trainees. 

Self-sufficiency, as used in the Youthbuild program, means attaining a level by which one is able to economically provide for oneself and one's immediate family. 

State means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, the Trust Territories of the Pacific Islands, or any other territory of possession of the United States. 

Title IV means title IV of the Cranston-Gonzales National Affordable Housing Act, as amended (42 U.S.C. 1437). 

Transitional housing means a project that has as its purpose facilitating the movement of homeless individuals and families to independent living within a reasonable amount of time. Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children. 

Useful life shall mean a period of 10 years upon construction completion and issuance of an occupancy permit applicable to a residential rental, transitional or homeownership property acquired, constructed or rehabilitated (including architectural and engineering fees), or maintained (i.e., operating costs or replacement reserves), in whole or in part, with Youthbuild implementation grant funds (as used in section 455(a), Youthbuild Program Requirements, of the Act). 

Very low-income family has the meaning given the term in section 3(b) of the United States Housing Act of 1937. 

Youthbuild program means any program that receives assistance under subtitle D of title IV of the Cranston-Gonzales National Affordable Housing Act and provides disadvantaged youth with opportunities for employment, education, leadership development and training in the construction or rehabilitation of housing for the homeless and members of low—and very low-income families. 

II. Youthbuild Planning Grants. 
A. Purpose. 

HUD will award Youthbuild planning grants to eligible applicants for the purpose of developing Youthbuild programs in accordance with subtitle D of title IV of the Cranston-Gonzales National Affordable Housing Act. Applications will be selected in a national competition in accordance with the selection process described in paragraph J, Selection Process for Planning Grants, of this Part. 

B. Maximum awards 

The maximum amount of a Youthbuild planning grant is $100,000 except that HUD may for "good cause" approve a grant in a higher amount. "Good cause" may include but is not limited to: (a) the added costs of architectural and engineering (A & E) fees paid in the preparation of an implementation grant application; or (b) other documented unusual circumstances which elevate program planning costs beyond the maximum amount of $100,000. No amendments to previously approved grant amounts are allowed. 

Planning grants are not to exceed a maximum of 12 months to complete approved activities. The award of a Youthbuild planning grant based on the provisions and requirements of this NOFA does not obligate HUD to fund the implementation of the program upon completion of the approved planning activities (unless the companion implementation grant was submitted as a combined application and funded in the implementation grant competition). 

C. Locational considerations. 

HUD reserves the right to approve one or more applications for planning programs to be carried out in substantially the same general community, as defined by the respective application(s), so long as the size of the community is sufficiently large to justify approval. Applicants must propose a geographic scope of their programs that is reasonably related to the identified participant recruitment and housing areas. 

D. Eligible Applicants. 

Those applicants defined in Section I.D. are eligible to apply. 

E. Eligible Activities. 

Planning grant activities used to develop a Youthbuild program may include: 

(1) The undertaking of studies and research efforts to determine the feasibility and need for a Youthbuild program in a selected location including whether the proposed program can aid in meeting the housing needs of the community and achieve financial feasibility; 

(2) The formation and establishment of a consortium between Federal, State, or local youth training and education programs, homeless providers, housing programs and housing owners or developers, including other eligible organizations or nonprofit entities listed in paragraph D, Eligible Applicants, of this Part; 

(3) The preliminary identification and potential selection of a housing project for the Youthbuild program including an assessment of the type of housing program to be used and the method by which program participants will have access to the housing project; 

(4) Preliminary architectural and engineering (A & E) work for the Youthbuild proposed housing project including: 

(a) the development of cost and time estimates associated with the amount of work to be done through new construction or the rehabilitation of existing housing, 

(b) technical studies to evaluate environmental problems and to determine whether mitigation is feasible on the potential site, and 

(c) the identification and initiation of the permit process required to commence work on the selected site; 

(5) The identification of multi-disciplinary counseling, educational and training curricula for the Youthbuild program including the identification and training of staff assigned to each program component; 

(6) The planning and identification of resources required for basic skills instruction and education, job training and job development, leadership and employment skills development and other related services that will be
provided as part of the Youthbuild program;
(7) The identification and establishment of relationships with local unions, apprenticeship programs, housing owners, local employers and other community groups related to the construction industry;
(8) The development and establishment of counseling, referral or supportive services and activities in advance of commencing a Youthbuild implementation program; and
(9) The preparation of an application for an implementation grant in accordance with the requirements set forth in this NOFA.

F. Program components.

Youthbuild programs use comprehensive and multi-disciplinary approaches designed to prepare young adults who have dropped out of high school for educational and employment opportunities by employing them as construction trainees on worksites for housing designated for homeless persons and low- and very low-income families.

A Youthbuild planning grant receiving assistance under this NOFA is designed to give applicants sufficient time and financial resources to develop a comprehensive Youthbuild program that can be effectively implemented. The Youthbuild programs to be developed through the planning grant are to contain three components with an optional fourth component:

(1) Educational Services, including:
(a) services and activities designed to meet the basic educational needs of participants. For example, a Youthbuild program may include basic skills instruction and remedial education, bilingual education for individuals with limited English proficiency, secondary educational services and activities designed to lead to the attainment of a high school diploma or its equivalency (GED), or counseling and assistance in attaining post-secondary education and required financial aid;
(b) vocational classroom courses geared to construction terminology and concepts; and
(c) strategies to coordinate with local trade unions and apprenticeship programs where possible.

(2) Leadership Training and Support activities, including:
(a) activities designed to develop employment and leadership skills, including support for youth councils;
(b) counseling services to assist trainees in personal, health, housing, child care, family or legal problems and/ or referral services to appropriate social-service resources;
(c) support services and stipends necessary to enable individuals to participate in the program and, for a period not to exceed 12 months after completion of training, to assist participants through continued support services;
(d) job development and placement activities and post-graduation follow-up assistance; and
(e) pre-employment training plan aimed at developing job seeking skills.

(3) On-site training, including:
(a) worksite training plan for a closely supervised construction site; and
(b) construction or rehabilitation plan and timetable.

(4) Other activities: A local program may be designed to include other, special activities such as:
(a) entrepreneurial training and courses in small business development;
(b) assistance to correct learning disabilities; or
(c) drivers’ education courses. Since an implementation grant is required to be structured so that fifty percent (50%) of the time spent by participants in the program is devoted to basic educational services, leadership training and related activities described in sections (1) and (2) above, Youthbuild planning grant applications must contain strategies, plans and approaches to be used during the planning process to ultimately implement this program requirement.

G. Support of other Federal, State, local or private entities.

Applicants are encouraged to use existing housing programs such as the HOPE I, II or III programs, the HOME program, Supportive Housing for the Homeless and other homeless assistance and Transitional housing programs or other housing programs administered by HUD such as the Comprehensive Grant Program or other Federal, State, local or private housing programs. Use of other Federal, State, local or private funds for vocational, adult and bilingual education programs or for job training under the JTPA Act and the Family Support Act of 1988 is also encouraged.

The selection process for planning grants described in this Part provides for applicants to receive points where grant applications contain documented evidence of proposed plans to finance, in whole or in part, Youthbuild activities during the planning stage (and implementation stage for combined applications) from other Federal, State, local or private sources. (Refer to Part II, paragraph I(4), Selection Criteria for Planning Grants, for further information.)

H. Deadline for completion of activities and reporting requirements.

(1) Grant period: Activities under a Youthbuild planning grant are to be carried out within 12 months of the effective date of the planning grant agreement.

(2) Performance evaluation report: Each recipient of a Youthbuild Planning grant must submit a performance evaluation report on activities undertaken and completed in accordance with the grant agreement, including the recipient’s determination whether it is feasible for it to undertake a Youthbuild implementation grant. The report will also contain the recipient’s implementation plan for a Youthbuild Program. Each recipient must submit its performance evaluation report to HUD no later than 12 months from the effective date of the grant agreement.

(3) Quarterly progress reports: Each recipient of a Youthbuild planning grant must submit a report on a quarterly basis covering but not limited to: (a) progress made in meeting Youthbuild program goals; (b) activities accomplished; (c) costs incurred from all sources; (d) changes, if any in program design; and (e) delays or problems encountered and efforts used to overcome such obstacles.

The form and substance of the quarterly progress report will be provided to recipients at time of execution of the grant agreements. The performance evaluation plan noted above will constitute the fourth and final quarterly report.

I. Selection criteria for planning grants.

HUD will review each application for a planning grant and assign up to 100 points in accordance with the following selection criteria:

(1) Capability: the qualifications or potential capabilities of the applicant. (Maximum Points: 40) The capability of the applicant to develop and potentially implement a successful youth education and training program within a reasonable time period, within budget and in an effective manner as demonstrated through past performance. In assigning points for this criterion, HUD shall consider:
(a) Program experience: The capacity and experience of the applicant entity or key staff to plan and implement programs with similar multi-disciplinary characteristics shall be measured by: (i) previous experience and success in outreach, recruitment, training, counseling, leadership development and educational and
placement programs; and (ii) achievements in developing youth programs and youth opportunities in the community or an explanation of how such capability will be obtained. (10 points)

(b) Housing experience: The degree of knowledge and experience of the applicant entity, key staff or other participating parties (applicant's partner, cooperating developer, rightful property owner or the consortium formed to participate in the program) to:

(i) understand and use relevant Federal, State and/or local housing programs in the Youthbuild program; and
(ii) produce sound and affordable housing for the homeless and low-income families, or an explanation of how such knowledge and experience will be obtained. (10 points)

(c) Fiscal responsibility: The ability of the applicant entity, key staff to handle, manage, and adequately account for financial resources, and to use acceptable financial control procedures, demonstrated through past performance of the applicant entity or key staff with other Federal, State or local public funds, or an explanation of how such capability will be obtained. (10 points)

(d) Program linkages: The experience of the applicant entity or key staff in establishing community-based linkages with local youth groups, neighborhood organizations, housing providers, apprenticeship programs, trade unions, private employers, public and private social, educational and training programs, and other public and private initiatives or an explanation of how such capability will be obtained. (10 points)

(2) Need: the need for the proposed program, as determined by the degree of distress. (Maximum Points: 10)

(i) In assigning points for this criterion, HUD will consider the relative degree of distress of the community from which participants will be recruited and of the community in which the housing proposed to be constructed or rehabilitated will be located. Applicants are required to provide U.S. Bureau of Census 1990 poverty data, by Census tract, where appropriate. Any other recent State or local statistical studies, reports or analyses providing relevant data on distress (such as a locally approved CHAS) may also be submitted. The source of the data should be clearly identified. Degree of distress shall be measured by:

(a) Participant recruitment area:

Applicants should submit documentation on youth unemployment rate, high school dropout rate, and overall poverty rate by Census tract for the participant recruitment area. Any other documented State or local data on youth as measured by education, crime, homelessness or other relevant data can be submitted to support degree of distress. The source of the data should be clearly identified. (5 points)

(b) Youthbuild housing area:

Applicants should submit documentation on shortage of affordable housing units and the overall poverty rate by Census tract for the Youthbuild housing area. Any other documented State or local data on housing as measured by vacancy rates, number of substandard and available public housing units, or other relevant data can also be submitted. The source of the data should be clearly identified. (5 points)

(3) Program Quality and Feasibility: the comprehensiveness of the plan and the potential of the applicant for developing a successful and affordable Youthbuild program. (Maximum Points: 40) HUD will consider the extent to which the proposed program represents a sound, comprehensive and responsive plan for developing outreach and recruitment efforts, leadership development approaches, job development services, counseling and referral services, educational, vocational and alternative schooling, and participant training and job placement activities. Program quality will be evaluated in terms of whether proposed program activities meet the Youthbuild program objectives. The comprehensiveness and potential success of the proposed program will be measured by:

(a) Commitment: The extent of applicant commitment and responsiveness to the needs and problems of unemployed disadvantaged youth. (5 points)

(b) Comprehensive Plan: A description of the proposed program elements to be developed for youth outreach, recruitment and selection efforts, support services, leadership development, on-site training, educational courses and strategies, and job development and placement etc. (5 points)

(c) Potential Housing Project(s): Preliminary identification and description of the potential housing project(s) proposed to be used for participant training purposes, including how the applicant entity is likely to: (i) gain access to the housing project through purchase, option, lease, land contract, donation, or other arrangements with the current owner(s); and (ii) obtain commitments of materials, supplies, instructors, and other resources needed to undertake construction and conduct an on-site participant training program. The role the applicant is likely to play in the housing project (e.g. as developer, general contractor, owner, subcontractor, co-developer, manager, or some other arrangement) should be included in the description as well as the preliminary identification of the entity which will own and manage the project after construction or rehabilitation completion. (5 points)

(d) Potential Impediments and Recommended Solutions: The degree to which the applicant plans to address impediments to implementation of a Youthbuild program and to propose strategies to overcome such obstacles in the planning process. (5 points)

(e) Reasonable Costs: The applicant's strategy to develop accurate and reasonable costs for proposed activities including estimated costs per youth to be recruited, trained and educated; proposed costs for student stipends and wages; and estimated costs per housing unit to be rehabilitated or constructed. (5 points)

(f) Coordination: How the applicant intends to coordinate the Youthbuild program with other Federal, State, Indian tribe, local and private housing programs, youth education services, employment training programs, social service programs, and apprenticeship programs of local building trade unions. (5 points)

(g) Job Placement and Follow-Up: The applicant's goals and strategies for participant retention, job placement, continued training and educational opportunities and other follow-up services for program graduates. (5 points)

(h) In-House Staff Training: How the applicant intends to provide an adequate in-house training program for program staff and other personnel associated with the program. (2 points)

(i) Evaluation Plan: How the applicant intends to develop an evaluation plan for the program to be developed through the planning grant to assess program achievements as measured against such factors as: program goals and objectives; youth recruitment efforts; attendance rates; degree of academic improvement and achievement; student retention rates; job placement rates; attainment of post-secondary educational goals; and completion rate of housing for homeless and low-income persons. (5 points)

(A) Program support: the level and types of commitments obtained or proposed to be obtained from Federal, State, local and private sources. (Maximum Points: 10) In assigning points for this criterion, HUD shall consider:
(a) Public support: The extent of interest of Federal, State or local programs in support of a Youthbuild planning program or potentially the implementation program, demonstrated through evidence of intent to provide direct financial assistance or other resources, such as social services (i.e., counseling and training); potential use of existing vocational, adult, bilingual educational courses; use of public housing funds available through existing State or local programs; potential availability of construction and/or rehabilitation loans or grants, interest rate subsidies, resource personnel, supplies, materials, classroom and/or meeting space, public improvements, tax abatements, or other commitments. (4 points)

(b) Private support: The extent of interest of the private sector, (including banks, other private community groups, the business community, foundations, unions, etc) in support of the Youthbuild planning program or potentially the implementation program, demonstrated through evidence of intent to potentially provide direct financial assistance or other resources such as donation of labor or materials, interest rate reductions or other financial subsidies, operating subsidies, preliminary architectural and engineering (A & E) work, volunteer assistance in selected areas of the program, or other commitments. (3 points)

(c) Housing programs: The potential use of existing housing programs such as HOPE I, II or III programs, the HOME program, Supportive Housing for the Homeless and other homeless assistance and Transitional housing programs or other housing programs such as the Comprehensive Grant Program administered by HUD or other Federal, State, or local housing programs. (Potential for housing programs to be used for implementation.) (3 points)

J. Selection process.

In order to afford applicants every opportunity to submit a ratable application, while at the same time ensuring the fairness and integrity of the selection process, HUD is adopting the following application submission and selection procedures:

(1) Curable Technical Deficiencies: During the period immediately following the application deadline, HUD will screen each application to determine whether it is complete, internally consistent, and contains correct computations. Curable technical deficiencies are items that are not necessary for HUD to review under the selection criteria (e.g., failure to submit a required certification with the application). Applicants may not submit items that would improve the substantive quality of the application after the application due date has expired. Refer to Part V, Corrections to Deficient Applications, of this NOFA for further information.

(2) Qualifying Threshold Points: Upon completion of the initial application deficiency screening process, HUD will assign points in accordance with the planning grant selection criteria described in Part II, paragraph I, of this NOFA. All planning grant applications must receive a minimum threshold score of 50 points to qualify for competition in the ranking and selection process. Applications falling below 50 points will be deemed not suitable or not feasible for developing a Youthbuild program and will be eliminated from the competition.

(3) Selecting applicants: HUD will rank planning grant applications meeting the required threshold points according to total points assigned regardless if they are submitted as single or combined applications. Planning grants will be selected for funding from the rank order, unless the geographic diversity provision described below is used.

(a) Combined applications: Any planning grant request failing to qualify for the planning grant competition (e.g., receive a minimum of 50 points) and submitted in combination with an implementation grant request will automatically cause the implementation grant application to be eliminated from the implementation grant competition. Similarly, if there are insufficient funds to fund a planning grant submitted in combination with an implementation grant request, the latter will not be considered.

Any implementation grant request failing to be selected under the implementation grant competition and submitted in combination with a planning grant request will not cause its companion planning grant application to be disqualified from the planning grant competition provided the planning grant qualifies and HUD has determined that the activities proposed in the planning grant request stand alone and are not contingent upon activities proposed in the implementation grant request.

(b) Breaking tie scores: If two or more applications receive the same number of points and sufficient funds are not available to fund all such applications, the application or applications including other public or private resources shall be selected. If a tie still remains, the application or applications with the highest score for the planning grant selection criterion (1), Capability, found in Part II, paragraph I, shall be selected. If the tied application is a combined submission and has been selected in the planning grant competition and insufficient funds remain in the implementation competition to fund its companion implementation request, the planning grant awarded will reflect that. HUD has determined that the activities proposed in the planning request stand alone and are not contingent upon activities proposed in the implementation grant request.

(c) Geographic Diversity: HUD will rate and rank all planning grant applications based on the selection criteria. HUD reserves the right to select lower ranked applications if any of the 10 HUD Regions are not represented or if any receive substantially fewer awards. After correction to allow for geographic diversity, HUD will select the remaining grants without regard to their location to the extent funds are available. The above procedure may result in applications being selected out of order. This procedure will only be used, if needed, to ensure national geographic diversity.

(4) Reduction in requested grant amount: HUD will approve an application for an amount lower than the amount requested or adjust line items in the proposed budget within the amount requested (or both) if it determines that:

(a) The amount requested for one or more eligible activities is not supported in the application or is unreasonable related to the service or activity proposed for the population to be served or the housing to be provided;

(b) An activity proposed for funding does not qualify as an eligible activity;

(c) The amount requested exceeds the cost limitation established for a planning grant; or

(d) There are insufficient funds remaining for the whole request.

(5) Notification of approval or disapproval: After completion of the ranking and selection of applications, but no later than four months after the date of submission of the application, HUD will notify the selected applicants and the applicants that have not been selected, in writing. HUD's notification to the applicant of the grant award amount, based on the approved application, will constitute a
preliminary approval by HUD, subject to HUD and recipient execution of a grant agreement to initiate program activities.

III. Youthbuild Implementation Grants.

A. Purpose.

HUD will award Youthbuild implementation grants to eligible applicants for the purpose of implementing and carrying out Youthbuild programs in accordance with subtitle D of title IV of the Cranston-Gonzales National Affordable Housing Act. Applications will be selected in a competition in accordance with the implementation grant selection process described in paragraph M of this Part.

B. Maximum awards.

The maximum award for a Youthbuild implementation grant is $1,000,000 except that HUD may for "good cause" approve a grant in a higher amount. "Good cause" may include but is not limited to (a) inclusion of acquisition costs for the property selected for the program; (b) extraordinary site preparation and/or construction or rehabilitation costs; (c) a large number of youth participants in the program; and (d) other documented unusual circumstances which elevate program implementation costs beyond the maximum award amount of $1,000,000. No amendments to increase previously approved grant amounts are allowed.

Implementation grants are not to exceed a maximum of 30 months to complete approved activities.

C. Combined planning and implementation grant applications.

Implementation grant requests submitted in combination with planning grant requests will be considered for funding provided both requests qualify for competition according to the procedures and requirements set forth in this NOFA. An implementation grant request will be disqualified from the implementation grant competition if its companion planning grant request is not selected for the planning grant competition.

D. Locational considerations.

HUD reserves the right to approve more than one application for Youthbuild implementation programs to be carried out in substantially the same general community, as defined by the respective applications, so long as different applicants are involved and the size of the community is sufficiently large to justify approval of more than one application. Applicants must propose a geographic scope of their programs that is reasonably related to the identified participant recruitment and housing areas.

E. Eligible Applicants.

Those applicants defined in section I. D. are eligible to apply.

F. Eligible Participants.

Very low-income young adults, ages 16 to 24, who have dropped out of high school are eligible to participate full-time in a Youthbuild program. The program emphasizes special outreach efforts to be undertaken to recruit eligible young women (including young women with dependent children). For purposes of this NOFA, full-time participation is limited to not less than 6 months and not more than 24 months. The program permits exceptions for young adults who do not meet the program's income or education requirements but who have educational needs despite attainment of a high school diploma or its equivalent. Exceptions for individuals in this category cannot exceed 25 percent of all full-time participants in the program.

G. Eligible Activities.

Implementation grant activities used to conduct a Youthbuild program may include:

(1) Architectural and engineering work associated with Youthbuild housing project(s);

(2) Acquisition, rehabilitation, acquisition and rehabilitation, or construction of housing and related facilities to be used for the purposes of a project providing homeownership, residential rental housing, or transitional housing for the homeless and low—and very low-income persons and families;

(3) Relocation payments and other assistance required to comply with paragraph N, Part III of this NOFA;

(4) Administrative costs (Youthbuild funds for these costs may not exceed 15 percent of the total amount of Youthbuild program and project costs or such higher percentage as HUD determines is necessary to support capacity development by a private nonprofit organization);

(5) Education and job training services and activities including work experience, basic skills instruction and remedial education, bilingual education; secondary education leading to the attainment of a high school diploma or its equivalent; counseling and assistance in attaining post-secondary education and required financial aid;

(6) Counseling services and related activities;

(7) Activities designed to develop employment and leadership skills, including support for youth councils;

(8) Support services and need-based stipends necessary to enable young adults to participate in the program and, for a period not to exceed 12 months after completion of training, to assist participants through continued support services;

(9) Wages, stipends and benefits provided to participants;

(10) Operating expenses and replacement reserves for the housing project assisted in the Youthbuild program;

(11) Legal fees;

(12) Defraying costs for the ongoing training and technical assistance needs of the applicant that are related to developing and carrying out a Youthbuild program.

H. Program components.

Youthbuild implementation programs receiving assistance under this NOFA are to contain three components with an optional fourth component:

(1) Educational Services, including: (a) services and activities designed to meet the basic educational needs of participants. For example, a Youthbuild program may include basic skills instruction and remedial education, bilingual education for individuals with limited English proficiency, secondary educational services and activities designed to lead to the attainment of a high school diploma or its equivalency (GED), or counseling and assistance in attaining post-secondary education and required financial aid; (b) vocational classroom courses geared to construction terminology and concepts; (c) strategies to coordinate with local trade unions and apprenticeship programs where possible.

(2) Leadership training and support activities, including: (a) activities designed to develop employment and leadership skills, including support for youth councils; (b) counseling services to assist trainees in personal, health, housing, child care, family or legal problems and/or referral services to appropriate social service resources; (c) support services and stipends necessary to enable individuals to participate in the program and, for a period not to exceed 12 months after completion of training, to assist participants through continued support services; (d) job development and placement and post-graduation follow-up assistance; and (e) pre-employment training plan aimed at developing job seeking skills.

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(3) On-site training, including:
(a) access to housing construction/rehabilitation project(s) for participant worksite training;
(b) worksite training plan for a closely supervised construction site;
(c) construction or rehabilitation plan and timetable; and
(d) approaches to worksite safety.
(4) Other activities: A local program may be designed to include other, special activities such as:
(a) entrepreneurial training and courses in small business development;
(b) assistance to correct learning disabilities;
(c) drivers' education courses; or
(d) in-house staff training to build capacity. Each Youthbuild program is required to be structured so that fifty percent (50%) of the time spent by participants in the program is devoted to basic educational services, leadership training and related activities described in sections (1) and (2) above.

I. Support of other Federal, State, local or private entities.

Applicants are encouraged to use existing housing programs such as the HOPE I, II or III programs, the HOME program, the Supportive Housing for the Homeless and other homeless assistance and Transitional housing programs or other housing programs such as the Comprehensive Grant Program administered by HUD or other Federal, State, local or private housing programs. Use of other Federal, State, local or private funds available for vocational, adult and bilingual education programs or for job training under the JTPA Act and the Family Support Act of 1988 is also encouraged.

The selection process described in this section provides for applicants to receive points where implementation grant applications contain documented evidence of firm commitments from Federal, State, local, or private sources to finance, in whole or in part, Youthbuild activities during the implementation stage. Refer to paragraph L(4), Program Support Selection Criteria for Implementation Grants, of this Part for further information.

J. Environmental procedures and standards.

(1) Environmental procedures: Applicants are encouraged to select hazard-free and problem-free properties for their Youthbuild projects. Environmental procedures apply to HUD approval of implementation grants when the applicant proposes to use Youthbuild funds to cover any costs for the lease, acquisition, rehabilitation, or new construction of real property that is proposed for housing project development. Environmental procedures do not apply to HUD approval of implementation grants when applicants propose to use their Youthbuild funds solely to cover any costs for classroom and/or on-the-job construction training and supportive services.

For those applicants that propose to use their Youthbuild funds to cover any costs of the lease, acquisition, rehabilitation, or new construction of real property, the applicant shall submit all relevant environmental information in its application to support HUD decision-making in accordance with the following environmental procedures and standards.

Before any amounts under this program are used to acquire (including by lease), construct or rehabilitate properties to provide housing:

(a) HUD shall determine whether any thresholds are exceeded in accordance with 24 CFR part 50, which implements the National Environmental Policy Act (NEPA) and the related Federal environmental laws and authorities listed under 24 CFR 50.4. These are specified in subsection (2) below;

(b) If HUD determines that one or more of the thresholds are exceeded, HUD shall conduct a compliance review of the issue and, if appropriate, establish mitigating measures that the applicant shall carry out for the property;

(c) In performing its review, HUD may use previously issued environmental reviews prepared by local, State, or other Federal agencies for the proposed property;

(d) The application for the Youthbuild implementation grant shall provide HUD with: (i) applicant documentation for environmental threshold review; and (ii) any previously issued environmental reviews prepared by local, State, or other Federal agencies for the proposed property. The applicant is encouraged to contact the local community development agency to obtain any previously issued environmental reviews for the proposed property as well as for other relevant information that can be used in the applicant documentation for the environmental threshold review. In using previous reviews by other sources, HUD must, however, conduct the environmental analysis and prepare the environmental review and be responsible for any required environmental findings;

(e) HUD reserves the right to disqualify any application where one or more environmental thresholds are exceeded if HUD determines that the compliance review cannot be conducted and satisfactorily completed within the HUD review period for applications.

(f) Applicants are prohibited from committing or expending State, local or other funds to undertake property acquisition (including lease), rehabilitation or construction under this program until a grant agreement is executed by HUD and the recipient.

(2) Environmental thresholds: HUD shall determine whether a NEPA environmental assessment is required. Also, HUD shall determine whether the proposed property triggers thresholds for the applicable Federal environmental laws and authorities listed under 24 CFR 50.4 as follows:

For minor rehabilitation of a building and any property acquisition (including lease), Federal environmental laws and authorities may apply when the property is:

(a) Located within designated coastal barrier resources;

(b) Contaminated by toxic chemicals or radioactive materials;

(c) Located within a floodplain;

(d) A building for which flood insurance protection is required;

(e) Located within a runway clear zone at a civil airport or within a clear zone or accident potential zone at a military airfield;

(f) Listed on, or eligible for listing on, the National Register of Historic Places; located within, or adjacent to, an historic district, or is a property whose area of potential effects includes a historic district or property.

For major rehabilitation of a building and also for substantial improvement in floodplains, in addition to items (a) through (f) above, other Federal environmental laws and authorities may apply when the property:

(g) Has significant impact to the human environment;

(h) Is a project involving five or more dwelling units severely noise-impacted; or

(i) Affects coastal zone management.

For new construction, conversion or increase in dwelling unit density, in addition to items (a) through (i) above, other Federal environmental laws and authorities may apply when the property:

(j) Is located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature;

(k) Affects a sole source aquifer;

(l) Affects endangered species; or

(m) Is located within a designated wetland.

(3) Qualified data sources: The environmental threshold information provided by applicants must be from qualified data sources. A qualified data source means any Federal, State, or
local agency with expertise or experience in environmental protection (e.g., the local community development agency; the local planning agency; the State environmental protection agency; the State Historic Preservation Officer) or any other source qualified to provide reliable information on the particular property. (4) Minor rehabilitation means proposed fixing and repairs: (i) whose estimated cost is less than 75 percent of the property value after completion; (ii) that does not involve changes in land use from residential to nonresidential, or from nonresidential to residential; (iii) that does not involve the demolition of one or more buildings, or parts of a building, containing the primary use served by the property; and (iv) that does not increase unit density more than 20 percent.

K. Deadline for completion of activities and reporting requirements.

(1) Grant period: Activities under a Youthbuild implementation grant are to be carried out within 30 months of the effective date of the implementation grant agreement.

(2) Performance evaluation report: Each recipient of a Youthbuild implementation grant must submit a performance evaluation report on activities undertaken and completed in accordance with the grant agreement, including but not limited to the recipient's accomplishments in: (a) meeting program goals and objectives, (b) achieving success in participant attendance and retention levels, (c) academic achievements in post-secondary educational programs, (d) success in placement efforts and (e) delays and problems encountered and methods used to overcome obstacles. Each recipient must submit its performance evaluation report to HUD no later than 30 months from the effective date of the grant agreement.

(3) Quarterly progress reports: Each recipient of a Youthbuild implementation grant must submit a report on a quarterly basis covering but not limited to: (a) progress made in achieving Youthbuild program goals; (b) activities accomplished; (c) costs incurred from all sources; (d) changes, if any, in program design; and (e) delays or problems encountered and efforts used to overcome such obstacles.

The form and substance of the quarterly progress report will be provided to recipients at time of execution of the grant agreements. The performance evaluation plan noted above will constitute the final quarterly report.

L. Selection criteria for implementation grants.

HUD will review each application for an implementation grant and assign up to 115 points in accordance with the following selection criteria in this section, with the possibility of additional priority points being added as defined in section M:

(1) Capability: the qualifications or potential capabilities of the applicant. (Maximum Points: 30) The capability of the applicant to develop and implement a successful youth education and training program within a reasonable time period, within budget and in an effective manner as demonstrated through past performance. In assigning points for this criterion, HUD will consider evidence in the application that demonstrates:

(a) Program experience: The capacity and experience of the applicant entity or key staff to plan and implement programs with similar multi-disciplinary characteristics shall be measured by: (i) previous experience and success in youth outreach, recruitment, training, counseling, leadership development and educational and placement programs; and (ii) achievements in developing youth programs and youth opportunities in the community or an explanation of how such capability will be obtained. (10 points)

(b) Housing experience: The degree of knowledge and experience of the applicant entity, key staff or other participating parties (applicant's partner, cooperating developer, rightful property owner or the consortium formed to participate in the program) to: (i) understand and use relevant Federal, State and/or local housing programs in the Youthbuild program; and (ii) produce sound and affordable housing for the homeless and low-income families, or an explanation of how such knowledge and experience will be obtained. (10 points)

(c) Fiscal responsibility: The ability of the applicant or key staff to handle, manage, and adequately account for financial resources, and to use acceptable financial control procedures, demonstrated through past performance of the applicant entity or key staff with other Federal, State or local public funds, or an explanation of how such capability will be obtained. (10 points)

(d) Need: the need for the proposed program, as determined by the degree of distress. (Maximum Points: 10) In assigning points for this criterion, HUD will consider the relative degree of distress of the community from which participants will be recruited and of the community in which the housing to be constructed or rehabilitated will be located. Applicants are required to provide evidence of Census 1990 poverty data, by Census tract, where appropriate. Any other recent State or local statistical studies, reports or analyses providing relevant data on distress (such as a locally approved CHAS) may also be submitted (with the sources of the data clearly identified). Degree of distress shall be measured by:

(a) Participant recruitment area: Applicants should submit documentation on youth unemployment rate, high school dropout rate, and overall poverty rate by Census tract for the participant recruitment area. (Any other documented local data on youth measured by education, crime, homelessness, or other relevant data can also be submitted to support degree of distress.) (5 points)

(b) Youthbuild housing area: Applicants should submit documentation on shortage of affordable housing units and the overall poverty rate by Census tract for the Youthbuild housing area. (Any other documented local data on housing measured by such factors as vacancy rates, number of substandard housing units, number of available public housing units, or other relevant data can also be submitted to support degree of distress.) (5 points)

(3) Program Quality and Feasibility: Comprehensiveness and effectiveness of the implementation program. (Maximum Points: 60) HUD will consider the overall quality of the proposed program of multi-disciplinary services and activities to be accomplished within a reasonable period of time and at reasonable expense. Program quality will be evaluated in terms of whether proposed program activities for outreach and recruitment, education and job training, job development services, counseling and leadership development, coordination, job placement and affordable housing meet the overall objectives of the Youthbuild program. In assigning points for this criterion, HUD will consider the comprehensiveness and potential success of the program as measured by:

(a) Commitment: The extent of applicant commitment and responsiveness to the needs and problems of unemployed disadvantaged youth. (5 points)

(b) Outreach, recruitment and selection activities: The level, nature and comprehensiveness of proposed outreach, recruitment (including specific steps to be taken to attract
potenential eligible participants who are unlikely to be aware of this program because of race, ethnicity, sex or disability and selection strategies, as measured by: (i) the extent to which the applicant has developed special outreach efforts to recruit eligible young women and young women with dependent children; (ii) the extent and nature of recruitment arrangements made with public agencies, courts, homeless shelters, local school systems, etc. and private community-based organizations; and (iii) the extent to which the proposed participant selection system supports these efforts. (5 points)

(c) **Educational and job training services and activities:** A comprehensive description of the educational component of the program, as measured by: (i) the types of instructional services to be provided; (ii) the number and qualifications of program instructors and ratio of instructors to participants; (iii) the development of an integrated multi-disciplinary curriculum; (iv) realistic scheduling for classroom and on-the-job training; and (v) reasonable payments for participant wages, stipends and incentives. (10 points)

(d) **Counseling and leadership development services:** A comprehensive description of the leadership, development, counseling, referral and social services to be offered to participants, as measured by: (i) the type of supportive services to be provided; and (ii) the design of an effective plan to build group and individual capacity and peer support through strong leadership development strategies. (5 points)

(e) **Coordination:** The extent of coordination of the proposed program activities with ongoing Federal, State, Indian tribe, local, private and community-based services, as measured by program activities associated with (i) educational, job training, child care, social services, counseling and referral services; (ii) homeless and housing programs; and (iii) established apprenticeship programs of local building trade unions. (5 points)

(f) **Access to housing project(s):** (i) A description of the specific housing project(s) to be used by program participants for worksite training purposes and a description of how the applicant has access to the project(s). Access may be in the form of ownership, purchase, option, lease, land contract, donation, or other arrangements made with the current owner(s) to use the housing site for participant training. (ii) A description of the construction or rehabilitation activities to be undertaken at the site(s) and the anticipated schedule for carrying out such activities. Firm commitments for building supplies, materials, tools and other required items needed to complete construction or rehabilitation work should be included. All financial commitments associated with the housing project must be firm and readily available so that the program has on-site housing worksite training concurrently with classroom study. (10 points)

(g) **Construction and Property Management roles and responsibilities:** (i) A description of the applicant's role and responsibilities for on-site housing construction/rehabilitation work, i.e., as developer, owner, general contractor, subcontractor, manager, co-developer, operator, or some other arrangement, or, if the construction management role is to be carried out by another party, an identification of that party. (ii) Identification of the entity which will own and manage the property after the construction or rehabilitation work is completed. (5 points)

(i) **Housing for the Homeless: The applicant's proposal for outreach and placement of the homeless in the completed housing.** (5 points)

(j) **Post graduation plans and job placement:** A description of the applicant's strategies and procedures for (i) participant placement in meaningful employment, enrollment in post-secondary education programs, job development, starting business enterprises, or other opportunities leading to economic independence; and (ii) follow-up assistance and support activities to program graduates. (5 points)

(k) **Program evaluation plan:** The development of an evaluation plan to measure the success of the program, as measured by its comprehensiveness and procedures for evaluating overall program goals, program delays and problems with accompanying solutions, measuring objectives for attendance, retention, academic improvement, college and job placement rates, and completion of housing for homeless and low-income families. (5 points)

(l) **Program support: Commitment obtained from Other Federal, State, local and private sources.** (Maximum Points: 15) In assigning points for this criterion, HUD shall consider:

(a) **Public support:** The level of support obtained from the applicant's own and or other public or private housing programs such as the HOPE I, II or III programs, the HOME program, the Comprehensive Grant Program, or the Homeless Assistance or Transitional Housing programs administered by HUD or other public or private housing programs. (5 points)

M. **Selection process.**

In order to afford applicants every opportunity to submit a ratable application, while at the same time ensuring the fairness and integrity of the selection process, HUD is adopting the following application submission and selection procedures:

stock and/or housing funds available through existing Federal, State or local programs; availability of construction and/or rehabilitation loans or grants, interest rate subsidies, resource personnel, supplies, materials, classroom and/or meeting space, public improvements, tax abatements, or other commitments. Commitments of financial assistance or other resources must be firm, binding and readily available for use in the implementation of a Youthbuild program. Documented commitments shall include: (i) the dollar amount and source of funding and other types of resources committed and their use in the program; (ii) the date of availability and duration; (iii) the terms and conditions of the commitment other than those conditioned upon the receipt of a Youthbuild implementation grant; (iv) the authority by which the commitment is made (such as board resolution, grant award notification, approvals); and (v) the signature of the appropriate executive officer authorized to commit the funds and/or resources. (5 points)

(b) **Private support:** The level of support obtained from the private sector, (including banks, other private community groups, the business community, foundations, apprenticeship programs, unions, etc.), demonstrated through evidence of commitment to provide direct financial assistance or other resources such as donation of labor or materials, interest rate reductions or other financial subsidies, operating subsidies, architectural and engineering work, volunteer assistance in the program, or other commitments. Commitments of financial support or other resources must be firm, binding and readily available for use in the implementation of a Youthbuild program. Documented private commitments shall be made in the same form and substance as public commitments. (5 points)

(c) **Housing programs:** The use of existing Federal, State, local or private housing programs such as the HOPE I, II or III programs, the HOME program, the Comprehensive Grant Program, or the Homeless Assistance or Transitional housing programs administered by HUD or other public or private housing programs. (5 points)
(1) Curable technical deficiencies: During the period immediately following the application deadline, HUD will screen each application to determine whether it is complete, internally consistent, and contains correct computations. Curable technical deficiencies are items that are not necessary for HUD to review under the selection criteria (e.g., failure to submit a required certification with the application). Refer to Part V, Corrections to Deficient Applications, of this NOFA for further information.

(2) Program threshold requirements: Upon completion of the initial screening process for technical deficiencies, each implementation grant application will be reviewed to determine:

(a) the applicant is eligible;
(b) the proposed Youthbuild program is structured so that fifty percent of the time spent by program participants is devoted to educational services and activities;
(c) the outreach and recruitment efforts to be used by the program are targeted to disadvantaged youth between the ages of 16 and 24 years;
(d) the program has obtained access to the housing project(s) for on-site construction training purposes; and
(e) the housing produced is to be provided for homeless and low—and very low-income families.

Implementation applications must satisfy the above listed program threshold requirements in order to be rated and ranked in the selection process. Applications failing to meet program threshold requirements will be disqualified from the implementation grant competition.

(3) Potential environmental disqualification: HUD reserves the right to disqualify an application where one or more environmental thresholds are exceeded if it is determined that the environmental review cannot be conducted and satisfactorily completed by HUD within the HUD review period. (Refer to paragraph J of this Part, Environmental Procedures and Standards, for further information.)

(4) Qualifying Threshold points: For applications satisfying the above listed program threshold requirements, HUD will assign points in accordance with the implementation selection criteria found in paragraph L of this Part. All implementation applications must receive a minimum threshold score of 60 points to be qualified for competition in the rating and ranking process. Applicants must attain the following minimum points in two implementation grant selection criteria as part of the threshold score of 60 points:

(a) Capability—minimum score of 15 of 30 points.
(b) Quality and Feasibility—minimum score of 30 of 60 points.

Applications failing below 60 points or not meeting program threshold requirements will be deemed not suitable or not feasible for implementing a Youthbuild program and will be eliminated from the competition.

(5) Priority points: Upon completion of the rating process, HUD will assign an additional twenty (20) priority points to all implementation grant applications provided such applications: (a) score 60 points or above, and (b) contain firmly committed and documented housing funds from other Federal, State, local or private sources as long as such funds cover costs, in full, for the following housing activities: acquisition, architectural and engineering fees, construction, rehabilitation, operating expenses, and replacement reserves. Implementation applications using Youthbuild grant funds, in whole or in part, for any of the housing activities listed above will not be entitled to 20 priority points even if the applications score 60 points or more.

(b) Selecting applicants. Once priority points have been assigned according to the conditions set forth above, HUD will then rank implementation grant applications meeting threshold requirements based on total points assigned regardless if they are submitted as single or combined applications. Implementation grants will be selected from the rank order, unless the geographic diversity provision in (c) is used.

(a) Combined applications: Where a planning grant request submitted in combination with an implementation grant request fails to qualify for or is not selected for funding under the planning grant competition, the companion implementation grant request will automatically be eliminated from the implementation grant competition.

(b) Breaking tie scores: If two or more applications receive the same number of points and sufficient funds are not available to fund all such applications, the Youthbuild application or applications which include firmly committed Federal, State, local or private resources shall be selected for funding. If a tie still remains, the application or applications with the highest score for the implementation grant selection criteria in (1), Capability, found in Part III, paragraph L, shall be selected.

(c) Geographic Diversity: HUD will rate and rank all implementation grant applications based on the selection criteria and array them in rank order of highest to lowest. Selections will normally be made in rank order.

However, to ensure national geographic diversity among awardees, HUD reserves the right to select lower ranked applications if any of the 10 HUD Regions are not represented or if any receive substantially more funds.

After correction to allow for geographic diversity, HUD will select the remaining grants without regard to their location to the extent funds are available. The above procedure may result in applications being selected out of order. This procedure will only be used, if needed, to ensure national geographic diversity.

(7) Reduction in requested grant amount: HUD will approve an application for an amount lower than the amount requested by the applicant or adjust line items in the proposed implementation grant budget within the amount requested (or both) if it determines that:

(a) The amount requested for one or more eligible activities is not supported in the application or is unreasonable related to the service or activity to be implemented for the population to be served or the housing to be produced;
(b) An activity proposed for funding does not qualify as an eligible activity;
(c) The amount requested exceeds the cost limitation established for an implementation grant; or
(d) Insufficient funds remain for the whole request.

(b) Notification of approval or disapproval: After completion of the ranking and selection of applications, but no later than four (4) months after the date of submission of the application, HUD will notify the selected applicants and the applicants that have not been selected, in writing. HUD will notify the recipient of the funding decision in writing.

(8) Notification of approval or disapproval: After completion of the ranking and selection of applications, but no later than four (4) months after the date of submission of the application, HUD will notify the selected applicants and the applicants that have not been selected, in writing. HUD's notification to the applicant of the amount of the grant award, based on the approved application, will constitute a preliminary approval by HUD, subject to HUD and recipient execution of the grant agreement to initiate program activities.

N. Relocation Assistance and Real Property Acquisition

The Youthbuild program is subject to the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) and implementing regulations at 49 CFR part 24. HUD Handbook 1376, Tenant Assistance, Relocation and Real Property Acquisition, describes these policies and procedures. Any occupied property used in a Youthbuild program is subject to the URA regardless of the source of the property. The URA requires grantees
to provide relocation assistance to persons (families, individuals, businesses, and nonprofit organizations) that are displaced as a direct result of acquisition, rehabilitation or demolition for an assisted project. Property occupants who are not displaced also have certain rights. Therefore, if a proposed Youthbuild implementation program involves occupied property, before submitting the application the applicant should consult with staff of the Relocation and Real Estate Division, Office of Community Planning and Development, Department of Housing and Urban Development, Room 7154, 451 Seventh Street, SW, Washington, DC 20410; telephone: (202) 708–3336; TDD/Voice: (202) 708–1112. Fax: (202) 708–4744. (These are not toll-free numbers.)

IV. Checklist of Application Submission Requirements

Applicants must complete and submit applications for planning, implementation or combined Youthbuild grants in accordance with instructions contained in the Youthbuild application package. The application package will request information in sufficient detail for HUD to determine whether the proposed activities are feasible and meet all the requirements of applicable statutes and regulations. The following is a checklist of the application content required. Applicants should refer to the Youthbuild application package for further instructions.

A. OMB Standard Form 424.

Request for Federal Assistance signed by the authorized executive officer of the entity or organization submitting the Youthbuild application.

B. Program Summary.

A summary overview of the activities to be undertaken, the location of the activities, the proposed youth participants and the area from which they will be recruited, the participating entities, the arrangements for the on-site work, other resources involved and program costs.

C. Applicant Information:

An identification of the lead applicant, any co-applicants and other participating parties and a description of their respective roles. A description of the applicant’s program related experience, housing experience (or housing experience of other participating party), financial control capability, experience with linkages to other programs and commitment to youth. For private nonprofit applicants, evidence of 501 (c) status is to be submitted.

D. Economic Distress Information:

Economic distress data for the area from which participants will be recruited (unemployment rate, high school dropout rate, and overall poverty rate by Census tract) and for the area in which the housing will be located. Where appropriate, U.S. Census 1990 poverty data should be used. Other relevant state or local data can also be submitted with the data source clearly identified.

E. Detailed Program Information:

For applicants for planning and combined grants, a description of the proposed program elements, potential program impediments, a strategy to develop program costs and the plan to train program staff. For applicants for implementation and combined grants, a description of the outreach, recruitment and selection procedures, the education and job-training services, the counseling and leadership development activities and the plan for housing the homeless. For all applicants, information on the housing to be used for the on-site work, how the program will be coordinated with other programs and services, and the plans for job placement and follow-up for program graduates.

F. Public/Private Support:

A description of the other public and private resources to be used in conjunction with the Youthbuild program and the commitments for these resources. A description of the existing federal, state, local or private housing programs to be used in conjunction with the Youthbuild program.

G. Detailed Housing Site Information:

This section of the application applies only to applicants for implementation and combined grants. An identification of all housing sites to be used for the on-site training work, a description of the construction/rehabilitation work to be undertaken at each site, the schedule for accomplishing it, and a budget for each site.

Environmental and Relocation information is required for certain housing sites to be used in the program. Environmental information will include sufficient documentation for environmental threshold reviews and any previously issued environmental reviews prepared by a qualified source for the identified property in accordance with Part III, paragraph J of the NOFA.

When Youthbuild funds will be used for acquisition, architectural and engineering fees, construction/rehabilitation costs, operating costs or replacement reserves, additional information and certifications are to be submitted, as defined in sections VI, VII and VIII of this NOFA.

H. Program Budgets:

For planning grant applicants, a budget is to be submitted showing the cost of each activity to be undertaken and the various sources of funds to be used for that activity. For implementation grant applicants, a two-part budget is to be submitted: one part showing the costs and sources of funds for each activity to be undertaken for the educational and support services (non-housing) part of the implementation program, and a second part showing the total construction/rehabilitation costs and funding sources for all of the housing sites involved. Applicants for combined grants will submit all of the above.

I. Management Plan:

A description of the major tasks to be accomplished, the schedule for accomplishing these activities and a staffing plan for completing the proposed activities.

J. Certifications:

In addition to the standard assurances of compliance with Federal rules and OMB Circulars contained in applications for Federal grant assistance, applicants will also make the following certifications:

(1) Comprehensive Housing Affordability Strategy (CHAS): Applicants that are States or units of general local government: The applicant must have a HUD-approved CHAS for FY 1993 and must submit a certification that the proposed activities are consistent with the HUD-approved CHAS for FY 1993.

(2) Applicants that are not States or units of general local government: The applicant must submit a certification by the jurisdiction or jurisdictions in which the proposed program will be located that the applicant’s proposed activities are consistent with the jurisdiction’s HUD-approved CHAS for FY 1993. A required certification must be made by the unit of general local government if it is required to have, or has, a complete CHAS, or if it is authorized to use an abbreviated CHAS and is applying for the same program under this NOFA (and therefore has, or will have, an abbreviated CHAS for FY 1993 for that program). Otherwise the certification may be made by the State,
or if the program will be located, in part, in a unit of general local government authorized to use an abbreviated CHAS, by the unit of general local government if it is willing to accept such a CHAS.

Certain entities (Indian tribes and the Insular Areas of Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands) are not required to have a CHAS or to make CHAS certifications. An application by an Indian tribe or other applicant for a Youthbuild program that will be located on a reservation of an Indian tribe does not require a certification by the tribe or State. However, where an Indian tribe or an Indian Housing Authority (IHA) is the applicant for a Youthbuild program that will not be located on a reservation, the requirement for a certification by the jurisdiction or jurisdictions in which the Youthbuild program will be located under the preceding paragraph applies.

All CHAS certifications must be made by the public official responsible for submitting the CHAS certification to HUD, or its designated representative. All CHAS certifications must be submitted as part of the application by the application submission deadline except as provided in the next paragraph. The required CHAS must therefore have been submitted more than 60 days before the application submission deadline, since HUD has 60 days to review and approve the CHAS. Where the certification of consistency with an abbreviated CHAS is permitted to be submitted after the application submission deadline, as described in the next paragraph, the CHAS must nevertheless be submitted by the application submission deadline.

If a required certification will be made by a unit of general local government with respect to an abbreviated CHAS which has been submitted by the application submission deadline but has not yet been approved by HUD, the deadline will not be applied to the certification of consistency. Instead, the application must include a written statement from an authorized public official responsible for the CHAS that the jurisdiction has submitted an abbreviated CHAS for FY 1993 for HUD approval and that the proposed activities in the application are consistent with it. If HUD approves the CHAS, the required certification of consistency with a HUD-approved CHAS for FY 1993 must be submitted as soon as possible thereafter, but not later than grant approval. The grant will not be awarded unless the abbreviated CHAS is approved and the required certification is made.

(2) Fair Housing and Equal Opportunity: A certification that the applicant is in compliance and will continue to comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing, or, in the case of a Youthbuild application from an Indian tribe or an Indian Housing Authority (IHA), a certification that the applicant will comply with the Indian Civil Rights Act (25 U.S.C. 1301 et seq.), section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

(3) Drug-Free workplace: A certification that the grantees will comply with the requirements of the Drug-Free Workplace Act of 1988 (55 FR 21688. 21665) and HUD's implementing regulations at 24 CFR part 24, subpart F.

(4) Employment opportunities: A certification that the applicant will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 17017). Section 3 requires that employment and other economic opportunities generated by HUD assisted housing and community development programs shall, to the greatest extent feasible, be directed toward low—and very low-income persons.

(5) Anti-lobbying: In accordance with the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (The "Byrd" Amendment) and the implementing regulations at 24 CFR part 97, applicants for and recipients of assistance exceeding $100,000 must certify that no Federal funds have been or will be spent on lobbying activities in connection with the assistance. Applicants and recipients must also disclose where nonappropriated funds have been spent or committed for lobbying activities if those activities would be prohibited if paid with appropriated funds. Substantial monetary penalties may be imposed for failure to file the required certification or disclosure.

(6) Relocation Assistance and Real Property Acquisition: A certification that the grantees will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR part 24 and HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition.

(7) Use of Housing: A certification that the housing to be produced in connection with the Youthbuild program is to be provided for the homeless and low—and very low-income families.

(8) Lead-Based Point: A certification that the grantees will comply with the requirements of the Lead-Based Paint Poisoning Prevention Act and implementing regulations at 24 CFR part 35.

(9) State and Local Standards: A certification that all educational programs and activities supported with funds provided under this subpart shall be consistent with applicable State and local educational standards. Standards and procedures with respect to the awarding of academic credit and certifying educational attainment in such programs shall be consistent with applicable State and local educational standards.

(10) Labor Standards: A certification that the grantees and related parties will comply with the provisions of the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), the Contract Work Hours and Safety Standards Act (40 U.S.C. 327—333), and HUD Handbook 1344.1, Revision 1, Federal Labor Standards in Housing and Community Development Programs.

V. Corrections to Deficient Applications

After the submission deadline, HUD will screen each planning, implementation, and combined application to determine whether or not it is complete. If an application lacks certain technical items or contains a technical error, such as an incorrect signatory or no signature, HUD will notify the applicant in writing that it has fourteen (14) calendar days from the date of the written notification to cure the technical deficiency. If the applicant fails to submit the missing material within the fourteen calendar day cure period, HUD may disqualify the application.

The cure period applies only to non-substantive deficiencies or errors which encompass only those items that are not necessary for HUD to assess the merits of an application against the selection criteria specified in this NOFA.

VI. Project-Related Restrictions Applicable to Youthbuild Residential Rental Housing

Where the award of a Youthbuild implementation grant includes the eligible activities of acquisition, architectural and engineering fees, construction, rehabilitation, operating
costs or replacement reserves for residential rental units, and where the costs for these activities are to be funded, in whole or in part, from the Youthbuild grant award, the housing project shall be required to comply with the following Youthbuild project-related restrictions for a period of not less than 10 years:

A. Occupancy by low- and very low-income families.

For the 10 year period of the residential rental Youthbuild project, the applicant or rightful owner will be required to maintain at least a 90% level of occupancy for individuals and families with incomes less than 60 percent of the area median income, adjusted for family size—"the 90% category." The applicant or rightful owner must offer each available rental unit to the 90% area median income group throughout the 10 year period of the Youthbuild grant award, the housing project shall be required to comply with the following restrictions for a period of not less than 90 days upon each vacancy occurrence throughout the 10 year period. Community-wide advertisements for tenants of this income group must be conducted.

In order to maintain the financial stability of the project and to provide flexibility in averting long-term vacancies in the 90% category, the rightful owner is permitted, under certain circumstances described below, to execute temporary one-year leases with individuals and families with incomes between 60 and 80 percent of the area median income. This temporary deviation is permitted when no qualifying tenant (with an income of 60% or less of median) leases the unit upon the end of the 90 day advertising period. The owner may then advertise the unit to individuals and families with incomes less than 80 percent of the area median income, adjusted for family size, for another advertisement period of 90 days. Temporary leases for tenants whose incomes are between 60 and 80 percent of the area median income (exclusive of the 10 percent allowance) shall be limited to one year. Temporary tenancy is not covered by Youthbuild tenant protections regarding termination of tenancy (paragraph B(2)), tenant selection plan (paragraph B(4)) and tenant participation plan (paragraph D) below.

The remaining 10% of the units must be made available to and occupied by low-income families—"the 10% category." The income test must be conducted for both the 90% and 10% categories only at time of entry for each unit available for occupancy.

B. Tenant protections.

Upon submission of the implementation grant application, the applicant or rightful owner of the residential rental units covered under this paragraph shall certify to the following tenant protections:

(1) Lease: As part of the Youthbuild implementation grant application, the applicant or rightful owner of the property shall provide a model lease containing terms and conditions acceptable to HUD. The model lease shall become an addendum to the executed grant agreement and shall remain in force for a period of 10 years. The lease between a tenant and the owner of residential rental housing shall be for a period of not less than one year, unless otherwise mutually agreed to by the tenant and the owner, and shall contain such terms and conditions as HUD determines to be appropriate.

(2) Termination of tenancy: Upon submission of the implementation grant application, the applicant or other rightful owner of the property must certify that the following restrictions will be applied to all lease terminations initiated by the owner. The restrictions must state that an owner shall not terminate the tenancy or refuse to renew the lease of a tenant occupying a Youthbuild residential rental housing unit except for serious or repeated violations of the terms and conditions of the lease, or for violation of applicable Federal, State, or local laws, or for other good cause. Any termination or refusal to renew the lease must be preceded by not less than 30 days by the owner's service upon the tenant of a written notice specifying the grounds for the action.

(3) Maintenance and replacements: Upon submission of the implementation grant application, the applicant or rightful owner of Youthbuild residential rental housing must certify that the premises will be maintained in compliance with all applicable housing quality standards and local code requirements for the 10 year period. HUD's Section 8 housing quality standards apply when no other public assistance is involved other than the Youthbuild grant. In other cases, the applicable HUD or other Federal, State or local program guidelines shall apply.

(4) Tenant selection: The applicant or rightful owner of Youthbuild residential rental housing must develop and adopt a tenant selection plan containing selection policies and criteria that are consistent with HUD requirements. The tenant selection plan shall remain in force for the 10 year period. Upon submission of the implementation grant application, the applicant or owner of the property must certify that the plan complies with the following HUD requirements:

(a) The plan is consistent with the purpose of providing housing for homeless and very low-income families and individuals;

(b) The plan is reasonably related to program eligibility and the applicant's or owner's ability to perform the obligations of the lease;

(c) The plan gives reasonable consideration to the housing needs of families that would qualify for a preference under section 6(c)(4)(A) of the United States Housing Act of 1937;

(d) The plan provides for the selection of tenants from a written waiting list in the chronological order of their application, to the extent practicable, and for the prompt notification in writing of any rejected applicant of the grounds for any rejection; and

(e) The plan acknowledges that a family holding tenant-based assistance under section 8 of the United States Housing Act of 1937 will not be refused tenancy because of the status of the prospective tenant as a holder of such assistance.

C. Limitation on rental payments.

Upon submission of the implementation grant application, the applicant or other rightful owner of Youthbuild residential rental housing project involved in a Youthbuild program shall certify that tenants in each rental unit shall be not required to pay rent in excess of the amount provided under section 3(a) of the United States Housing Act of 1937.

D. Tenant participation plan.

The Youthbuild program shall require a tenant participation plan applicable to the rightful owner of Youthbuild residential rental housing, provided such owner is a nonprofit public or private organization. Upon submission of the implementation grant application, the nonprofit owner shall certify that the tenant participation plan is the plan to be adopted and followed for tenant participation in management decisions for the 10 year period.

E. Limitations on profit.

Youthbuild residential rental housing projects meeting the requirements of this Part shall be restricted from producing profit in excess of the following limitations:

(1) Monthly rental limitation: The aggregate monthly rental for each eligible project may not exceed the operating costs of the project (including debt service, management, adequate
reserves, and other operating costs) plus a 6 percent return on any equity investment of the project owner.

(2) Profit limitations on partners: A nonprofit organization receiving Youthbuild assistance for a residential rental housing project shall agree to use any profit received from the operation, sale, or other disposition of the project for the purposes of providing housing for low—and moderate-income families. Profit-motivated partners in a nonprofit partnership may receive (i) not more than an 8 percent return on their equity investment from project operations; and (ii) upon disposition of the project, not more than an amount equal to their initial equity investment plus a return on that investment equal to the increase in the Consumer Price Index for the geographic location of the project since the time of the initial investment of such partner in the project.

F. Restrictions on conveyance.

Conveyance restrictions apply to Youthbuild residential rental housing project(s) meeting the requirements of this Part. Ownership of the property may not be conveyed unless the instrument of conveyance requires a subsequent owner to comply with the same restrictions imposed upon the original owner for the balance of the 10 year period.

G. Ten year restriction.

The restrictions listed in Paragraphs A through F above shall remain in force for a period of not less than 10 years after construction completion and issuance of an occupancy permit for all Youthbuild residential rental housing projects receiving Youthbuild assistance.

VII. Project-Related Restrictions Applicable to Youthbuild Supportive Housing Including Transitional Housing.

Where the award of a Youthbuild implementation grant includes the eligible activities of acquisition, architectural and engineering fees, construction, or rehabilitation of homeownership housing, and where the costs for these activities are to be funded, the housing project shall be required to comply with the following Youthbuild project-related restrictions:

A. Limitations on profit.

Youthbuild transitional housing projects meeting the requirements of this Part shall be restricted from producing profit in excess of the following limitations:

1. Monthly rental limitation: The aggregate monthly rental for each Youthbuild project may not exceed the operating costs of the project (including debt service, management, adequate reserves, and other operating costs) plus a six (6) percent return on any equity investment of the project owner.

2. Profit limitations on partners: A nonprofit organization receiving Youthbuild assistance for a housing project shall agree to use any profit received from the operation, sale, or other disposition of the project for the purposes of providing housing for low—and moderate-income families. Profit-motivated partners in a nonprofit partnership may receive (i) not more than an 8 percent return on their equity investment from project operations; and (ii) upon disposition of the project, not more than an amount equal to their initial equity investment plus a return on that investment equal to the increase in the Consumer Price Index for the geographic location of the project since the time of the initial investment of such partner in the project.

B. Restrictions on conveyance.

Conveyance restrictions apply to Youthbuild transitional housing projects meeting the requirements of this Part. Ownership of the property may not be conveyed unless the instrument of conveyance requires a subsequent owner to comply with the same restrictions imposed upon the original owner for the balance of the 10 year period.

C. Program requirements for Transitional housing.

Youthbuild transitional housing projects meeting the requirements of this Part shall adhere to the requirements regarding service delivery, housing standards and rent limitations applicable to comparable housing receiving assistance under title IV of the Stewart B. McKinney Homeless Assistance Act.

The Secretary may waive these requirements to permit the conversion of a Youthbuild transitional housing project to a permanent housing project only if such housing complies with the Youthbuild project-related restrictions for residential rental housing projects found in Part VI of this NOFA.

D. Ten Year Restriction.

The restrictions listed in Paragraphs A through C above shall remain in force for a period of not less than 10 years after construction completion and issuance of an occupancy permit for a Youthbuild transitional housing project receiving Youthbuild assistance.

VIII. Project-Related Restrictions Applicable to Youthbuild Homeownership

Where the award of a Youthbuild implementation grant includes the eligible activities of acquisition, architectural and engineering fees, construction, or rehabilitation of homeownership housing, and where the costs for these activities are to be funded, the housing project shall be required to comply with the following Youthbuild project-related restrictions:

A. Program compliance.

Each homeownership project meeting the requirements of this Part shall comply with the requirements of the HOPE II or HOPE III programs authorized under subtitles B or C respectively of title IV of the Cranston-Gonzales National Affordable Housing Act.

B. Restrictions on conveyance.

Conveyance restrictions apply to Youthbuild homeownership housing projects meeting the requirements of this Part. Ownership of the property may not be conveyed unless the instrument of conveyance requires a subsequent owner to comply with the same restrictions imposed upon the original owner for the balance of the 10 year period.

C. Ten Year Restriction.

The restrictions listed in Paragraphs A and B above shall remain in force for a period of not less than 10 years after construction completion and issuance of an occupancy permit for Youthbuild homeownership housing projects meeting the requirements of this Part.

IX. Other Matters

A. Environmental Impact

A Finding of No Significant Impact with respect to the environment for the Youthbuild program has been made in accordance with HUD regulations at 24 CFR part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, room 10276, 451 Seventh Street, SW, Washington, DC 20410.
B. Documentation and Public Access Requirements: HUD Reform Act

Document: Information and Public Access Requirements

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance is provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD’s implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly Federal Register notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the Federal Register on January 16, 1992 (57 FR 49866), for further information on these documentation and public access requirements.)

Disclosures: HUD will make available to the public for five years all applicant disclosure reports (HUD form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period generally less than three years. All reports — both applicant disclosures and updates — will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD’s implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the Federal Register on January 16, 1992 (57 FR 49866), for further information on these disclosure requirements.

C. Federalism Executive Order

The General Counsel has determined, as the Designated Official for HUD under section 6(a) of Executive Order 12612, Federalism, that the provisions in this NOFA are closely based on statutory requirements and impose no significant additional burdens on State or other public bodies. This NOFA does not affect the relationship between the Federal Government and the States and other public bodies or the distribution of power and responsibilities among various levels of government. Therefore, the policy is not subject to review under Executive Order 12612.

D. Family Executive Order

The General Counsel, as the Designated Official for HUD under Executive Order 12606, The Family, has also determined that some of the policies in this NOFA will have a potential significant impact on the formation, maintenance, and general well-being of the family. Achievement of homeownership by low-income families in the program can be expected to support family values, by helping families achieve security and independence; by enabling them to live in decent, safe and sanitary housing; and by giving them the skills and means to live independently in mainstream American society. Since the impact on the family is beneficial, no further review is necessary.

E. Section 103 of the HUD Reform Act

HUD’s regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by 24 CFR part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815; TDD/Voice available. (This is not a toll-free number.)

F. Section 112 of the HUD Reform Act

Section 112 of the HUD Reform Act amended the Department of Housing and Development Act by adding section 13, which contains two provisions dealing with efforts to influence HUD’s decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts, i.e., those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second prohibits the payment of fees to those who paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of the assistance.

Section 13 was implemented by final rule (24 CFR part 86) published in the Federal Register on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in Appendix A of 24 CFR part 86.

Any questions concerning the rule should be directed to Director, Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Telephone: (202) 708–3815; TDD/Voice available. (This is not a toll-free number.) Forms necessary for compliance with the rule may be obtained from HUD, Washington, DC, or the local HUD offices.

G. Recordkeeping and reports; audits of recipients.

(1) General records: Each recipient of a planning, implementation or combined Youthbuild grant award must keep records that will facilitate an effective audit to determine compliance with program requirements and that fully disclose:

(a) The amount and disposition by the recipient of the planning, implementation or combined Youthbuild grants received under this NOFA, including sufficient records that document the reasonableness, accuracy and necessity of each expenditure;

(b) The amount and disposition of proceeds, if any, from financing obtained in connection with the Youthbuild program, e.g., housing sales to eligible low-income families, property sales to other public or private entities;

(c) The total cost from all sources of funding for the Youthbuild program including all educational, training, counseling, placement, and housing activities and services;

(d) The amount and nature of any other assistance, including cash, property, services, materials, in-kind contributions or other items contributed as a condition of receiving an implementation grant;

(2) Participant information: The recipient must maintain records on Youthbuild participant information concerning participant age, high school drop out status, income level, gender, and racial and ethnic characteristics.
(3) Housing information: If Youthbuild grant funds are used for acquisition, architectural and engineering fees, construction, rehabilitation, operating costs or replacement reserves for housing used in a Youthbuild program, the recipient must maintain records on family size, income, and racial and ethnic characteristics of families renting or purchasing Youthbuild properties.

(4) Relocation Assistance and Real Property Acquisition: The recipient shall maintain records sufficient to demonstrate compliance with relocation assistance and real property acquisition requirements, as described in Chapter 6 of HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition.

(5) Access by HUD and the Comptroller General: For purposes of audit, examination, monitoring, and evaluation, each recipient must give HUD (including any duly authorized representatives and the Inspector General) and the Comptroller General of the United States (and any duly authorized representatives) access to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this NOFA.

(6) Reports: The recipient must submit reports required by HUD. (Approval pending by the Office of Management and Budget)

H. Conflict of Interest.

(1) Conflict of interest. In addition to the conflict of interest requirements in OMB Circular A-110 and 24 CFR part 58, no person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or cooperating entity named in the application and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter, except that a resident of an eligible property may acquire an ownership interest.

(2) Exception. HUD may grant an exception to the exclusion in paragraph (1) of this section on a case-by-case basis when it determines that such an exception will serve to further the purposes of the Youthbuild program. An exception may be considered only after the applicant or recipient has provided a disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict, a description of how the public disclosure was made, and an opinion of the applicant's or recipient's attorney that the interest for which the exception is sought would not violate State or local law. In determining whether to grant a requested exception, HUD will consider the cumulative effect of the following factors, where applicable:

(a) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the Youthbuild program that would otherwise not be available;
(b) Whether an opportunity was provided for open competitive bidding or negotiation;
(c) Whether the person affected is a member of a group or class intended to receive generally the same interests or benefits as are being made available or provided to the group or class;
(d) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process, with respect to the specific activity in question;
(e) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (2) of this section;
(f) Whether undue hardship will result either to the applicant, recipient, or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(g) Any other relevant considerations.

I. Application of OMB Circulars.

(1) The policies, guidelines and requirements of OMB Circular Nos. A–87 (Cost Principles Applicable to Grants, Contracts and other Agreements with State and Local Governments) and 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements with State, Local and Federally Recognized Indian Tribal Governments) apply to the award, acceptance and use of assistance under the program by applicable entities, and to the remedies for non-compliance, except where inconsistent with the provisions of NAHA, other Federal statutes or this part. Circular Nos. A–110 (Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations), A–122 (Cost Principles Applicable to Grants, Contracts and other Agreements with Nonprofit Institutions), and, as applicable, A–21 (Cost Principles for Educational Institutions) apply to 'the acceptance and use of assistance by covered organizations, except where inconsistent with the provisions of NAHA, other Federal statutes or this part. Recipients are also subject to the audit requirements of OMB Circular A–128 (Audits of State and Local Governments) implemented at 24 CFR part 44, and OMB Circular A–133 (Audits of Institutions of Higher Learning and other Nonprofit Institutions), as applicable.

(2) Copies of OMB Circulars may be obtained from E. O. P. Publications, Room 2200, New Executive Office Building, Washington, D. C. 20503, telephone (202) 395–7332. (This is not a toll-free number.) There is a limit of two free copies.


Andrew Cuomo,
Assistant Secretary for Community Planning and Development.
[FR Doc. 93–23122 Filed 9–22–93; 8:45 a.m.]
BILLING CODE 4210−20−F
## COMPARISON: SELECTION CRITERIA

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<th>IMPLEMENTATION GRANTS</th>
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<td><strong>I. CAPABILITY</strong></td>
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**PLANNING GRANTS**
Minimum Threshold Points: 50 points

**IMPLEMENTATION GRANTS**
Minimum Threshold Points: 60 points

Priority Points:
- Implementation Grant Applications Only
- Added to all applications using housing $ from other sources
- 20 Points

Total maximum implementation score: 135
Part VI

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17
Endangered and Threatened Wildlife and Plants: Nile Crocodile, Pima Pineapple Cactus, Snake River Spring/Summer Chinook Salmon and the Snake River Fall Chinook Salmon, and the Delhi Sands Flower-Loving Fly; Final Rules
Endangered and Threatened Wildlife and Plants; Reclassification of Nile Crocodile From Endangered To Threatened

AGENCY: Fish and Wildlife Service.

ACTION: Final rule.

SUMMARY: The Nile crocodile (Crocodylus niloticus) is reclassified from endangered to threatened under provisions of the Endangered Species Act of 1973, as amended (Act). An existing special rule, applicable only to the Zimbabwe population of the Nile crocodile, remains in effect. A special rule applicable to all populations of the Nile crocodile in those countries in which the species is listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention) is still under consideration and may be reproposed in the near future. This rule implements Federal protection provided by the Act for threatened species for all populations of the Nile crocodile.

EFFECTIVE DATE: October 25, 1993.

ADDRESSES: Comments, information, and questions should be submitted to the Chief, Office of Scientific Authority; Mall Stop: Room 725, Arlington Square; U.S. Fish and Wildlife Service; Washington, DC 20240. Fax number (703) 358-2276. Express and messenger-delivered mail should be addressed to the Office of Scientific Authority; Room 750, 4401 North Fairfax Drive; Arlington, Virginia 22203. Comments and other information received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Arlington, Virginia, address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, at the above address, or by phone at (703) 358-1708.

SUPPLEMENTARY INFORMATION:

Background

Historically, the Nile crocodile (Crocodylus niloticus) was widespread throughout Africa and as far north as Syria. Presently, it is confined chiefly to the upstream regions of the Nile, tropical and southern Africa, Madagascar, and Comoros and Seychelles islands, the extent of its range when originally listed as endangered in 1970. In the 1950's and 1960's, throughout much of the then-existing range, populations were seriously reduced by habitat alteration, hunting for the hide industry, or killing to eliminate threats to humans, livestock, and the fishing industry. The Nile crocodile was listed as endangered under the U.S. Endangered Species Act (Act) in 1970 (35 FR 8495) and in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1975 (when CITES came into force) because of the widespread decline of the species. Since that time, a number of African countries have recognized the value of the Nile crocodile for its ecological role and as a source of sustainable economic benefit under proper management, especially through ranching for a controlled harvest of skins.

Throughout its range today, most populations of the Nile crocodile are reported to be increasing or to have at least stabilized. In some areas, dams on rivers have increased available habitat through the creation of lakes. Of those countries that have started ranching operations, Zimbabwe appears to have the best information on wild crocodile populations. Other countries, particularly Botswana, Ethiopia, Kenya, Malawi, Mozambique, South Africa, Tanzania, Uganda, and Zambia, have expanded their national data bases on wild crocodile populations in order to meet the CITES criteria for ranching operations or trade under export quotas.

Because Zimbabwe had a well-developed ranching scheme and considerable data on the status of its wild populations, its ranching proposal was the first one accepted by the CITES Parties (1983). Based on this and other information, in 1987, the Service reclassified to threatened ranched populations of the Nile crocodile in Zimbabwe to threatened (52 FR 23148); and in 1988, the Service reclassified the wild populations of the Nile crocodile in Zimbabwe from endangered to threatened (55 FR 5159). In 1984, CITES officials met in Brussels, Belgium, to discuss CITES implementation in Africa. The transfer of the Nile crocodile to Appendix II and the difficulty of satisfying the downlisting criteria, as presented in CITES resolution Conf. 1.2, were major issues of discussion. Not all African countries had ranching schemes at the time or intentions to develop them. It was recognized that an alternative procedure should be allowed for utilization of wild populations while information was being gathered to satisfy the rigorous downlisting criteria of resolutions Conf. 1.2 (Berne criteria) or Conf. 3.15 (ranching). The outcome was a quota system adopted by the Parties in 1985 as resolution Conf. 5.21. Under this procedure, Nile crocodile populations of nine African countries (Cameroon, Congo, Kenya, Madagascar, Malawi, Mozambique, Sudan, Tanzania, and Zambia), were transferred from Appendix I to Appendix II, subject to export quotas established by agreement of the Parties. The population of Botswana was added in 1986 through a postal vote. In 1987, export quotas were renewed for Nile crocodiles from all ten countries, and the CITES Secretariat initiated the CITES Nile Crocodile Project in eastern and central Africa and Madagascar (Hutton 1989).

At the 1989 CITES Conference of Parties, additional populations of the Nile crocodile were transferred from Appendix I to Appendix II pursuant to resolution Conf. 3.15 on ranching. This decision affected populations in Botswana, Malawi, Mozambique, and Zambia. The Party countries also agreed in 1989 to continue export quotas for the Nile crocodile, pursuant to resolutions Conf. 5.21 (export quota system) and Conf. 7.14 (annual export quotas). However, export quotas for Cameroon, Congo, Madagascar, and Sudan populations were set at zero at that time, and export of only captive-raised specimens was allowed from Madagascar in 1991 and 1992. The Parties also approved the transfer of Nile crocodile populations in Ethiopia and Somalia from Appendix I to Appendix II pursuant to Conf. 5.21.

The appropriateness of the original endangered listing under the Act and Appendix I listing under CITES has been the subject of much international debate. However, improvements in the status of Nile crocodile populations and their management have now prompted the CITES Parties to allow trade from 11 national populations, most of these under the ranching criteria of resolution Conf. 3.15.

The Service initiated a status review of the Nile crocodile on October 29, 1990 (55 FR 43387). All six commenters expressed the opinion that the Service should downlist the Nile crocodile from endangered to threatened and rely on CITES controls between producing and consuming countries to ensure that illegal products do not enter the market. On January 8, 1992, the Service received a petition dated December 28, 1991, from Dr. J.M. Hutton, Executive Manager of the Crocodile Farmers Association of Zimbabwe, requesting the recategorization of the Nile crocodile. The Service reviewed the petition and information available from the status review, and, after concluding that the
petition contained substantial scientific and commercial information indicating that a downlisting action was warranted, the Service, on August 3, 1992, proposed reclassifying the Nile crocodile from endangered to threatened with an accompanying special rule (57 FR 34095).

Comments Received on Proposed Rule and Proposed Special Rule

Two individuals, as well as the IUCN Crocodile Specialist Group, and SAVE African Endangered Wildlife Foundation, supported the reclassification of the Nile crocodile from endangered to threatened. The Australian National Parks and Wildlife Service (ANPWS), the Crocodile Farmers Association of Zimbabwe (CFAZ), and TRAFFIC USA also supported the reclassification, but expressed concern about proposed paragraph (c)(1)(iii)(C) of §17.42 that would have required crocodile skin products to either be tagged or to be accompanied by CITES documents containing the same information as is on the tags for the crocodiles from which the manufactured products were obtained. The ANPWS stated that the control of skins removes the need to require every manufactured product to be marked, and anticipating that a similar special rule would be proposed for the saltwater crocodile, ANPWS indicated that, because saltwater crocodile skins used in product production in Australia are not tagged, it would not be possible to record the tag numbers of these products on CITES permits. The CFAZ raised the same concerns as the ANPWS. They also expressed concern that the requirements of this paragraph were unenforceable and urged that it be deleted. TRAFFIC USA also supported the reclassification, but expressed the belief that proposed paragraph (c)(1)(iii)(C) is impractical and unenforceable. They noted that "because of the complexities of the crocodilian product manufacturing industry, and the regular movement of skins, skin parts, and product parts between manufacturers, this requirement . . . will be impossible to meet."

Furthermore, TRAFFIC USA expressed support for establishing a "water-tight system of controlling trade in the raw material."

The Service recognizes the concerns presented by the ANPWS, CFAZ, and TRAFFIC USA, and agrees with TRAFFIC USA in seeking to strengthen the control of trade in whole and partial skins. International trade in certain crocodilians has presented significant problems for the CITES Parties. The United States, in conjunction with Australia, Italy, and Germany, submitted a resolution to the CITES Secretariat that was presented and adopted at the Eighth Meeting of the Conference of the Parties in March 2–13, 1992. This resolution (Conf. 8.14) calls for a universal tagging system for the identification of crocodilian skins in international trade. These recommendations as well as additional ones specified by the CITES Animals Committee should, if properly implemented, reduce the trade control problems when the tagging system is initiated about October 1, 1993.

Therefore, in response to the comments received on the previous proposed special rule and in response to resolution Conf. 8.14, the Service is developing a special rule that is designed to complement the provisions of the universal tagging system to be implemented by the CITES Parties. The Service expects to publish the proposed special rule in the near future.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 et seq.) and regulations implementing the listing provisions of the Act (50 CFR part 424) set forth five factors to be used in determining whether to add, reclassify, or remove a species from the Lists of Endangered and Threatened Wildlife and Plants. These factors and their applicability to populations of the Nile crocodile in Africa are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The Nile crocodile is widely distributed throughout Africa south of the Sahara, and is chiefly confined to the upper Nile, tropical and southern Africa, and Madagascar. It is regarded as a dangerous pest species, and each year many attacks on humans are reported. In the 1950's and 1960's, Nile crocodile populations were seriously reduced throughout much of their range because of habitat alteration, hunting for the hide industry, and killing to eliminate a threat to humans, livestock, and the fishing industry.

Little is known about Nile crocodile distribution and abundance prior to the 1960's. Intensive surveys and management of the species did not begin until the 1960's. The CITES Nile Crocodile Project was initiated in 1987, and surveys were conducted in the following countries: Botswana, Kenya, Madagascar, Malawi, Mozambique, Tanzania, and Zambia. Crocodile populations are either stable or increasing in all of these countries except Madagascar (Hutton 1988), although crocodiles are still widely distributed on the island. Most African countries have now recognized the species as valuable in terms of its ecological role and as a source of sustainable economic benefit when properly managed, especially the ranching of animals for a controlled harvest of skins. Commercial ranching of the species has increased the management and conservation of wild populations. In some areas, dams on rivers have increased available habitat through the creation of lakes and lagoons.

In 1987, the Southern African Development Coordination Conference (SADCC) held a workshop on crocodile management and utilization to improve conservation efforts. Over the years, the SADC countries (Angola, Botswana, Malawi, Mozambique, South Africa, Tanzania, Zambia, and Zimbabwe) have taken an active role in the management of crocodiles. Intensive surveys have been conducted in several SADCC countries, and it is estimated that there are at least 43,000 crocodiles in the Zambezi River and lake system alone. The major rivers (2,760 km shoreline) of Tanzania have about 76,000 animals. Zambia, with 6,870 km shoreline and 5,776 km of lake shore, has over 150,000 crocodiles (Hutton et al. 1987). Nile crocodile populations in Southern Africa have recovered significantly, and according to Hutton (1989), the species never was in danger of extinction.

B. Over-utilization for Commercial, Recreational, Scientific, or Educational Purposes

The Nile crocodile has been persecuted as vermin, often with the aim of complete eradication. Harvest was accelerated in the 1950's and 1960's for the commercial export of hides. By the late 1960's, large-scale uncontrolled hunting had markedly declined in many countries, either because of legal protection or because it was no longer profitable to hunt crocodiles. In recognition of over-exploitation, the species was placed in Appendix I of CITES in 1975. The subsequent recovery of most populations, even to nuisance levels, led to the need for a procedure to allow for controlled utilization of wild populations, so that there would be an economic incentive to conserve a species that was otherwise viewed as a threat.

Zimbabwe was the first African country to successfully use CITES procedures and criteria (Conf. 3.15 on ranching) to transfer its Nile crocodile population to Appendix II, thus
allowing for regulated trade. Zimbabwe’s ranching proposal was accepted in 1983. Following a meeting in 1984 at Brussels to discuss CITES implementation in Africa, an alternative procedure was adopted to allow for the utilization of wild populations while information was being gathered to satisfy the criteria of resolutions Conf. 1.2 or 3.15. In 1985, in accordance with resolution Conf. 5.21, Nile crocodile populations in nine African countries were transferred to Appendix II with export quotas. In 1985, the population of Botswana was added through the CITES postal procedures. In 1987, all ten African countries applied to continue their quotas. At the 1989 Meeting of the Conference of the Parties, ranching schemes (under Conf. 3.15) were approved for Botswana, Malawi, Mozambique, and Zambia. To date, 11 national populations of the Nile crocodile have been transferred to Appendix II either under the ranching criteria (Conf. 3.15) or the quota system (Conf. 5.21), and trade permitted. In addition, the population of the Nile crocodile in Somalia has been transferred to Appendix II, but the CITES Parties have not authorized any export quota in 1993 or 1994.

C. Disease or Predation

Disease and predation are not reported to be factors significantly affecting the status of Nile crocodile populations.

D. The Inadequacy of Existing Regulatory Mechanisms

The Parties to CITES have adopted a series of resolutions to allow for trade of Nile crocodile skins. Presently, 12 countries have Nile crocodile populations listed in Appendix II, chiefly under the resolutions on ranching (Conf. 3.15) and quotas (Conf. 5.21). Throughout Africa, countries are seeking to increase tolerance for the species and encourage the maintenance of wetland habitats by ensuring that sustainable use gives the wild populations of Nile crocodiles an economic value.

The high value of Nile crocodile products and the relative abundance of animals have prompted many range countries to develop, or begin to develop, sustained-use management programs. Virtually all of these programs have been endorsed by the Parties to CITES. In 1987, the CITES Secretariat funded the CITES Nile Crocodile Project, which surveyed populations in seven African countries. Governments of African countries now advocate conservation of the species through ranching, including egg and hatching collecting, and trade.

The adoption of universal tagging requirements for all crocodilian skins is an important step in addressing illegal trade. At the 8th meeting of the CITES Conference of the Parties in Kyoto, Japan, a resolution was passed establishing requirements for a universal tagging system for the identification of crocodilian skins in international trade. The provisions of the resolution and additional recommendations of the CITES Animals Committee are expected to be implemented about October 1, 1993.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

No other natural or manmade factors are considered to be significantly affecting the status of the Nile crocodile. The Service has evaluated the best available biological and commercial information regarding past, present, and future threats faced by the Nile crocodile in preparing this final rule. Criteria for reclassification of a threatened or an endangered species, found in 50 CFR 424.11(d) include extinction, recovery of the species, or error in the original data for classification. This final rule is based upon data that populations of the Nile crocodile have recovered sufficiently, threats have been significantly reduced, and therefore the species is not in danger of extinction. Identification of skins as to their origin remains necessary to ensure that illegal skins do not enter into commercial trade.

After actions taken at the 1992 CITES Conference of Parties, the Nile crocodile populations in Botswana, Ethiopia, Kenya, Malawi, Mozambique, Tanzania, Zambia, and Zimbabwe are included in Appendix II under ranching provisions, and the populations in Madagascar and Somalia are continued in Appendix II under the quota system although the quota for Somalia is zero at least through 1994. Also at the 1992 meeting, the populations in South Africa and Uganda were transferred from Appendix I to Appendix II with export quotas.

Effects of This Rule

This rule will reclassify all populations of the Nile crocodile from endangered to threatened under the Act. However, until a new special rule is reproposed and finalized, the existing special rule is applicable only to the Nile crocodile population in Zimbabwe and only allows importation of specimens from that country directly into the United States under special conditions. This means that the prohibitions of 50 CFR 17.31 (incorporating portions of 50 CFR 17.21) and the permit requirements of 50 CFR 17.32 shall apply with regard to all other Nile crocodile populations.

Available Conservation Measures

Conservation measures provided to foreign species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by governments, private agencies and groups, and individuals.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions that are to be conducted within the United States or on the high seas, with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402.

Section 7(a)(2) of the Act, as amended, requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a proposed Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service.

Section 8(a) of the Act authorizes the provision of limited financial assistance for the development and management of programs that the Secretary of the Interior determines to be necessary or useful for the conservation of endangered species in foreign countries. Sections 8(b) and 8(c) of the Act authorize the Secretary to encourage conservation programs for foreign endangered species, and to provide assistance for such programs in the form of personnel and training of personnel.

In general, sections 4(d) and 9 of the Act, and implementing regulations found at 50 CFR 17.31 (which incorporate certain provisions of 50 CFR 17.21), set forth a series of prohibitions and exceptions that generally apply to all threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take within U.S. territory or on the high seas, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver,
carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service, the National Marine Fisheries Service, and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered and threatened wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22, 17.23, and 17.32. Such permits are available for scientific purposes, to enhance propagation or survival, and for incidental take in connection with otherwise lawful activities. The importation of a personal trophy, taken through a carefully managed sport-hunting program that provides an economic incentive for the general conservation of the involved species, may in some cases be considered to enhance the survival of that species. For threatened species, there also are permits available for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

Although threatened species are generally covered by all prohibitions applicable to endangered species under section 4(d) of the Act, the Secretary may propose special rules if deemed necessary and advisable to provide for the conservation of the species. The existing special rule applicable only to the Zimbabwe population of Nile crocodile will remain in effect at this time, although a typographical error in that rule is being corrected. A new special rule being considered would allow importation of skins and products from Nile crocodile populations listed in Appendix II of CITES provided several special conditions are met by countries of origin and re-exporting countries. The Service intends this special rule to be applicable to other crocoddilian species and expects the proposed special rule to appear with a reclassification action proposed for the Australian population of the saltwater crocodile.

**National Environmental Policy Act**

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register (48 FR 49244) on October 25, 1983.

**Literature Cited**


**Author**


**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

**Regulations Promulgation**

Accordingly, part 17, subchapter B of chapter I title 50 of the Code of Federal Regulations is amended as set forth below:

**PART 17—[AMENDED]**

1. The authority section for part 17 continues to read as follows:


   § 17.42 [Amended]

   2. Amend § 17.42(c)(1)(i)(A) by revising the reference "(a)(1)(i)(B)" to read "(c)(1)(i)(B)".

   3. Amend § 17.11(h) by removing the existing entry for the Crocodile, Nile (Crocodylus niloticus) under "Reptiles" on the List of Endangered and Threatened Wildlife and adding the following in alphabetical order to read as follows:

   § 17.11 Endangered and threatened wildlife

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<th>Common name</th>
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<th>Historic range</th>
<th>Vertebrate population where endangered or threatened</th>
<th>Status</th>
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50 CFR Part 17
RIN 1018–AB75
Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant Pima Pineapple Cactus (Coryphantha scheeri var. robustispina)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) determines Coryphantha scheeri var. robustispina (Pima pineapple cactus) to be an endangered species under the authority of the Endangered Species Act of 1973 (Act), as amended. The Service proposed the species for listing as endangered on April 20, 1992. This species is known from Pima and Santa Cruz Counties, southern Arizona, and northern Sonora, Mexico. Threats to the species include illegal collection, habitat degradation due to recreation, historical and present overuse of the habitat by livestock, and habitat loss due to mining, agriculture, road construction, urbanization, and range management practices to increase livestock forage. This action will implement Federal protection provided by the Act for Pima pineapple cactus. Critical habitat is not being designated.

EFFECTIVE DATE: October 25, 1993.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Arizona Ecological Services Office, U.S. Fish and Wildlife Service, 1616 West Thomas Road, Suite 6, Phoenix, Arizona 85019.

FOR FURTHER INFORMATION CONTACT: Sue Rutman, at the above address (Telephone 602/379-4720).

SUPPLEMENTARY INFORMATION:

Background

The Pima pineapple cactus is an attractive but thorny plant; the adults measuring 10–46 cm (4–18 in.) tall and 7.5–18 cm (3–7 in.) in diameter. Each spine cluster has one strong, usually hooked central spine and 6–15 straight radial spines (Benson 1982; Ecosphere Environmental Services, Inc. (EES) 1992). The spines are very stout, usually straw colored, but become almost black with age (EES 1992). Plants can be single-stemmed, multi-headed, or can appear in clusters formed when seeds germinate at the base of a mother plant or when a tubercle of the mother plant roots. The silky yellow (rarely white) flowers appear in early July with the onset of summer rains, and flowering continues until August (EES 1992). The fruits are green, ellipsoid, succulent, and sweet. Mills (1991) observed that the fruits disappear rapidly from the plant, but others (EES 1992, Benson 1962) note that the fruits may be seen on the plants at any time of the year because they often become trapped in the spines. Mills (1991) believes the plants have short life spans, and pollination, fruit set, and seed set are all normal.

Coryphantha scheeri var. robustispina was first collected in 1856 by Mr. A. Schott, who found the plants growing in a grassland on the south side of the Baboquivari Mountains, Sonora, Mexico. These plants were originally named Coryphantha cheei (Engelmann 1856), and subsequently underwent several name changes (Kunzle 1891, Britton and Rose 1963, Marshall 1953). Lyman Benson (1969) published the most recent revision, which split Coryphantha scheeri into three varieties, including variety robustispina.

The Pima pineapple cactus grows in alluvial basins or on hillsides in semi-desert grassland and Sonoran desert-scrub in southern Arizona and northern Mexico. Soils range from shallow to deep, and silty to rocky, with a preference for silty to gravelly deep alluvial soils (EES 1992). This cactus occurs most commonly in open areas on flat ridgetops or areas with less than 10–15 percent slope (Mills 1991, EES 1992). The species is not common or abundant within its habitat, but is sparsely distributed where found. Dominant plant species vary but include Acanthocereus constricta (white-thorn acacia), Larrea tridentata (creosotebush), Prosopis velutina (velvet mesquite), Ambrosia deltoidea (triangle-leaf bur sage), Gutierrezia microcephala (thread snakeweeds), Opuntia fulgida (chain fruit cholla), Isocoma tenuisecta, Eragrostis lehmanniana (Lehman's lovegrass), and various other cacti and grasses (Mills 1991, EES 1992).

The Pima pineapple cactus is found from 700–1,400 m (2,300–4,800 ft) elevation (EES 1992) in Pima and Santa Cruz Counties, southern Arizona, and northern Sonora, Mexico (Benson 1982, Phillips 1981). The range extends east from the Baboquivari Mountains to the western foothills of the Santa Rita Mountains. The northernmost boundary is near Tucson. Surveys conducted by the U.S. Bureau of Reclamation (BR) verified the northern, western, and eastern range boundaries (EES 1992).

The southern boundary of the range is less well understood, but is believed to extend southward a relatively short distance into Sonora, Mexico.

The number of hectares or square kilometers of potential habitat is difficult to estimate because of the species' habitat requirements and the topographic complexity within its range. The range of Pima pineapple cactus extends approximately 72 km (45 mi) east to west and 80 km (50 mi) north to south. Within this range there are large areas of unsuitable habitat. For example, Pima pineapple cactus does not occur in mountainous areas including the Sierrita, Baboquivari, Santa Rita, Quinlan, Coyote, Atascosa, Pajarito, Cerro Colorado, San Luis, and Tunamacori mountains. On a smaller scale, the species occupies habitats that are relatively flat and sparsely vegetated. In the mountainous hilltop habitats, the species has been found only on flat hilltops and not slopes or drainages separating the hilltops. The species is not found in riparian areas such as the Santa Cruz River valley or the Sonora Creek drainage of Arizona.

It is difficult to estimate population density accurately because the Pima pineapple cactus is difficult to find in the field (Mills 1991). Minimum density estimates for areas near the Sierrita Mountains of Arizona range from a low of 0.12 plants/hectare (0.05 plants/acre) to a high of 0.54 plants/ha (0.22 plants/acre) (Mills 1991).

Little is known about the fire ecology of the Pima pineapple cactus. Studies of the response of succulents to fire have shown that small cacti have high mortality rates when directly exposed to high temperatures from fires (Thomas 1991, Thomas and Goodson 1991). Studies have also shown that mortality does not necessarily occur immediately after the fire but may be delayed for a year or more while the plant continues to survive using stored nutrients (Thomas 1991). Nineteen Pima pineapple cacti burned in 1991 survived one year in areas that had experienced fires of varying heat intensity (D. Robinett, Soil Conservation Service (SCS), in litt. 1992). The Buenos Aires National Wildlife Refuge (BANWR) conducts controlled burning of introduced grasses to facilitate recovery efforts of the endangered masked bobwhite quail (Colinus virginianus ridgwayi). To protect the Pima pineapple cactus occurring in these same areas, the BANWR surveys the entire area proposed for controlled burning for the cactus. The BANWR will minimize any adverse effects of the
controlled burn to the cacti by reducing the fuel load in the immediate vicinity of any Pima pineapple cactus plant located during the survey process. The BANWR plans to collect information about the survivorship of the Pima pineapple cactus in controlled burns on the refuge to help fill current data gaps. Some Pima pineapple cactus burned on the refuge during 1992 controlled burns were still alive a few months later (Tolley 1992). Scientific data will help guide future management decisions regarding controlled burns and the recovery of the Pima pineapple cactus ecosystem.

Grasslands burned with some frequency before European settlement (Bahre 1991). Species that evolved in ecosystems with frequent fire have adaptations that allow populations to perpetuate after fire. The Fish and Wildlife Service (Service) presumes the Pima pineapple cactus, a resident of fire-adapted semi-desert grasslands, has evolved with fire. It is unknown what circumstances and strategies allow the species to survive fire. Several scientists (D. Gohmert, SCS, in litt. 1992; Warren and McLaughlin 1992; S. McLaughlin, Arizona State University, in litt. 1992) have suggested that the direct effects of fire are avoided by the species' occurrence in open microsites, found within coarse-grained, patchy habitats of native grasslands. The introduction of Lehman's lovegrass has converted some of the coarse-grained, patchy habitats of native grasslands into a finer-grained, less patchy habitat. The latter habitat provides fewer sites for the Pima pineapple cactus to avoid and survive fire.

Federal government actions on this species began with section 12 of the Act (16 U.S.C. 1531 et seq.) which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice (40 FR 27823) that formally accepted the Smithsonian report as a petition within the context of section 4(c)(2), now section 4(b)(3)(A) of the Act and of its intention thereby to review the status of those plants. Coryphantha scheeri var. robustispina was included as "threatened" in the July 1, 1975, petition.

On December 15, 1980, the Service published a revised Notice of Review for Native Plants in the Federal Register (45 FR 82480); Coryphantha scheeri var. robustispina was included in that notice as a Category 1 candidate species. Category 1 species are those for which the Service presently has sufficient information to support the determination of whether the species is threatened or endangered, or that the species is biologically appropriate, but precluded by listing actions of higher priority. Both Notices of Review for Native Plants published since the 1980 version, the 1985 notice (50 FR 39526) and the 1990 notice (55 FR 6184), included Coryphantha scheeri var. robustispina in Category 1.

Section 4(b)(3)(B) of the Act, requires the Secretary to make certain findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments to the Act further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. Because the 1975 Smithsonian report was accepted as a petition, all of the taxa contained therein, including Coryphantha scheeri var. robustispina, were treated as being newly petitioned on October 13, 1982. In each year from 1983 through 1991, the Service found that Coryphantha scheeri var. robustispina still merited category 1 candidate status and that additional data on vulnerabilities and threats were still being gathered. This final rule constitutes the final finding for the petitioned action.

Summary of Comments and Recommendations

In the April 20, 1992, proposed rule (57 FR 14374), all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate state agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices were published in the Arizona Daily Star and the Tucson Citizen on May 11, 1992, inviting general public comment. Four comment letters were received and are discussed below. Comments were submitted by two Federal agencies, one private organization, and one individual. Two commentors supported the proposal although one of these commentors recommended that additional surveys be done prior to or concurrent with listing, one comment opposed the proposal, and one comment provided information, but took no position on the proposal.

Comments received during the comment period are covered in the following summary. Comments of a similar nature or point are grouped into a number of general issues. These issues, and the Service's response to each, are discussed below.

Issue 1: The Pima pineapple cactus does not need the protection of the Act because the Arizona Native Plant Law provides sufficient protection.

Response: The Arizona Native Plant Law extends some protection to Arizona's native plants, but does not protect the species in its ecosystem (see Factor D of "Summary of Factors Affecting the Species"). Habitat occupied by species protected under the Native Plant Law can be destroyed by private landowners and Federal and state government agencies if they provide advance notice to the Arizona Department of Agriculture (ADA). Federal listing will provide additional protection to the species through section 7 of the Act, which requires Federal agencies to consult with the Service when any action authorized, funded, or carried out by an agency may affect a listed species. The Act will also offer protection against illegal international and interstate commerce not provided by the Arizona Native Plant Law.

Issue 2: Additional surveys are recommended to further understand the range and distribution of this species.

Response: Although potential habitat for the Pima pineapple cactus has not been surveyed, the Service believes that the range of this species is sufficiently defined, and the abundance, distribution, and threats sufficiently understood to determine that listing this species is warranted. In addition to the original status report (Phillips et al. 1981) and the ecological information provided by Mills (1991), there have been many surveys throughout the range of this species that were done for Federal project clearances (e.g., Reichenbacher & Associates SWCA Environmental Consultants, in litt. 1992; F.W. Reichenbacher & Associates 1985 and 1988). Portions of the San Xavier District of the Tohono O'odham Indian Reservation have been thoroughly surveyed (F.W. Reichenbacher & Associates 1985; D. Laush, BR, pers. comm. 1992) and the species has been located there. All localities known to the Service are entered in the Heritage Data Base, housed at the Arizona Game and Fish Department, Phoenix. After the proposed rule to list the Pima pineapple cactus published, BR funded a study to define the range of this species (EES 1992). Surveyors targeted specific areas in Pima and Santa Cruz Counties, Arizona, to determine the northern, eastern, and western boundaries of the species' range. Extensive surveys identified these boundaries with accuracy.
The western boundary of the range was of particular interest to the Service and to commenters because its location was uncertain. Several botanists had speculated the range of the species extended westward onto the Tohono O'odham Reservation where historic specimens had been taken from the southern part of the Baboquivari Mountains. The Bureau of Indian Affairs (BIA) (Charles Sullivan, BIA, Papago Agency, pers. comm. 1992) and the SCS reported the species has been seen on the western slopes of the Baboquivari Mountains (D. Gohmert, in litt. 1992). During the summer and fall of 1992, EES (1992) surveyed some areas on the western slopes of the Baboquivari Mountains and did not find the species. The BIA later confirmed (Sullivan, pers. comm. 1992) their Pima pineapple cactus sightings had been misidentifications. In summary, currently available information does not include verified locations of the Pima pineapple cactus on the western slopes of the Baboquivari Mountains. However, the Service agrees additional surveys should be considered as a recovery action for the species.

Issue 3: The proposed rule discusses the potential negative effects of livestock grazing, but some commenters believe livestock grazing may benefit the Pima pineapple cactus by increasing the amount of habitat and decreasing the fire danger.

Response: Pastures used by livestock will have a lower probability of carrying a wildfire or controlled burn because of insufficient or discontinuous distribution of fine fuels. The assumption that a decreased fire frequency or not burning at all benefits the Pima pineapple cactus and its ecosystem is not supported by the records. The Service has no data to support this assumption. Scientific experimentation will need to be performed before selecting one or more management strategies that will benefit the ecosystem.

Issue 4: The introduction of Lehman’s lovegrass did not adversely alter the habitat because it was originally a grassland, burned frequently, and probably did not have the Pima pineapple cactus.

Response: The Pima pineapple cactus could have occurred in native grasslands experiencing frequent fires if, as previously mentioned, it grew in open microsites that escaped the direct effects of the fire. It is believed the establishment of Lehman’s lovegrass converted patchy, coarse-grained native grasslands into monotypic stands with almost no structural diversity (D. Gohmert, SCS, in litt. 1992; Warren and McLaughlin 1992; S. McLaughlin, Arizona State University, in litt. 1992). Fire functions differently in the two types of grasslands. Plant species such as the Pima pineapple cactus that evolved in fire-influenced ecosystems may have developed mechanisms for surviving fires that would not be effective where Lehman’s lovegrass stands have replaced native grasses. Ecosystem management for the Pima pineapple cactus may entail managing for native grasses rather than ecosystems dominated by Lehman’s lovegrass or other non-native plants.

Summary of Factors Affecting the Species

After thorough review and consideration of all information available, the Service has determined that Coryphantha scheeri var. robustispina should be classified as an endangered species. The factors found at section 4(a)(1) of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to Coryphantha scheeri (Kuntze) L. Benson var. robustispina (Schott) L. Benson (Pima pineapple cactus) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Construction associated with a rapidly growing human population is occurring throughout the range of the species and is the most significant cause of habitat loss and fragmentation. Perhaps 75 percent of the range of the species is affected by this threat. Tucson is a major city at the northern boundary of the species’ range, Green Valley is a large community in the center of the range, and Nogales, Arizona, occurs near the southern part of its range. Additional development within and between the densely populated areas is occurring every year. Home building, commercial development, road construction and maintenance, and utility corridor construction are some of the activities that have caused and continue to cause habitat loss and fragmentation. Habitat loss due to these factors will likely accelerate as the area becomes an important trade corridor between Mexico and the United States.

Mining has also resulted in the loss of hundreds of acres of potential habitat throughout the range of this species. One copper mine and related facilities near Green Valley cover thousands of acres of formerly potential habitat. When this mine was expanded in the early 1980’s, botanists familiar with this species noted that many plants were lost because they were not salvaged or were salvaged but not used for conservation purposes. Although the mine near Green Valley is by far the largest mine, many other small mines occur throughout the range of this species. Actions associated with mineral extraction, such as constructing roads, tailings piles, and settling or leaching ponds, can also contribute to habitat loss. Habitat loss due to mining and the associated activities is expected to continue or increase throughout the range of this species.

The entire undeveloped part of the range of this species is used for livestock grazing, as it has been for over a century. Severe overgrazing during the mid- to late 1800’s (Bahre 1991) and some continuing livestock grazing practices may have significantly altered the landscape. Some of the effects of overgrazing include: Erosion; changes in hydrology and microclimate; invasion of weedy exotic plant species; shifts in density, relative abundance, and vigor of native species; and increases in woody perennials. Overgrazing in some areas continues today. Some modern range management practices, such as imprinting, chaining, ripping, and seeding of exotic grasses, have contributed to the modification or loss of habitat and/or loss of plants. Mills (Tucson, Arizona, pers. comm. 1991) has seen damage to Pima pineapple cacti that may have been caused by livestock trampling. At the turn of the century, hay was mechanically harvested from the Santa Rita Experimental Range to provide livestock feed in Tucson. The mechanical harvesting may have contributed to the affected Pima pineapple cactus and its habitat.

Habitat for the Pima pineapple cactus may have occurred in several areas along the Santa Cruz River south of Tucson that are now under cultivation. Habitat for the Pima pineapple cactus is found in the vicinity of these orchards and fields.

The introduction of non-native species has modified many southern Arizona ecosystems. Up to 75 percent of Pima pineapple cactus habitat has been significantly altered by the introduction of Lehman’s lovegrass, an aggressive exotic introduced to provide cattle forage and soil stabilization. Lehman’s lovegrass outcompetes native grasses, and monotypic stands of it cover large areas of mid-elevation southern Arizona. The lack of structural and native species diversity and competition for light and nutrients in the non-native
grassland habitats may have adversely affected the Pima pineapple cactus. *Schismus barbatus* (Mediterranean grass) is another successful exotic grass common in Sonoran desert-scrub/grassland transition habitats. Dense stands of Mediterranean grass in desert-scrub habitats contribute dense, fine fuels that are readily flammable and carry fires in fire-intolerant habitat. Lehman's lovegrass and Mediterranean grass are two of many non-native species that may have negatively affected the natural ecosystem. The introduction of other non-native plant species to the southwestern United States is continuing. These introductions carry with them the potential for additional negative impacts.

Off-road vehicle use is not currently considered a serious problem to the species, but does contribute to habitat loss and degradation in localized areas within the species’ range.

**B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes**

Illegal collection has been documented on numerous occasions throughout the range of this species. On one occasion, surveys for the Pima pineapple cactus were conducted and plant locations mapped. On a subsequent visit, botanists discovered that plants were missing from mapped locations and only holes in the ground remained. In another incident, surveys for the species were conducted for a road project near Tucson. Several plants were taken after surveyors left the site. Again, holes indicated the plants were removed. An inspector for the ADA photographed a marked plant west of Tucson before it was removed (W. Kendall, ADA, in litt. 1990). The Service has received other reports of plant collecting that are less verifiable than the three incidents reported above. Some of these incidents indicate collectors are specifically interested in *Coryphantha scheeri* var. robustispina, while at other times it appears the collectors are just taking all cacti in a general area. Hobbyists and commercial collectors are the two groups most likely to collect this species.

**C. Disease and Predation**

Some plants appeared to be damaged by the larval stage of *Phycitidae* sp., a lepidopteran (Phillips et al. 1981). The effects of this damage on population stability are unknown.

**D. The Inadequacy of Existing Regulatory Mechanisms**

The Arizona Native Plant Law protects *Coryphantha scheeri* var. *robustispina* as a “Highly Safeguarded Species.” To legally collect this cactus on public or private lands in Arizona, a collector must obtain a permit from the ADA. Permits may be issued for scientific and educational purposes only. However, private landowners and Federal and State public agencies may clear land and destroy habitat after giving ADA sufficient notice to allow for plant salvage. Despite the protections of the Arizona Native Plant Law, illegal collecting continues to occur. Enforcement is difficult due to the relatively large range of this species, the remote nature of some of its habitat, and the relatively few law enforcement agents available to cover this area. Endangered Species Act protection may present a deterrent to illegal collectors and would increase the number of agents having enforcement authority.

**E. Other Natural or Mannmade Factors Affecting Its Continued Existence**

The Service is not aware of any other factors affecting this species. The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Coryphantha scheeri* var. *robustispina* as endangered. With habitat loss and degradation continuing, the species warrants protection under the Act. Endangered status seems appropriate because of the amount of habitat already lost, the accelerating habitat loss and degradation due to the rapidly growing human population within the range of this plant, and the current inadequacy of legal protection afforded the species. Critical habitat is not being designated for the reasons discussed below.

**Critical Habitat**

Section 4(a)(3) of the Act requires, to the maximum extent prudent and determinable, that the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. Pursuant to 50 CFR 424.12(a)(1), a designation of critical habitat is not prudent when one or both of the following situations exist: (i) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of such threat to the species, or (ii) Such designation of critical habitat would not be beneficial to the species. The Service finds that designation of critical habitat is not presently prudent for this species. As discussed under Factor B in the "Summary of Factors Affecting the Species" section of this rule, *Coryphantha scheeri* var. *robustispina* is threatened by taking, an activity difficult to prevent and only regulated by the Act with respect to plants in cases of: (1) Removal and reduction to possession of listed plants from lands under Federal jurisdiction, or their malicious damage or destruction on such lands; and (2) removal, cutting, digging up, or damaging or destroying in knowing violation of any state law or regulation, including state criminal trespass law. Such provisions are difficult to enforce, and publication of critical habitat descriptions and maps would make *Coryphantha scheeri* var. *robustispina* more vulnerable and increase enforcement problems. Pertinent Federal, state, and local government agencies were notified of the proposed listing of this species. Other interested parties were notified either by mail or by public notice in local newspapers. Protection of this species' habitat will be addressed through the recovery process and through the section 7 jeopardy standard. Therefore, the Service has determined that it is not prudent to determine critical habitat for *Coryphantha scheeri* var. *robustispina*.

**Available Conservation Measures**

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, identification, implementation of recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, state, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the states and authorizes recovery plans for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not
likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

This species occurs on Federal lands managed by the Bureau of Land Management, Safford District; U.S. Forest Service, Coronado National Forest; Fish and Wildlife Service, Buenos Aires National Wildlife Refuge; and possibly within proposed project areas of the Bureau of Reclamation. Federal activities on these lands that could impact Coryphantha scheeri var. robustispina include, but are not limited to, proposed water storage projects, livestock grazing and range management practices, road and utility corridor construction, mining permits and mitigation, controlled burns, and recreation planning.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general prohibitions and exceptions that apply to all endangered plants. All prohibitions of section 9(a)(2) of the Act, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

References Cited

A complete list of all references cited herein, as well as others, is available upon request from the Arizona Ecological Services Office (See ADDRESSES section).

Author

The primary author of this final rule is Sue Rutman (See ADDRESSES).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:


2. Amend § 17.12(h) by adding the following, in alphabetical order under Cactaceae, to the List of Endangered and Threatened Plants to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

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<th>Common name</th>
<th>Historic range</th>
<th>Status</th>
<th>When listed</th>
<th>Critical habitat</th>
<th>Special rules</th>
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<td>Coryphantha scheeri</td>
<td>var. robustispina</td>
<td>Pima pineapple cactus</td>
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Dated: August 12, 1993.
Richard N. Smith, Acting Director, Fish and Wildlife Service.
[FR Doc. 93-23161 Filed 9-22-93; 8:45 am]
BILLING CODE 4310-55-P

50 CFR Part 17
RIN 1018-AB92

Endangered and Threatened Wildlife and Plants; Listing of the Snake River Spring/Summer Chinook Salmon and the Snake River Fall Chinook Salmon as Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service is adding the Snake River spring/summer chinook salmon (Oncorhynchus tschawytscha) and the Snake River fall chinook salmon to the List of Endangered and Threatened Wildlife. This measure, required by the Endangered Species Act of 1973 (Act), reflects a determination of threatened status for both species, as defined under the Act, by the National Marine Fisheries Service, which has jurisdiction for the chinook salmon. Under section 4(a)(2) of the Act, NMFS must decide whether a species under its jurisdiction should be classified as endangered or threatened. The Fish and Wildlife Service (FWS) is responsible for the actual addition of a species to the List of Endangered and Threatened Wildlife in 50 CFR 17.11(h).

NMFS published its determination of threatened status for the Snake River spring/summer chinook salmon and the Snake River fall chinook salmon on April 22, 1992 (57 FR 14653–14663). Accordingly, the FWS is adding the Snake River spring/summer chinook salmon and Snake River fall chinook salmon as threatened species to the List of Endangered and Threatened Wildlife. Because this action of the FWS is non-discretionary, and in view of the public comment period provided by NMFS on the proposed listing (June 27, 1991; 56 FR 29542 and 29547), the FWS finds that good cause exists to omit the notice and public comment procedures of 5 U.S.C. 553(b) and to make this action effective upon publication of this document.

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the National Environmental Policy Act, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service’s reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Export, Import, Reporting and recordkeeping requirements, and Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:


2. Section 17.11(b) is amended by removing the entry for “Salmon, chinook,” under FISHERS, in the List of Endangered and Threatened Wildlife and adding the following in alphabetical order to read as follows:

§ 17.11 Endangered and threatened wildlife.

(h) * * * * * * *

Salmon, chinook
Oncorhynchus tschawytscha.

North Pacific Basin from U.S.A. (CA) to Japan.

Sacramento R. (U.S.A.: CA) winter run, wherever found.


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<th>Scientific name</th>
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<td>Snake R. (U.S.A.: ID, OR, WA) spring/summer run, natural population(s), wherever found.</td>
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SUPPLEMENTARY INFORMATION:

Background

The Delhi Sands flower-loving fly (Rhaphiomidas terminatus abdominalis) is a large insect in the Dipteran family Apioceridae. It has an elongate body, much like that of a robber fly (Asilidae), but unlike asilids, it has a long tubular proboscis, used, as in butterflies, for extracting nectar from flowers. The flower-loving fly is approximately 2.5 centimeters (1 inch) long, orange-brown in color, and has dark brown oval spots on the upper surface of the abdomen. This species is a strong flyer, and, like a hummingbird, is capable of stationary, hovering flight.

Rhaphiomidas terminatus consists of two subspecies: the El Segundo flower-loving fly (Rhaphiomidas terminatus terminatus) and the Delhi Sands flower-loving fly (Rhaphiomidas terminatus abdominalis). Specimens of R. terminatus were misidentified as Rhaphiomidas episcopus by D.W. Coquillett, based upon material he collected in 1891 from Los Angeles, California. Townsend (1895) referred to these specimens as Rhaphiomidas mellifex. Cazier (1941) noted that both of these identifications were in error and used the specimens collected by Coquillett to describe R. terminatus as a new species. Later in the same publication, the Delhi Sands flower-loving fly was described as Rhaphiomidas abdominalis, based upon an adult male collected in August 1888, in Colton, California. In 1941, when both R. terminatus and R. abdominalis were described, Cazier had only two specimens of each taxon available for examination, and these individuals appeared to represent distinct species. However, when the genus was revised (Cazier 1985), it was determined that abdominalis is a subspecies of R. terminatus, based on abdominal maculations and other morphological characters. Rhaphiomidas terminatus abdominalis is presumed extinct; thus Rhaphiomidas terminatus abdominalis is the only extant representative of this species. A complete description and illustration of these subspecies can be found in Cazier (1985).

The other subspecies of R. terminatus, the El Segundo flower-loving fly, historically occurred in coastal dunes of southwestern Los Angeles County, California (Cazier 1985). All known localities for this animal were on coastal sand dunes. Surveys conducted during 1987, 1988, 1990, and 1991 at the Airport Dunes, the largest remaining coastal sand dune system south of Point Conception in California, did not locate any El Segundo flower-loving flies, and apparently other known sites for the subspecies are no longer suitable habitat due to urbanization (G. Ballmer, in litt., 1989; R. Mattoni, private entomologist, pers. comm. to Chris D. Nagano, Fish and Wildlife Service, 1991). There are no extant sites known for this subspecies.

The Delhi Sands flower-loving fly currently occurs at five locations in southern California: Four in southwestern San Bernardino County and one in Riverside County, just south of the San Bernardino County line. All known colonies occur on privately owned land within an 8-mile radius circle.

The most characteristic feature of all collection sites for this animal is the presence of fine, sandy soils, often with wholly or partly consolidated dunes. These soil types are generally classified as the “Delhi” series (primarily Delhi fine sand). Delhi series soils cover approximately 40 square miles in several irregular patches, extending from the cities of Colton to Ontario and Chino in northwestern Riverside and southwestern San Bernardino Counties (U.S. Department of Agriculture 1971, 1980). Much of the area of Delhi soils has been used for agriculture (chiefly grapes and citrus) since the 1800’s. More recently, this area has been used for dairies, housing tracts, and commercial/industrial sites. The documented distribution of the Delhi Sands flower-loving fly extends from the eastern margin of the Delhi fine sand...
formation in Colton to near its western limit in Mira Loma. This distribution strongly suggests that this species once occurred throughout much or all of the 40 square miles of Delhi fine sand soil. The validity of this assumption is reinforced by the historic distribution of the closely related El Segundo flower-loving fly (now believed extinct), farther west in the coastal dunes of Los Angeles County.

Ballmer (1989) reported the results of searches for the Delhi Sands flower-loving fly in potential habitat (undeveloped or abandoned areas of Delhi sand). No additional sites for the species were found; these absences were variously attributed to a lack of native vegetation (possibly associated with intensive off-road vehicle use), degradation by pest agricultural use, solid waste disposal, freeway construction, and conversion to housing. It may be possible to restore the habitat in some of these areas for future reintroduction of the fly. The results of extensive searches by Ballmer and others indicate that the Delhi Sands flower-loving fly now occupies less than 2.5 percent of the total area of Delhi fine sand. Thus, it appears that over 97 percent of the habitat of the fly has been eliminated.

The life history of the Delhi Sands flower-loving fly is not well known, but is probably similar to that of other members of this genus (Cazier 1985). All members of the genus Rhaphiomidas inhabit arid or semi-arid regions, and many occur in sparsely vegetated sand dune habitats. Adults of some species, probably including R. t. abdominalis, take nectar from flowers by means of an elongate proboscis. The preference of Rhaphiomidas for sparsely vegetated areas may be related to the insect's behavior of flying low, usually a meter (3 feet) or less above the ground, and frequently landing on the surface (Ballmer 1988). Cazier (1985) suggested that vegetation may aid in the selection of oviposition (egg-laying) sites as in Apioecera, another apiocerid fly genus.

Collection records for the Delhi Sands flower-loving fly indicate a single annual flight period during August and September. A skewed ratio of males to females (about 2:1) suggests that, as with many other insect species, males are more active, spending much of their time flying and investigating vegetation or the sand surface for resting females. Mating behavior of the Delhi Sands flower-loving fly has not been observed, but it is known that eggs are deposited in sand. In captivity, one female survived for 10 days and produced over 50 eggs (Ballmer 1988). Larval development apparently also takes place in the sand. The single annual flight suggests that development to metamorphosis takes a full year. Pupae work their way to the surface prior to emergence as adults. Hogue (1967) describes the emergence of an El Segundo flower-loving fly from a pupal case in a remnant coastal dune in Manhattan Beach, California. Additional observations of the natural history of this and other species within the genus Rhaphiomidas are reported by Rogers and Mattoni (1993).

Circumstantial evidence suggests that sparse native vegetation is important in the biology of R. t. abdominalis although specific plant associations that may be required by this species are not known. Dominant native plant species in its habitat include wild buckwheat (Eriogonum fasciculatum), croton (Croton californicus), and telegraph weed (Heterotheca grandiflora) (Ballmer 1989). Additional native plants found within habitat of R. t. abdominalis include Ambrosia achantocarpa, Amsinckia intermedia, Eriastrum sapphirinum, Eriogonum thurberi, and Lessingia glandulifera. Cazier (1985) reported that several specimens of Rhaphiomidas terminatus had been collected in association with a member of the phlox family (Eriastrum filifolium).

Previous Federal Action

On October 30, 1989, the Fish and Wildlife Service received a petition (dated October 18, 1989) from Mr. Greg Ballmer, an entomologist affiliated with the University of California at Riverside, to list the Delhi Sands flower-loving fly as an endangered species. Mr. Ballmer had also submitted a similar petition (dated October 18, 1989) to the California Fish and Game Commission (Commission). The State petition was referred to the California Department of Fish and Game (CDFG), which found that the petitioned action may be warranted. The State petition was later voluntarily withdrawn when the petitioner learned that it could be rejected by the Commission, because CDFG had not yet determined whether it had authority under the California Endangered Species Act to list insects. On July 19, 1990, the Service received a letter (dated July 16, 1990) from Mr. Ballmer requesting again that the Delhi Sands flower-loving fly be listed as endangered. In accordance with section 4(b)(3)(A) of the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.), the Service found that substantial information had been presented to indicate that the petitioned action may be warranted on October 30, 1990. This finding was published in the Federal Register on December 24, 1990 (55 FR 52852). On November 21, 1991, the Delhi Sands flower-loving fly was included as a category 1 candidate species in the Animal Notice of Review which was published in the Federal Register (56 FR 58804). Category 1 comprises those taxa for which the Service has on file sufficient information to support proposals for endangered or threatened status. On March 25, 1992, Mr. Ballmer petitioned the Service to list the Delhi Sands flower-loving fly as an endangered species on an emergency basis due to ongoing and anticipated construction projects within its habitat. This petition was regarded as a third request for the same action and a separate finding was not made. A proposed rule to list the fly as endangered was published in the Federal Register on November 19, 1992 (57 FR 54547).

Summary of Comments and Recommendations

In the November 19, 1992, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule for the Delhi Sands flower-loving fly. The Governor of California, one State assemblyman, 2 Federal agencies, 8 State agencies, 2 county and 3 city governments, 8 county and 3 city agencies, 5 scientific organizations, 4 conservation groups, and 30 other interested parties were contacted and requested to comment. A legal notice announcing the proposal and inviting general public comment was published in the San Bernardino County Sun on November 23, 1992, and in the Riverside Press Enterprise on November 30, 1992. A legal notice announcing a public hearing and inviting general public comment on the proposal was published in the same two newspapers on December 18, 1992. A notice announcing the date of the public hearing was published in the Federal Register on December 18, 1992 (57 FR 60159). The public hearing was held on January 5, 1993, at the San Bernardino County Government Center.

A total of 57 comments was received on the proposed rule. (Multiple comments from the same party on the same date are regarded as one comment.) Of these, 9 (16 percent) supported the listing, 48 (81 percent) opposed the listing, and 2 (3 percent) neither supported nor opposed listing. In addition, a petition containing 48 signatures opposed the listing.

Four elected officials, the City of Rialto, the Board of Supervisors for the County of San Bernardino, the Riverside
County Farm Bureau, the Riverside County Habitat Conservation Agency, and the Agua Mansa Industrial Growth Association opposed listing. One conservation organization and eight individuals supported listing.

The Service has reviewed all of the written and oral comments referenced above. Based on this review, nine relevant issues have been identified and are discussed below. These issues are representative of the comments questions or opposing the proposed listing action.

**Issue 1:** The Service should consider economic effects in determining whether to list the Delhi Sands flower-loving fly under the Endangered Species Act.

*Service Response:* In accordance with 16 U.S.C. 1533(b)(1)(A) and 50 CFR 424.11(b), listing decisions are made solely on the best scientific and commercial data available. In adding the word "solely" to the statutory criteria for listing a species, Congress specifically addressed this issue in 1982 amendments to the Act. The legislative history of the 1982 amendments states: "The addition of the word "solely" is intended to remove from the process of the listing or delisting of species any factor not related to the biological status of the species. The Committee strongly believes that economic considerations have no relevance to determinations regarding the status of species and intends that the economic analysis requirements of Executive Order 12291, and such statutes as the Regulatory Flexibility Act and the Paperwork Reduction Act, not apply.*

Applying economic criteria to the analysis of these alternatives and to any phase of the listing process is applying economics to the determinations made under section 4 of the Act and is specifically rejected by the inclusion of the word "solely" in this legislation." H.R. Rep. No. 97th Cong., 2d Sess. 20 (1982).

**Issue 2:** Listing the Delhi Sands flower-loving fly as endangered should be postponed until local efforts to develop conservation measures (such as cooperation with the Service in developing conservation measures (such as habitat set-asides and habitat restoration programs) for the fly. However, no definitive habitat conservation plan has been prepared, approved, funded, and implemented at this time, and no protection is currently afforded to the fly or its habitat. Since the proposed rule was published, about 45 acres of occupied habitat have been destroyed (G. Ballmer, pers. comm., 1993). That represents a loss of 6 to 13 percent of the Delhi Sands flower-loving fly habitat that existed at the time the proposed rule was published. In addition, the county of San Bernardino has informed the Service of its intention to destroy about 7 acres of selected, high quality habitat and 69 acres of degraded, unoccupied habitat (Linda R. Dawes, Fish and Wildlife Service, pers. comm., 1993). The destruction of this site would sever an important link between adjacent patches of occupied habitat. The fly is in imminent danger of extinction and warrants immediate protection under the Act. Listing the fly as endangered will not hamper the ability of local entities to continue working on an HCP for this species. If voluntary conservation planning efforts referenced above are completed in a timely manner, that should diminish adverse effects of a listing action on affected parties and promote the recovery of the Delhi Sands flower-loving fly.

**Issue 3:** The Service should designate critical habitat for the fly because it is readily definable and would be beneficial to the species.

*Service Response:* For the reasons discussed in the "Critical Habitat" section of this rule, the Service concludes that designation of critical habitat is not prudent for the Delhi Sands flower-loving fly at this time. *Issue 4:* The Service warrants the basis for its conclusions that: (1) Only a fraction of the historical habitat for the fly remains; and (2) it is endemic to Delhi sand soils.

**Service Response:** Historical and current distribution limits of the fly are based on field collections, surveys, land use patterns, and analysis of soil types (Ballmer 1989). There is no scientific evidence to indicate that the Delhi Sands flower-loving fly occurs on any substrate other than Delhi sands (Ballmer 1989, Rogers and Mattoni 1993). Although other flower-loving flies occur within its range, *R. t. abdominalis* has never been collected or observed on other soil types (Ballmer 1989, Rogers and Mattoni 1993). Based on the best available scientific and commercial information, the Service concludes that this species is endemic to Delhi sands which historically occupied an area encompassing about 40 square miles (Ballmer 1989). The Service calculated historical habitat loss based on the correlation between soil type and presence of the fly, and the historic and current distribution of the Delhi sands soil series.

**Issue 5:** The status surveys conducted for this species are inadequate.

*Service Response:* All known surveys from 1941 to the present were conducted during the months of August and September when *R. t. abdominalis* is most active. Potential habitat areas were initially identified by examining topographic, and stream maps. Sites with potentially suitable habitat (based on location, soil type, vegetation, and degree of disturbance) were then surveyed by ground reconnaissance. Marginal habitat areas were also examined. The presence of sand-dwelling insects (e.g., certain species of native bees, wasps, beetles, and flies) and native vegetation and animal use patterns may serve as a general indicator of habitat quality. The Service finds that the survey methodology described above is adequate to determine the status of this species.

**Issue 6:** The Service has underestimated the amount of available and potential habitat for the fly. The ability of the Delhi Sands flower-loving fly to reoccupy previously occupied areas is unknown. Certain land uses may actually be compatible with the conservation of this species. For example, agriculture does not alter the soil type of Delhi sand, so once agricultural activity ceases, the fly may be able to reoccupy the area.

*Service Response:* Based on the best available scientific information, there is no reason for concluding that the Delhi Sands flower-loving fly will use previously farmed areas. Agricultural fields may return or be reconditioned to suitable habitat over time; however, the potential of this species to recolonize degraded sites is unknown although this behavior may be pivotal to its recovery. The use of pesticides in agricultural areas and their persistence in the soil may have deleterious effects on this species. Furthermore, the level of disturbance at a given site may favor exotic over native vegetation, which may preclude the use of that area by the fly.

For these reasons, the Service concludes that the amount of available habitat for the Delhi Sands flower-loving fly is limited. Thus, it is essential to avoid or minimize the effects of human activities on remaining suitable habitat areas, and to provide a means to restore degraded habitat to the greatest extent possible so that it may be utilized by this species in the future. These and...
other appropriate conservation measures will be addressed during the recovery process.

**Issue 7:** Because there is a general lack of knowledge on the ecology of this taxon, the Service used data on related species in its description of the life history and behavior of the Delhi Sands flower-loving fly. The Delhi Sands flower-loving fly should not be considered for listing until more specific scientific information is available.

**Service Response:** The Service is required to make listing decisions solely on the basis of the best available scientific and commercial information regarding the taxonomy and status of a particular species. In the case of the Delhi Sands flower-loving fly, the Service finds that substantial information exists with respect to these factors to indicate that listing is warranted. The Service acknowledges that more precise scientific information will benefit the fly’s recovery, but is not a legitimate basis for postponing a listing decision.

**Issue 8:** The Service made unsubstantiated conclusions in the proposed rule regarding the threat of stochastic extinction. One commenter also suggested that, although most of the known habitat of this species is currently for sale, that has no bearing on the intended land use and therefore does not constitute a threat to the species.

**Service Response:** Stochastic events can threaten the continued existence of species with small, fragmented populations (Soulé 1986, 1987). For example, the dusky seaside sparrow (Ammodramus maritimus nigrescens) became extinct as a result of wildfires that destroyed its habitat and eliminated females from a small remnant population. The Service considers the unprotected status of private lands zoned for development (irrespective of their ownership status) to be a significant threat to the continued existence of the fly.

**Issue 9:** Because there are only five sites remaining that provide habitat for this subspecies, listing of the flower-loving fly and designating critical habitat are equivalent. Therefore, the Service should prepare an economic analysis of the impacts of listing the subspecies.

**Service Response:** As discussed in the "Critical Habitat" section of this rule, the Service has concluded that designation of critical habitat would not benefit the Delhi Sands flower-loving fly. Given the restricted distribution and small population sizes of this subspecies, it is unlikely that the economic costs of designating critical habitat would be appreciably higher than the costs associated with listing. Also refer to the Service's response to Issue 1 regarding the consideration of economic effects in determining whether or not to list this subspecies.

In summary, no information was received indicating that the species is more widespread or under lesser threat than previously thought.

**Summary of Factors Affecting the Species**

After a thorough review and consideration of all available information, the Service has determined that the Delhi Sands flower-loving fly should be classified as an endangered species. Procedures found at section 4 of the Endangered Species Act (16 U.S.C. 1531 et seq.) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Delhi Sands flower-loving fly (Rhaphiomidas terminatus abdominalis) are as follows:

**A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range**

The major threats to the Delhi Sands flower-loving fly are habitat loss and degradation. Historic and recent agricultural, residential, and commercial development have significantly reduced suitable habitat for this species.

Most of the former habitat for the Delhi Sands flower-loving fly was destroyed by agricultural conversion in the 1800's. The remaining fragments of suitable habitat continue to be destroyed by the construction of homes, businesses, and associated roads and infrastructure. Based on the distribution of the Delhi Sands soil type, the present distribution of the Delhi Sands flower-loving fly most likely represents 2 to 3 percent of its former range; the amount of habitat existing today is approximately one-half of what existed in 1975 (Ballmer 1989).

The five remaining sites occupied by the Delhi Sands flower-loving fly occur within a 5-mile radius circle on private land, totalling between 350 and 700 acres. These sites are divided approximately equally by Interstate 10 (I–10) and adjacent Southern Pacific Railroad tracks. The portion north of I–10 is undergoing rapid and intensive urbanization. The largest site in this area, encompassing 70 acres, was destroyed sometime after 1990 by the construction of a shopping center.

Another area north of I–10 that once supported the largest population of the Delhi Sands flower-loving fly was bisected and reduced in size by a county park in 1988. The resultant two sites and a third small site north of I–10 are threatened by adjacent urban development, invasion of exotic vegetation, removal of native vegetation for fire prevention, dumping, and off-road vehicle use. All three remaining habitat parcels north of I–10 are offered for sale, and one already has roads and streetlights installed (Ballmer 1992).

A significant amount of habitat for the Delhi Sands flower-loving fly is located south of I–10 in the city of Colton. The owner of this site has sold some adjacent property and has plans to develop the area containing habitat for the flower-loving fly (G. Ballmer, pers. comm., 1992). This habitat is surrounded by petroleum facilities, railroad storage yards, a landfill, a cement quarry, and a sewage treatment plant. An adjoining parcel, which contained the greater concentration of the Delhi Sands flower-loving fly observed in 1991, was sand-mined some time between September 1991 and March 1992. The only other San Bernardino County site south of I–10 known to support this species occurs within a powerline right-of-way and adjacent to a major road. Portions of this area are also being advertised for sale.

All of the sites in San Bernardino County south of I–10 containing suitable habitat for the Delhi Sands flower-loving fly are within the Agua Mansa Enterprise Zone (County of San Bernardino 1986). This is a joint project of the cities of Colton, Rialto, and Riverside, and the counties of Riverside and San Bernardino. Its purpose is to encourage industrial development of the area through various tax and other economic incentives. The few remaining colonies of the Delhi Sands flower-loving fly would quickly be eliminated from increased development in this region.

In 1990, a small site in Riverside County, just south of the San Bernardino County line, was found to be occupied by the Delhi Sands flower-loving fly. However, this site may now be too small to persist; residential units were recently constructed on land adjacent to this location. As with most of the other sites occupied by this species, this area too is being degraded, as described below.

All of the sites known to be occupied by the Delhi Sands flower-loving fly are presently being degraded by ongoing soil disturbances, caused by grading, plowing, discing to remove vegetation...
for fire control, and off-road vehicle use. The Delhi Sands flower-loving fly is rare to absent in areas where these activities occur. Service biologists noted, during a 1991 survey, that this species tended to occupy portions of habitat least disturbed by these activities. The use of off-road vehicles in the areas containing the fly's remaining habitat may contribute to the loss of native vegetation and subsequent invasion of weedy, non-native species. Illegal dumping of abandoned automobiles and other trash has also contributed to habitat degradation.

In summary, one colony of the Delhi Sands flower-loving fly has been lost due to urban development since 1990, one was partially destroyed by sand-mining some time between late 1991 and early 1992, and four colony sites are currently offered for sale. Given the rate and interest in residential and commercial development in this area and the added incentive of the Agua Mansa Enterprise Zone plan, these sites are likely to be purchased and developed in the immediate future. Finally, virtually all of the sites presently occupied by this fly are being degraded by soil-disturbing activities that reduce native vegetation and promote the invasion of non-native, weedy species.

Since the proposed rule was published, about 45 acres of occupied habitat have been destroyed (G. Ballmer, pers. comm., 1993). This represents a loss of 6 to 13 percent of the Delhi Sands flower-loving fly habitat that existed at the time the proposed rule was published. In addition, the county of San Bernardino has informed the Service of its intention to destroy about 7 acres of occupied, high quality habitat and 69 acres of degraded, unoccupied habitat (L. R. Dawes, pers. comm., 1993). The destruction of this site will sever an important link between adjacent patches of occupied habitat.

B. Overutilization for Commercial, Recreational, Scientific or Educational Purposes

Although flies in general are not especially popular with collectors (Pyle et al. 1981), Rhaphiomidas flies are prized because of their unusual size, coloration, and rarity (C. D. Nagano, pers. comm., 1992). A dedicated collector or collectors could readily eliminate the Delhi Sands flower-loving fly, given its small, isolated populations. Even scientific collecting, or repeated handling and marking (particularly of females and/or in years of low abundance) could eliminate or seriously damage the populations through loss of genetic variability. Collection of females dispersing from a colony could also reduce the probability that new colonies will be established.

C. Disease or Predation

Not known to be applicable.

D. The Inadequacy of Existing Regulatory Mechanisms

The Delhi Sands flower-loving fly and its habitat are not currently protected under any Federal, State or local laws. CDFG has determined that it is unable to protect insects under current State regulations (Bontadelli 1990). In December 1992, a coalition of agencies and landowners (including the counties of Riverside and San Bernardino; the cities of Colton, Fontana, Rialto, and Riverside; the Riverside County Habitat Conservation Agency; and the University of California at Riverside) initiated a process to prepare a habitat conservation plan for the Delhi Sands flower-loving fly and other species that is intended to satisfy the standards established under section 10(a) of the Act for the incidental take of listed species. The Service is providing technical assistance to this planning effort. The agencies listed above are currently working to develop procedures to prevent destruction of the Delhi Sands habitat during the planning period. However, as noted under Factor A above, habitat loss and fragmentation have continued to occur since the proposed rule was published and further losses are imminent.

Although the Service encourages and supports these kinds of planning efforts, it is unable to conclude at this time that the planning process described above is adequately providing for the conservation of the Delhi Sands flower-loving fly. Considering the precarious status of this species and the ecosystem in which it occurs, and the imminent threat of habitat loss, the Service concludes that existing regulatory mechanisms are inadequate to protect this species and its habitat.

E. Other Natural or Mannmade Factors Affecting Its Continued Existence

The small colony sizes of the Delhi Sands flower-loving fly and the high degree of fragmentation of its habitat make this taxon especially vulnerable to stochastic events and to loss of genetic variability. Small population size increases rates of inbreeding and may allow the expression of any deleterious recessive genes occurring in the population (known as "inbreeding depression"). Loss of genetic variability, through random genetic drift, reduces the ability of small populations to respond successfully to environmental stresses. In the remaining vestiges of its former habitat and with its reduced genetic variability, the Delhi Sands flower-loving fly is vulnerable to random fluctuations or variation of annual weather patterns, availability of food, and other environmental stresses.

The absence of these insects from disturbed habitat may be due to the direct effects of the disturbance or to the growth of tumbleweeds (Salsola kali) and other non-native vegetation such as European grasses (chiefly Avena spp. and Bromus spp.) that increase in abundance following soil disturbance. Tumbleweeds often form dense thickets covering extensive areas of previously open sand and grow to more than 1 meter (3 feet) high. Tumbleweeds occur to some extent at every extant fly location. Introduced grasses may also eliminate open areas of sand by forming dense patches.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by the Delhi Sands flower-loving fly in determining to make this rule final. As described under the "Summary of Factors Affecting the Species" section above, the available information indicates that one subspecies of Rhaphiomidas terminatus is already extinct. Over 37 percent of the historic habitat of the Delhi Sands flower-loving fly has been eliminated. The five fragments of its remaining habitat are imminently threatened by urban development, unauthorized trash dumping, off-road vehicle use, and stochastic events. This species and its habitat currently receive no protection at any location. Based on this information, the Service concludes that the Delhi Sands flower-loving fly is in imminent danger of extinction throughout the remainder of its range and warrants immediate protection under the Act. As provided by 5 U.S.C. 553(d), the Service has determined that good cause exists to make the effective date of this rule immediate. Delay in implementation of the effective date would place the habitat of the species at risk.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires critical habitat to be designated to the maximum extent prudent and determinable at the time a species is listed as endangered or threatened. The Service finds that the designation of critical habitat is not prudent for the Delhi Sands flower-loving fly at this time. The Service's regulations (50 CFR 424.12(e)(1)) state that designation of critical habitat is not
prudent when one or both of the following situations exist: (1) The species is imperiled by taking or other human activity, and identification of critical habitat can be expected to increase the degree of such threat to the species; or (2) such designation of critical habitat would not be beneficial to the species.

In the case of the Delhi Sands flower-loving fly, both criteria are met. As discussed under the "Summary of Factors Affecting the Species" section of this rule, the fly is especially vulnerable to the removal of specimens for scientific or personal collections, an activity that could be carried out by a few people, and would be very difficult to regulate or control. The precise pinpointing of localities that would result from publication of critical habitat descriptions and maps in the Federal Register would render the species more vulnerable to collecting. Furthermore, such maps and associated information would increase the threat of vandalism to these sites. For these reasons, the Service finds that publication of critical habitat descriptions and maps would likely make the fly more vulnerable to activities prohibited under section 9 of the Act.

All populations of the Delhi Sands flower-loving fly are found on private lands where Federal involvement in land-use activities does not generally occur. Additional protection resulting from critical habitat designation is achieved through the section 7 consultation process. Since section 7 is not expected to apply to land-use activities occurring within any areas that might be designated as critical habitat, its designation would not appreciably benefit the species.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such activities may be initiated following listing. The protection required of Federal agencies and the prohibitions against taking and harming are discussed, in part, below.

Section 7(a)(2) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) of the Act requires Federal agencies to insure that activities they authorize, fund, or carry out, are not likely to jeopardize the continued existence of listed species or result in destruction or adverse modification of critical habitat. If a proposed Federal agency action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No Federal involvement is expected for activities occurring within habitats currently occupied by the Delhi Sands flower-loving fly.

The Act and implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take (including harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt any such conduct), import or export, transport in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, for incidental take in connection with otherwise lawful activities, and economic hardship in certain circumstances. Rhaphiomidas terminatus abdominalis spends all but a short flight period between August and September in close association with sandy soil, and under such circumstances destruction of the species habitat could be interpreted to constitute take. Applicants may apply for incidental take permits under such circumstances where grading or other activities may result in take.

Requests for copies of the regulations on listed wildlife and innocuities regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, room 432, 4401 North Fairfax Drive, Arlington, Virginia 22203 (703/358-2104).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

References Cited


Authors

This rule was prepared by Ecological Services staff from the Carlsbad Field Office of the U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. It is based largely on the proposed rule prepared by Judy Jacobs (Annapolis Field Office, 1825 Virginia Street, Annapolis, Maryland 21401), Lynn Wilson Oldt, (Ventura Field Office, 2140 Eastman Avenue, Suite 100, Ventura, California 93003, 805/644-1766), and Chris Nagano (Sacramento Field Office, 2800 Cottage Way, Room E-1823, Sacramento, California 95825, 916/978-4866).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:


2. Amend §17.11(h) by adding the following in alphabetical order under Insects to the List of Endangered and Threatened Wildlife to read as follows:

§17.11 Endangered and threatened wildlife.

(h) * * * * *

Dated: September 14, 1993.

Richard N. Smith,
Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 93-23163 Filed 9-22-93; 8:45 am]

BILLING CODE 4310-55-P
Part VII

Department of Health and Human Services

Food and Drug Administration

21 CFR Parts 310 and 333
Topical Antifungal Drug Products, Final Monograph; Final Rule
The agency's proposed regulation, in the form of a tentative final monograph, for OTC topical antifungal drug products was published in the Federal Register of December 12, 1989 (54 FR 51136). Interested persons were invited to file by April 11, 1990 written comments, objections, or requests for oral hearing before the Commissioner of Food and Drugs regarding the proposal.

Interested persons were invited to file comments on the agency's economic impact determination by April 11, 1990. New data could have been submitted until December 12, 1990, and comments on the new data could have been submitted until February 12, 1991.

In the Federal Register of September 7, 1982 (47 FR 39464) the agency published an advanced notice of proposed rulemaking to establish conditions under which OTC topical antifungal drug products used for the treatment of diaper rash were generally recognized as safe and effective and not misbranded. The agency also reopened the administrative record for this rulemaking for OTC topical antifungal drug products to allow for consideration of a statement on topical antifungal drug products used for the treatment of diaper rash that had been received from the Advisory Review Panel on OTC Miscellaneous External Drug Products. Interested persons were invited to submit comments until December 6, 1982, and reply comments by January 5, 1983.

The agency discussed topical antifungal drug products for the treatment or prevention of diaper rash in a notice of proposed rulemaking published in the Federal Register of June 20, 1990 (55 FR 23240). A final rule was published in the Federal Register of December 18, 1992 (57 FR 60430). No topical antifungal active ingredients were generally recognized as safe and effective for OTC use for the treatment or prevention of diaper rash. (See 21 CFR 310.545(a)(22)(i)).

In the Federal Register of September 2, 1993 (58 FR 46744), the agency issued a final rule establishing that certain labeling claims for OTC topical antifungal drug products, i.e., for use on the scalp or on the nails, are not generally recognized as safe and effective and are misbranded. (See 21 CFR 310.545(a)(22)(iii)).

The OTC drug procedural regulations (§ 330.10) provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process before the establishment of a final monograph. Accordingly, FDA does not use the terms “Category I” (generally recognized as safe and effective and not misbranded), “Category II” (not generally recognized as safe and effective or misbranded), and “Category III” (available data are insufficient to classify as safe and effective, and further testing is required) at the final monograph stage. In place of Category I, the term “monograph conditions” is used; in place of Category II or III, the term “nonmonograph conditions” is used.

As discussed in the proposed regulation for OTC topical antifungal drug products (54 FR 51136 at 51137), the agency advised that the conditions under which the drug products that are subject to this monograph will be generally recognized as safe and effective and not misbranded (monograph conditions) will be effective 12 months after the date of publication in the Federal Register. Therefore, on or after September 23, 1994, no OTC drug product that is subject to the monograph and that contains a nonmonograph condition, i.e., a condition that would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce unless it is the subject of an approved application. Further, any OTC drug product subject to this monograph that is repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to comply voluntarily with the monograph at the earliest possible date. This 12-month period does not apply to OTC topical antifungal drug products for the treatment or prevention of diaper rash or for use on the scalp or the nails. The effective date for the final rule for topical antifungal drug products for the treatment or prevention of diaper rash was June 18, 1993. The effective date for the final rule for topical antifungal drug products for use on the scalp and nails is March 2, 1994.

In response to the proposed rule on OTC topical antifungal drug products, one law firm, one drug manufacturers association, and four drug manufacturers submitted comments. Copies of the comments received are on public display in the Dockets Management Branch (address above).

Additional information that has come to the agency's attention since publication of the proposed rule is also on public
I. The Agency's Conclusions on the Comments

A. General Comment

1. One comment mentioned that in May 1989 an FDA spokesperson had disclosed that the agency would be "liberalizing" its prior policy and would allow simultaneous marketing of separate prescription and OTC versions of the same pharmaceutical entity in the same strength and dosage form. The comment stated that the agency spokesperson indicated that this change in policy would be announced in the Federal Register, and that comments would be requested. The comment noted that on October 27, 1989, the agency approved the OTC marketing of the antifungal drug clotrimazole for three of its former prescription indications, but allowed another manufacturer to continue to market the same drug in the same dosage form and strength for the same three indications on a prescription basis. The comment stated that no Federal Register notice of the new policy had been published to date and wanted to know the agency's timetable for publishing such a notice.

The approval for OTC marketing of the antifungal drug clotrimazole occurred under new drug applications (NDA's) and was not part of this rulemaking proceeding. Likewise, the policy, and any possible Federal Register notice discussing that policy, that the comment mentioned is not part of this rulemaking proceeding and will not be discussed further in this document. (It should be noted that the "other" product mentioned by the comment was subsequently approved for OTC marketing status under an NDA.)

B. Comment on Combination Products

2. Two comments supported the agency's statements in the tentative final monograph (comment 24, 54 FR 51136 at 51150) concerning the rationality of combinations of antifungal ingredients, from a theoretical and medical standpoint, if such combinations were: (1) Shown to have increased antifungal spectra; or (2) provided concurrent treatment of multiple symptoms, e.g., an antifungal ingredient combined with an analgesic, anesthetic, or antipruritic ingredient. One comment urged the agency to remain receptive to the submission of any new clinical data that support such combinations.

In the tentative final monograph, the agency did not propose any combinations of Category I antifungal ingredients, but instead classified in Category III various combinations recommended by the Panel. (See comments 22 through 28, 54 FR 51136 at 51148 through 51153.) Neither comment submitted any data to support any combination products. Resolution of the status of cloquinol-hydrocortisone combination products is currently pending in a Drug Efficacy Study Implementation proceeding outside of this rulemaking. A formal evidentiary hearing concluded in March 1986 and an Administrative Law Judge (ALJ) Initial Decision was issued on February 5, 1988, stating there is a lack of substantial effectiveness of the combination product and ordering NDA's for such products withdrawn. Exceptions to the Initial Decision and Replies to the Exceptions have been filed and are pending resolution in that forum. Based on the ALJ Initial Decision, such a combination product would not be included in the monograph. This was discussed in the tentative final monograph. (See comment 23, 54 FR 51136 at 51149.)

Thus, all antifungal combination products are nonmonograph in this final rule. However, the agency remains receptive to the submission of any new clinical data that would support general recognition of the safety and effectiveness of such combination products.

C. Comments on Labeling

3. One comment requested evaluation of a protocol for a clinical study designed to determine the effectiveness of undecylates in the prevention of athlete's foot (Ref. 1). The protocol was for a 12-week, double-blind, parallel group study with approximately 90 subjects each per test drug and placebo.

The agency evaluated the protocol and found that it essentially complied with the Panel's guidelines for this type of study but needed a few modifications. The agency's detailed comments on the evaluation of this protocol are on file in the Dockets Management Branch (address above) (Ref. 2).

Subsequently, the comment responded to the agency's recommendations and agreed to the suggested modifications of the protocol (Ref. 3). The agency has not received any further communications from the comment regarding this study protocol, nor has it received any study results. Accordingly, at this time the claim for prevention of athlete's foot for undecylates is nonmonograph in this final rule for OTC topical antifungal drug products. When the study results are available, they may be submitted in the form of a petition to amend the final monograph in accord with § 301.10(a)(12).

References

(1) Comment No. C00026, Docket No. 80N-0476, Dockets Management Branch.
(2) Letter from W.E. Gilbertson, FDA, to J. Miller, Fison's Pharmaceuticals, Coded LET22, Docket No. 80N-0476, Dockets Management Branch.
(3) Comment No. SUP3, Docket No. 80N-0476, Dockets Management Branch.

4. One comment submitted two studies (Refs. 1 and 2) to show that miconazole nitrate 2 percent (in a powder dosage form) is effective in preventing athlete's foot. One study (Ref. 1) was a double-blind, comparative study in which 198 subjects were randomly assigned to 4 weeks of treatment with 1 of 3 powder products: Miconazole nitrate, zinc undecenoate (zinc undecylenate) and undecenoic acid (undecylenic acid), or placebo. There was a 4-week followup period. The second study (Ref. 2) was a 12-week, double-blind, multicenter study with 28 subjects randomly assigned to treatment with either a 2-percent miconazole nitrate powder, a vehicle control (100 percent talcum powder), or no active medication treatment. The comment believed that this study met the criteria established by the Panel and that it demonstrated a significant difference in effectiveness of the miconazole nitrate treated subjects remaining symptom-free over the vehicle-control and the no-treatment subjects, at the end of the 12-week trial.

The agency evaluated these studies and determined that they had a number of defects and are not sufficient to demonstrate the effectiveness of miconazole nitrate 2 percent for the prevention of athlete's foot. First, there was an insufficient number of subjects to evaluate the statistical significance of the data reported in the studies. Second, in one study (Ref. 2), causative organisms were not identified for all subjects, no key was provided for the clinical data to determine which medication was given to each subject, and a 1-percent miconazole nitrate powder was listed on the clinical case report forms, not 2 percent. Third, in the other study (Ref. 1), the treatment groups were not separated, and the rate of infection/reinfection was not reported for the antifungal treatments individually. Finally, there was no significant difference demonstrated in the clinical cure rate between the three groups at 3 weeks. The agency's detailed comments on the evaluation of these studies are on file in the Dockets Management Branch (address above).
The agency has not received any further communication regarding its evaluation of these studies, nor have any additional supportive data been submitted. Accordingly, the claim for prevention of athlete's foot for miconazole nitrate 2 percent is nonmonograph in this final rule for OTC topical antifungal drug products. If a study supportive of a prevention of athlete's foot claim for this drug becomes available, it may be submitted in the form of a petition to amend the final monograph in accord with § 330.10(a)(12).

References


5. One comment requested that miconazole nitrate 2 percent be permitted an OTC labeling indication for the topical treatment of superficial candidiasis (yeast infections) associated with athlete's foot and jock itch. The comment disagreed with the agency's proposal to limit the antifungal claim to professional labeling only (54 FR 51136 at 51140). The comment cited the Panel's conclusion that miconazole nitrate was effective in the treatment of external itching associated with vaginal yeast infection and superficial skin infections caused by yeast (Candida), plus the Panel's recommendation of Category I status for such indications (54 FR 12480 at 12501). The comment also mentioned the Panel's statement that a combination product containing an antidermatophytic and antifungal ingredient would offer broader therapy (54 FR 12554). The comment noted the agency's disagreement with the Panel's OTC labeling recommendation (54 FR 51140) but felt that the agency had not stated a reason for not allowing this claim in OTC labeling for athlete's foot products. The comment argued that there was no public health reason not to allow an indication for OTC treatment of yeast infections associated with athlete's foot. The comment added that it is not necessary that a consumer be diagnosed or cultured by a physician in order to treat athlete's foot.

The comment noted the agency's statement in the tentative final monograph (54 FR 51151) regarding the absence of information showing that Candida is a significant cause of athletes' foot or jock itch, or that secondary infections with Candida are common. The comment added that, although the agency classified the combination of an antidermatophytic and an antifungal agent in Category III, the agency stated that it would consider the combination if data were submitted demonstrating that Candida is a significant problem in dermatophytic infections. The comment provided published studies (Refs. 1 through 11) to show that yeasts are commonly recognized in association with superficial dermatophytic infections and are often a secondary cause of infection.

The agency has reviewed the submitted studies (Refs. 1 through 11) and determined that they do not provide convincing epidemiological data that Candida or yeasts are a significant problem in cases of dermatophytic infections seen in the United States. Only 3 of the 11 studies (Refs. 2, 4, and 11) dealt with superficial fungal infections in the United States, but none of these studies were large enough to have epidemiologic value. Also, in the cases of Tinea pedis, Candida species were isolated in the planter type, where Candida would not be expected, and the interdigital type, where Candida might be expected.

The study by Fulton (Ref. 2) was a efficacy study done in a south Florida prison population using 99 males 20 to 29 years old with endemic fungal disease. Candida was isolated in 11 subjects, Trichophyton rubrum and Candida were isolated in 3 subjects. The study was done during hot, humid, summer weather and may not be representative of the fungal pathogens found in the general U.S. population.

The emphasis of the study was on therapy, not epidemiology: the demographic characteristics of the population were restricted to a limited range, not representative of the U.S. population; the number of subjects was too small to be considered as an epidemiological study to establish the presence of candidiasis associated with athlete's foot.

The study by Leyden and Kligman (Ref. 4) concerned the interaction of dermatophytes and resident bacteria in interdigital athlete's foot and provided little support toward the comment's claim. Candida albicans was not isolated in any of the 4 test groups, but Candida species were isolated in 9 (18.7 percent) of 48 normal subjects, in 1 (2.6 percent) of 39 subjects classified as dermatophytosis simplex, in 5 (11.6 percent) of 43 subjects classified as dermatophytosis complex, and in 4 (6.7 percent) of 58 subjects classified as severe macerated dermatophytosis complex.

The study by Terleckyj, Goldman, and Abramson (Ref. 11) determined the fungal and bacterial flora of the toes in 29 subjects with athlete's foot compared to a control group of 25 noninfected volunteers. The etiologic agents in 31 percent of the athlete's foot subjects were shown to be dermatophytes (31 percent), C. albicans (10 percent), and Staphylococcus aureus (10 percent), but no single definitive agent was demonstrated in the remaining 49 percent of the C. albicans subjects. The emphasis of this study was the bacterial population of the interdigital spaces in subjects with athlete's foot compared to noninfected control subjects. The study indicated that definitive evidence implicating Candida species as a primary cutaneous foot pathogen was lacking: the significance of Candida in athlete's foot was not demonstrated.

Moreover, the number of subjects in the study was too small to be of epidemiological use.

Five of the studies were conducted in India, where the distribution of fungal pathogens may not reflect that of the U.S. population. In one study (Ref. 1), 3,500 cases with superficial fungal infections were studied among military personnel at various sites in India, where many differences that exist may influence the distribution of fungal pathogens, and thus may not reflect conditions in the United States. Two studies (Refs. 3 and 9) reported on a variety of superficial mycoses. The authors of one study (Ref. 9) noted that superficial mycoses are worldwide and are quite common in India. However, the dermatophytes that cause the common superficial infections differ from place to place and their prevalence is governed by environmental conditions, personal hygiene, and individual susceptibility. Candida species were isolated in a small number (less than 10 percent) of subjects. The authors commented that while C. albicans seems to be quite a prevalent species, it is difficult to comment about its primary pathogenic ability to produce lesions. Pankajalakshimi et al. (Ref. 8) reported on the incidence of T. pedis in a local population in India in 217 randomly selected subjects. The study was undertaken because the incidence of T. pedis is very low in India, which was attributed to a large number of people who walk barefoot.
because of the warm climate and their low income. The study showed that infection rates varied in different geographic areas. Pathogenic fungi were found in the interdigital spaces of the feet in 15.2 percent of the subjects with clinical abnormality (32.7 percent), and in 1.8 percent of the individuals with normal conditions. T. rubrum was the major offender (42.4 percent), followed by C. albicans (27.3 percent) and Trichophyton mentagrophytes (24.2 percent). The incidence of C. albicans varied from 8.3 to 66.7 percent, which the investigators believed to be due to the causative agents differing from place to place and from time to time. Thus, the agency has concerns whether the study results would apply in the United States. Talwar et al. (Ref. 10) studied 96 subjects for the prevalence of bacteria and fungi in athlete's foot of varying severity. The authors indicated that Candida seems to play a role in the pathogenesis of athlete's foot because a higher percentage of Candida species was found in subjects with moderate and severe disease, compared to those with mild disease. The authors also stated, however, that warm weather, sweating, and maceration may play a role in the increased number of Candida isolates seen in this Indian study, as compared to the insignificant number isolated in the 140 subjects with athlete's foot in the U.S. study by Leyden and Kligman (Ref. 4). The study supports the contention that studies conducted in India may not reflect the distribution of fungal pathogens in the U.S. population. In addition, from an epidemiologic perspective, this was a small study.

McAuley (Ref. 5) reported that during a 10-year period, from 1963 to 1972, 1,154 fungal infections of the feet were diagnosed in Western Australia from examination of 2,732 subjects. Dermatophytic fungi were responsible for 75.6 percent, and Candida species were responsible for 24.2 percent of the infections. Like the Indian studies, this report provides little support for the comment's claim because the data from Western Australia may not reflect the distribution of fungal pathogens in the U.S. population. The authors mentioned a number of factors that provided an opportunity to contract fungal infections of the feet: (1) A Mediterranean-type climate; (2) a shoe-wearing population; (3) frequent showering; (4) use of public bathing facilities; and (5) the habits and way of life of individuals concerned. The agency is also concerned that because the data were gathered over 20 years ago, the information may not represent the distribution of fungal pathogens today.

A textbook chapter on candidiasis of the skin (Ref. 7) provided little information about Candida in athlete's foot, except to state that Candida lesions between the fingers and toes are easily confused with dermatophytosis. However, in this chapter, under the heading "Incidence and distribution of lesions," it is stated that "Forman diagnosed 70 cases of candidiasis of skin and nails among 14,008 new cases (0.5 percent) in a British hospital for skin diseases." The agency finds this to be a very low incidence rate. Further, among the cases of Candida reported, intertrigo, the groins, and the perianal region were most commonly affected, followed by the axillae, then the submammary regions. This information does not support the presence of Candida in athlete's foot. Another chapter from a textbook on pediatric dermatology (Ref. 8) provided little in the way of epidemiological support. It stated that C. albicans can mimic the clinical symptoms of athlete's foot and can be isolated, but no information was provided regarding how frequently it is isolated.

The submitted studies have not shown that yeasts (Candida) play a significant role in athlete's foot in the U.S. population. Many species of fungi, yeasts, and bacteria may be present, but consumers have no way of distinguishing whether Candida is present and is a causative microorganism. At this time, there is not an adequate basis to include in the final monograph an additional OTC (consumer) labeling indication for topical treatment of superficial yeast infections associated with athlete's foot. However, should sufficient data be submitted to show that Candida is generally prevalent in subjects with dermatophytic infections that occur in the U.S. population, the agency will consider amending the final monograph to include such a claim in the OTC (consumer) labeling.

Products containing miconazole nitrate 2 percent may state in their professional labeling (information provided on OTC professionals, but not to the general public) that the product can be used "for the treatment of superficial skin infections caused by yeast (Candida albicans)." This allows health professionals to recommend these products to consumers, who can then purchase them OTC when the presence of Candida has been established as a cause of the infection. This professional labeling appears in new § 333.280(a) of this final monograph.

References

6. Two comments disagreed with the agency’s Category II classification of claims regarding speed of symptomatic relief and onset of fungicidal activity for OTC antifungal drug products. The comments contended that claims such as "kills athlete’s foot fungi fast," "kills athlete’s foot fungi on contact," and "for fast (or speedy) relief of itching and burning of athlete’s foot and jock itch" are performance claims and should be included among the claims acknowledged by the agency to be outside the scope of the monograph (54 FR 51136 at 51154). The comments added that these claims should be permitted, provided they are scientifically substantiated. The comments disagreed with the agency’s characterization of these claims as misleading (54 FR 51154) and argued that there was no evidence showing that
consumers are misled or confuse fast symptomatic relief with fast resolution of the underlying condition. The comments added that the label directions make clear to consumers the length of treatment necessary for curing the fungal infection. The comments asked the agency to reconsider this issue and handle it as was done in the tentative final monograph for OTC external analgesic drug products (48 FR 5852 at 5861, February 5, 1983) where the agency recognized terms such as “fast,” “prompt,” “swift,” “sudden,” and “immediate” as not related significantly to the safe and effective use of these products and determined that such terms were outside the scope of the monograph. The comments requested that these claims not be considered as indications but be permitted as additional labeling statements that are allowed elsewhere in the labeling.

The types of claims described as performance claims by the comments were among the claims determined to be unacceptable by the Panel (47 FR 12480 at 12524). The Panel placed claims of this type in Category II because they were unsupported by scientific data or were considered vague, too broad, incomplete, or modified incorrectly. In the tentative final monograph for OTC antifungal drug products, the agency reevaluated all of the Category II labeling identified by the Panel (47 FR 12524). The agency acknowledged that certain claims were descriptive statements that do not relate in a significant way to the safe and effective use of antifungal drug products that are already labeled with the required information and, therefore, are considered outside the scope of the monograph (54 FR 51136 at 51154). On the other hand, the agency specifically identified certain performance claims, like those discussed by the comments, which it considered misleading and as creating a false impression of instant results, because the directions for use state that the product should be used for 4 weeks for athlete’s foot and ringworm and for 2 weeks for jock itch. Therefore, the agency proposed that performance claims of this type remain in Category II (54 FR 51154).

The comments specifically mentioned that performance claims of this type should be allowed if substantiated by scientific data. However, neither the Panel nor the agency is aware of any scientific data to support such claims. If adequate data are submitted to support this type of claim, the agency will consider including such claims in the monograph. In addition, where the drug is to be used for 2 or 4 weeks, the agency believes that the words “fast” or “speedy,” if used in the product’s labeling, need to be defined and put into context, based on valid scientific data. The agency does not find this situation to be similar to its decision on the labeling of these terms for OTC external analgesic drug products because those products are intended to be used for 7 days or less.

The comments specifically mentioned that the agency shorten the warning statement proposed in § 333.250(c)(1)(ii) (21 CFR 333.250(c)(1)(ii)), which reads: “Do not use on children under 2 years of age except under the advice and supervision of a doctor.” The comments requested that the warning statement be amended to read: “The comment stated that its version contains all the relevant information for safe and effective use of OTC antifungal drug products and conserves scarce label space.

The agency agrees with the comment that the warning statement can be shortened. The agency has looked at similar warning statements in other OTC drug monographs and determined that the warning “Do not use on children under 2 years of age unless directed by a doctor” is most consistently used in these monographs. (See, for example, the final monographs for OTC antihistamine drug products (§ 336.50 (c)(2) through (c)(5) (21 CFR 336.50 (c)(2) through (c)(5)) and cold, cough, allergy, bronchodilator, and antihistamine drug products § 341.74 (c)(4)(iii) and (c)(4)(iv) (21 CFR 341.74 (c)(4)(iii) and (c)(4)(iv)) in the tentative final monographs for OTC skin bleaching drug products (September 3, 1982, 42 FR 39108), OTC internal analgesic drug products (November 16, 1988, 53 FR 46204), and OTC antidiarrheal drug products (April 30, 1986, 51 FR 16138).) Accordingly, the agency is revising this warning in this final monograph to read: “Do not use on children under 2 years of age unless directed by a doctor.”

The comments suggested deletion of the warning in proposed § 333.250(c)(1)(iii) that states, “Avoid contact with the eyes.” The comment stated that the eye area is not an affected area to which these products are applied for labeled uses.

The agency disagrees with the comment’s suggestion to delete this warning. Even though some of the labeled uses (athlete’s foot and jock itch) for OTC antifungal drug products involve areas of the body remote from the eye, another labeled use (ringworm) may involve facial areas close to the eyes. Further, regardless of the area treated, antifungal drugs are usually applied with the fingers, and a consumer may inadvertently touch the eye area if not warned to avoid contact with the eyes. After applying the drug to the affected area, fingers can become contaminated by the microorganisms causing athlete’s foot, jock itch, and ringworm. In addition, drug products used in the eye are required to be sterile (free of all microorganisms); drug products for topical use do not have this requirement, and thus the product itself may contain microorganisms that can contaminate the eye and cause infection. Accordingly, the agency is retaining the warning “Avoid contact with the eyes” in this final monograph for OTC topical antifungal drug products.

9. One comment objected to the agency’s proposal in § 333.250 (c)(2), (c)(3), and (c)(4) of the tentative final monograph that deleted “pharmacist” from the Panel’s recommended warnings, which stated: “If irritation occurs or if there is no improvement within 4 or 21 weeks, discontinue use and consult a doctor or pharmacist,” or “If irritation occurs, discontinue use and consult a doctor.” The comment stated that pharmacists are health-care professionals who are readily available to consumers and should not be overlooked as a source for providing advice directly to consumers. The comment added that it is possible that removal of “pharmacist” from the warnings would result in a consumer who needs advice not consulting a health professional at all. The comment mentioned that there have been no known untoward effects from having “pharmacist” included in these warnings for over 8 years (since the advance notice of proposed rulemaking was published in 1982).

The agency discussed this issue in the tentative final monograph (54 FR 51136 at 51158) and noted that the Panel recommended that the consumer consult a doctor or pharmacist if certain conditions occur. These included: (1) If irritation occurs or if there is no improvement within 2 or 4 weeks, (2) if the condition persists or recurs, * * *.

The agency stated that although the
pharmacist is an important member of the health-care team. FDA believes that the situations covered by these warnings are more appropriately handled by a physician. Conditions that do not improve, persist, or recur should be diagnosed by a physician to determine the exact nature of the condition and the appropriate treatment. Although the agency acknowledges that the pharmacist is an important health-care professional, it is likely in such cases that where the OTC drug product has not provided satisfactory relief, the physician will treat the patient with a prescription medication. The agency disagrees that a consumer who needs advice would not consult a health professional at all if the word "pharmacist" is not included in the warnings. The comment provided no data to support this contention and most surveys show that pharmacists are routinely consulted by consumers for advice. Accordingly, the agency is not including "pharmacist" in the warnings in § 333.250(c)(2), (c)(3), and (c)(4) in this final monograph for OTC topical antifungal drug products.

10. Two comments suggested deletion of the direction statement proposed in § 333.250(d)(1), which states: "Children under 12 years of age should be supervised in the use of this product." One comment stated that while this is a common sense advisory, it knew of no reason why it should apply to antifungals as opposed to any other topical drug products. The other comment gave no specific reason for recommending the deletion of this statement other than to shorten the directions in general.

The agency disagrees with the comments' suggestion to delete this direction statement, but believes that it can be shortened to read: "Supervise children in the use of this product." The agency points out that direction statements of this type are included in several tentative final monographs for OTC topical drug products. (See, for example, the tentative final monographs for oral mucosal injury drug products (July 26, 1983, 48 FR 33984 at 33993), antacids (September 30, 1985, 50 FR 39854 at 39872 and 39873), oral health care drug products (January 27, 1988, 53 FR 2436 at 2460 and 2461), and oral health care drug products amendment to include relief of oral discomfort drug products (September 24, 1991, 56 FR 48302 at 48343 through 48346)."

The agency believes that there are good reasons why children need supervision in applying topical antifungal drug products. The other portions of the directions discussed in comment 12 state specific procedures that should be followed as to washing and drying the affected area, the amount of drug to apply, and the time of application. Children under 12 years of age may not be able to read or understand the labeling directions or may not follow them correctly without adult supervision. Accordingly, the agency is including a revised direction statement in this final monograph that reads: "Supervise children the use of this product."

11. One comment suggested deletion of the direction statement in proposed § 333.250(d)(1), which states: "This product is not effective on the scalp or nails." The comment stated that there is nothing in the indications that would suggest use on the scalp or nails. The agency disagrees with the comment's suggestion to delete this statement. The agency included this statement in the tentative final monograph based on the Panel's statements that fungal infections of the scalp and nails tend to be chronic. Such infections respond poorly to topical therapy, partly because of the thickness of the nails and the depth of the hair roots. Both the scalp and nails provide inaccessible locations for fungi, thus drastically decreasing the penetration of topical antifungals. For those reasons, the Panel recommended that OTC topical antifungal drug products must be labeled that they are not effective for the treatment of ringworm of the scalp or nails (47 FR 12480 at 12487).

"If this product is not effective on the scalp or nails" in § 333.250(d)(1) is unnecessary and lengthened. These directions read:

Cleanse skin with soap and water and dry thoroughly. Apply (the word "spray" may be used to replace the word "apply" for aerosol products) a thin layer over affected area morning and night or as directed by a doctor. For athlete's foot, pay special attention to the spaces between the toes. It is also helpful to wear well-fitting, ventilated shoes and to change shoes and socks at least once daily. Best results in athlete's foot and ringworm are usually obtained with 4 weeks' use of this product, and in jock itch, with 2 weeks' use. If satisfactory results have not occurred within these times, consult a doctor. Children under 12 years of age should be supervised in the use of this product. This product is not effective on the scalp or nails.

The comments recommended shortened directions. One comment stated that the following version includes the important directions for safe and effective consumer use in easily understood language:

Wash and dry affected areas thoroughly. Apply [spray] product liberally to affected areas twice daily or as directed by a doctor. For athlete's foot, apply liberally especially to spaces between the toes. For athlete's foot or ringworm, continue to use daily for 4 weeks. For jock itch, use daily for 2 weeks. If condition persists longer consult a doctor. This product is not effective on the scalp or nails.

The other comment stated that the following version contains all the relevant information for safe and effective use of OTC antifungal drug products, and conserves scarce label space:

For Athlete's Foot Indication. Wash and dry feet thoroughly. Apply [spray] product liberally to affected areas twice daily or as directed by a doctor. For athlete's foot, apply liberally to spaces between the toes. For athlete's foot and (ringworm) continue to use daily for 4 weeks. If condition persists longer consult a doctor. For Jock Itch Indication. Wash and dry affected area. Apply product to affected area twice daily or as directed by a doctor. Continue to use daily for 2 weeks. If condition persists longer, consult a doctor.

The agency agrees with the comments that the directions can be shortened. The agency has looked at similar direction statements in other OTC drug monographs for topical drug products and determined that certain direction statements, such as "Wash [cleanse] the affected areas and dry thoroughly" and "apply a small amount, or thin layer," are most consistently used in these monographs, while other direction statements are specific for the drug product category. See, for example, the final monographs for OTC corn and callus remover drug products (§ 358.550 (d)(1) and (d)(2) (21 CFR 358.550 (d)(1) and (d)(2)), wart remover drug products (§ 358.150 (d)(1) through (d)(3) (21 CFR 358.150 (d)(1) through (d)(3)), first aid antibiotic drug products (§ 333.150 (d)(1) through (d)(3) (21 CFR 333.150 (d)(1) through (d)(3)), topical acne drug products (§ 333.350(d)(1) (21 CFR 333.350(d)(1)), and anorectal drug products (§ 346.50(d)(1) (21 CFR 346.50(d)(1)). Based on these directions,
the agency is providing the option of using the word "clean" or "wash" the affected area. The agency is retaining the statement "apply a thin layer *(morning and night)*" because it is not aware of any data that support the need to "apply liberally" as the comments recommend. Using liberal amounts of a topical antifungal drug is not necessarily better, and if the product is not a cream or a spray dosage form, liberal application may cause maceration due to moisture accumulating beneath the layer of drug. Further, standard compendia recommend applying small amounts for antifungal drugs to reduce consumer misuse. Consumers could interpret twice daily as a few hours apart, resulting in a nonuniform time between applications. Also, it is more convenient for consumers to apply the drug after washing and drying the affected area in the morning before dressing and in the evening after undressing. Therefore, while retaining "morning and night" as the times when to apply, the agency is adding "twice daily" as how often to apply, as recommended by the comments, to the directions.

The agency is also retaining the statements recommended by the Panel regarding changing shoes and socks daily because some fungal infections can be prevented and others terminated through control of the local environment and improvement in the patient's hygiene. As noted by the Panel, fungal infections are difficult to establish naturally on normal dry skin, and skin damage and increased moisture (from tight shoes, excessive sweating, humid weather, etc.) contribute to the development and continuation of athlete's foot and jock itch (47 FR 12480 at 12488).

The direction statement regarding the use of antifungal drug products on children under 12 years of age is discussed in comment 10. The use of antifungal drug products on the scalp or nails is discussed in comment 11.

Accordingly, after considering the comments' recommendations and the labeling in other monographs for OTC topical antifungal drug products, the agency is revising the directions in this final monograph to read:

(Select one of the following: "Clean" or "Wash") *(the word "spray" may be used to replace the word "apply" for aerosol products)* *(the word "apply" for aerosol products)* "apply a thin layer to the affected area twice daily (morning and/or night)*" because it provides consumers useful information about the most convenient times of the day to apply the product. (See comment 12.) The agency is adding the statement "Supervise children who use this product," (see comment 10), and the agency is deleting the word "toenails" because topical antifungal drug products have not been shown to be effective for fungal infections of the nails. (See comment 11.) Accordingly, after considering the comments' and the Panel's recommendations, the agency is revising the directions in this final monograph for antifungal drug products indicated for prevention of athlete's foot to read:

"To prevent athlete's foot," (select one of the following: "clean" or "wash") *(the word "spray" may be used to replace the word "apply" for aerosol products)* *(the word "apply" for aerosol products)* "apply a thin layer of the product to the feet once or twice daily (morning and/or night)* Supervise children in the use of this product. Pay special attention to spaces between the toes; wear well-fitting, ventilated shoes, and change shoes and socks at least once daily." *(the word "spray" may be used to replace the word "apply" for aerosol products)* *(the word "apply" for aerosol products)* "apply a thin layer of the product to the feet once or twice daily (morning and/or night)* Supervise children in the use of this product. Pay special attention to spaces between the toes; wear well-fitting, ventilated shoes, and change shoes and socks at least once daily."

II. Summary of Changes From the Proposed Rule

1. The agency is shortening the warning proposed in § 333.250(c)(1)(i) to read: "Do not use on children under 2 years of age unless directed by a doctor." (See comment 7.)

2. The agency is revising the directions for products labeled for the treatment of athlete's foot, jock itch, and ringworm to read:

(Select one of the following: "Clean" or "Wash") *(the word "spray" may be used to replace the word "apply" for aerosol products)* *(the word "apply" for aerosol products)* "apply a thin layer of the product over affected area twice daily (morning and night)* or as directed by a doctor. Supervise children in the use of this product. Pay special attention to spaces between the toes; wear well-fitting, ventilated shoes, and change shoes and socks at least once daily. For athlete's foot: Pay special attention to spaces between the toes; wear well-fitting, ventilated shoes, and change shoes and socks at least once daily. For athlete's foot and jock itch, use daily for 4 weeks; for jock itch, use daily for 2 weeks. If condition persists longer, consult a doctor. This product is not effective on the scalp or nails."

References


13. One comment recommended a shortened version of the directions proposed in § 333.250(d)(2), which state:

"To prevent fungal infection of the feet (athlete's foot), cleanse skin with soap and water and dry thoroughly. Apply" *(the word "spray" may be used to replace the word "apply" for aerosol products)* *(the word "apply" for aerosol products)* "a thin layer to feet once or twice daily, paying special attention to the toenails and spaces between the toes. It is also helpful to wear well-fitting, ventilated shoes and to change shoes and socks at least once daily."

The comment's suggested shortened directions read: "To prevent athlete's foot, apply liberally to clean, dry feet, especially to spaces between the toes." (The comment contended that it was not necessary or a desirable use of scarce label space to give protracted directions on good foot hygiene and common sense footcare in the instructions for use of a drug product. The comment stated that its version retained the important substantive statements in shortened language.

The agency agrees with the comment that the directions for prevention of athlete's foot can be shortened. However, as with the directions for treatment of athlete's foot, the agency has determined that certain direction statements, such as "apply a thin layer," and information about wearing well-fitted, ventilated shoes should be retained. (See comment 12.) The agency notes that the comment's shortened directions do not provide the time of application of the drug product for prevention of athlete's foot. The agency is providing the option of using the word "clean" or "wash" the skin and is retaining the "once or twice daily" concept, but is adding the statement "morning and/or night" because it
4. In order to allow for greater flexibility in indications statements, the agency is revising and expanding proposed § 333.250(b)(1) and (b)(2) to incorporate all claims or directions for use of certain topically active ingredients that are not generally recognized as safe and effective, and thereby excluding claims or directions for use of unlisted active ingredients in § 333.250(b)(3) and (b)(4). Proposed § 333.250(b)(2) is redesignated as § 333.250(b)(1)(i) and proposed § 333.250(b)(4) is redesignated as § 333.250(b)(2)(ii) in this final monograph.

5. The agency is clarifying the definitions of athletes' foot, jock itch, and ringworm in § 333.203(b)(1), (e), (f), respectively, by adding the word "certain" to state that these infections are only caused by certain dermatophytic fungi.

III. The Agency's Final Conclusions on OTC Topical Antifungal Drug Products

Based on available evidence, the agency is issuing a final monograph establishing conditions under which OTC topical antifungal drug products are generally recognized as safe and effective and not misbranded. Specifically, the agency has determined that the only ingredients that meet monograph conditions are clioquinol, haloprogin, miconazole nitrate, povodine-iodine, toluate, undecylenic acid, calcium undecylenate, copper undecylenate, and zinc undecylenate. Other ingredients considered in this rulemaking have been determined to be nonmonograph for use in a topical antifungal drug product. These ingredients include, but are not limited to, allylamine, aluminum sulfate, basic fuchsin, benzenethionium chloride, benzoic acid, benzoxiquine, boric acid, camphor, camphorated methacresol, cendicidin, chlorothymol, dichlorophen, menthol, methylparaben, nystatin, oxyquinolone, oxyquinoline sulfone, phenol, phenolate sodium, phenyl salicylate, potassium alum, propionic acid, propylparaben, resorcinol, salicylic acid, secondary amyristic acid, sodium borate, sodium caprylate, sodium propionate, sulfur, tannic acid, thymol, tolnatate, tricacetin, zinc caprylate, and zinc propionate.

The agency has established 21 CFR § 310.545 in which are listed certain drug uses. That regulation also includes in § 310.545(a)(22)(ii) a number of topical antifungal active ingredients for which no significant comments or new data were submitted to upgrade their status and which were finalized as nonmonograph at an earlier date. (See the Federal Register of May 10, 1993, 58 FR 27638.)

Accordingly, any drug product labeled, represented, or promoted for use as an OTC topical antifungal that contains one of these nonmonograph active ingredients and, thus, will be considered a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(p)) and misbranded under section 502 of the act (21 U.S.C. 352) and cannot be marketed for this use unless it is the subject of an approved application under section 505 of the act (21 U.S.C. 355) and part 314 of the regulations (21 CFR part 314). An appropriate citizen petition to amend the monograph may also be submitted under § 10.30 in lieu of an application. Any OTC topical antifungal drug product initially introduced or initially delivered for introduction into interstate commerce after the effective date listed above that is not in compliance with the regulations is subject to regulatory action. Further, any OTC drug product subject to this monograph that is repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce.

No comments were received in response to the agency's request for specific comment on the economic impact of this rulemaking (54 FR 51136 at 51160). The agency has examined the economic consequences of this final rule in conjunction with other rules resulting from the OTC drug review. In a notice published in the Federal Register of February 8, 1983 (48 FR 5806), the agency announced the availability of an assessment of these economic impacts. The assessment determined that the combined impacts of all the rules resulting from the OTC drug review do not constitute a major rule according to the criteria established by Executive Order 12291. The agency therefore concludes that no one of these rules, including this final rule for OTC topical antifungal drug products, is a major rule.

The economic assessment also concluded that the overall OTC drug review was not likely to have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96-354). That assessment included a discretionary regulatory flexibility analysis in the event that an individual rule might impose an unusual or disproportionate impact on small entities. However, this particular rulemaking for OTC topical antifungal drug products is not expected to pose such impacts on small entities. This final rule will require some reformulation and/or relabeling. Products that currently contain monograph ingredients will only need to be relabeled, and manufacturers will have 1 year to implement this relabeling. Based on information provided by a nonprescription drug manufacturers' association, the estimated average cost of a labeling revision is about $2,000.00 per product label. Products that do not currently contain monograph ingredients will need to be reformulated. Manufacturers may reformulate to monograph ingredients without doing any clinical testing. In some cases, combination products will need to be reformulated to delete one or more ingredients. Such products can be reformulated to contain monograph ingredients at monograph concentrations and can remain in the marketplace with appropriate monograph labeling. If reformulation is necessary, the cost of doing so will vary among manufacturers based on the reformulation choice selected and the costs involved to do product specific stability testing and other standard manufacturing procedures. The agency believes that the majority of the OTC topical antifungal drug products currently marketed already contain monograph ingredients and, thus, will only need to be relabeled and not need to be reformulated. Therefore, the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

The agency has determined under 21 CFR 25.24(c)(6) 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.

The agency is also removing § 310.201(a)(29) because the conditions in that section for tolnaftate are superseded by the requirements of this final monograph on OTC antifungal drug products (subpart C of 21 CFR part 333).

List of Subjects

21 CFR Part 310
Administrative practice and procedure, Drugs, Labeling, Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 333
Labeling, Over-the-counter drugs. Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 310 and 333 are amended as follows:

PART 310—NEW DRUGS

1. The authority citation for 21 CFR part 310 continues to read as follows:


§ 310.201 [Amended]

2. Section 310.201 Exemption for certain drugs limited by new-drug applications to prescription sale is amended by removing paragraph (a)(29) and reserving it.

3. Section 310.545 is amended by adding new paragraph (a)(32)(iv), by revising paragraph (d) introductory text, and by adding new paragraph (d)(15) to read as follows:

§ 310.545 Drug products containing certain active ingredients offered over-the-counter (OTC) for certain uses.

(a) * * * * 

(22) * * * * 

(iv) Ingredients.

Camphorated metacresol

Chloroxylenol

m-cresol

Nystatin

* * * * * * 

(d) Any OTC drug product that is not in compliance with this section is subject to regulatory action if initially introduced or initially delivered for introduction into interstate commerce after the dates specified in paragraphs (d)(1) through (d)(15) of this section.

(15) September 23, 1994, for products subject to paragraph (a)(22)(iv) of this section.

PART 333—TOPICAL ANTIMICROBIAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

4. The authority citation for 21 CFR part 333 continues to read as follows:


5. New subpart C, consisting of §§ 333.201 through 333.280, is added to read as follows:

Subpart C—Topical Antifungal Drug Products

Sec.

333.201 Scope.

333.203 Definitions.

333.210 Antifungal active ingredients.

333.250 Labeling of antifungal drug products.

333.280 Professional labeling.

Subpart C—Topical Antifungal Drug Products

§ 333.201 Scope.

(a) An over-the-counter antifungal drug product in a form suitable for topical administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this subpart and each general condition established in § 330.1 of this chapter.

(b) Reference in this subpart to regulatory sections of the Code of Federal Regulations are to chapter I of title 21 unless otherwise noted.

§ 333.203 Definitions.

As used in this subpart:

(a) Antifungal. A drug which inhibits the growth and reproduction of fungal cells and decreases the number of fungi present.

(b) Athlete's foot. An infection of the feet caused by certain dermatophytic fungi.

(c) Dermatophyte. A fungus that invades and lives upon the skin or in the hair or nails.

(d) Fungus. Any of a large division of plants, including dermatophytes, yeasts, and molds, characterized by a simple call structure and the absence of chlorophyll.

(e) Jock itch. A chronic and recurrent infection caused by certain dermatophytic fungi; affects the upper, inner thighs and sometimes extends to the groin and the pubic area; the condition most frequently occurs in men, but may also occur in women.

(f) Ringworm. A skin infection caused by certain dermatophytic fungi.

§ 333.210 Antifungal active ingredients.

The active ingredient of the product consists of any one of the following within the specified concentration established for each ingredient:

(a) Clioquinol 3 percent.

(b) Haloprogin 1 percent.

(c) Micronazole nitrate 2 percent.

(d) Povidone-iodine 10 percent.

(e) Tolnaftate 1 percent.

(f) Undecylenic acid, calcium undecylenate, copper undecylenate, and zinc undecylenate may be used individually or in any ratio that provides a total undecylenate concentration of 10 to 25 percent.

§ 333.250 Labeling of antifungal drug products.

(a) Statement of identity. The labeling of the product contains the established name of the drug, if any, and identifies the product as an “antifungal.”

(b) Indications. The labeling of the product states, under the heading “indications,” the phrase listed in paragraph (b)(1)(ii) of this section and may contain the additional phrase listed in paragraph (b)(1)(iii) of this section. Other truthful and nonmisleading statements, describing only the indications for use that have been established in paragraph (b) of this section, may also be used, as provided in § 330.1(c)(2) of this chapter, subject to the provisions of section 502 of the Federal Food, Drug, and Cosmetic Act (the act) relating to misbranding and the prohibition in section 501(d) of the act against the introduction or delivery for introduction into interstate commerce of unapproved new drugs in violation of section 505(a) of the act.

1. For products containing any ingredient identified in § 333.210 labeled for the treatment of athlete's foot, jock itch, and ringworm. (i) Select one of the following: “Treats,” “For the treatment of,” “For effective treatment of,” “Cures,” “For the cure of,” “Cleans up,” or “Proven clinically effective in the treatment of”) (select one condition from any one or more of the following groups of conditions:

(A) “Athlete’s foot,” athlete’s foot (dermatophytosis), “athlete’s foot (tinea pedis),” or “tinea pedis (athlete’s foot);”

(B) “Jock itch,” “jock itch (tinea cruris),” or “tinea cruris (jock itch);” or

(C) “Ringworm,” “Ringworm (tinea corporis),” or “tinea corporis (ringworm).”)
(ii) In addition to the information identified in paragraph (b)(1)(i) of this section, the labeling of the product may contain the following statement: (Select one of the following: “Relieves,” “For relief of,” “For effective relief of,” or “Soothes,”) (select one or more of the following: “itching,” “scaling,” “cracking,” “burning,” “redness,” “soreness,” “irritation,” “discomfort,” “itchy, scaly skin between the toes,” or “itching, burning feet”).

(2) For products containing the ingredient identified in §333.210(e) labeled for the prevention of athlete’s foot. (i) (Select one of the following: “Clinically proven to prevent,” “Prevents,” “Proven effective in the prevention of,” “Helps prevent,” “For the prevention of,” “For the prophylaxis (prevention) of,” “Guards against,” or “Prevents the recurrence of”) (select one of the following: “athlete’s foot,” “athlete’s foot (dermatophytosis),” “athlete’s foot (tinea pedis),” or “tinea pedis (athlete’s foot)” “with daily use.”

(ii) In addition to the information identified in paragraph (b)(2)(i) of this section, the labeling of the product may contain the following statement: “Cleans up athlete’s foot infection and with daily use helps keep it from coming back.”

(c) Warnings. The labeling of the product contains the following warnings under the heading “Warnings”:

(1) For products containing any ingredient identified in §330.210. (i) “Do not use on children under 2 years of age unless directed by a doctor.”

(ii) “For external use only.”

(iii) “Avoid contact with the eyes.”

(2) For products labeled according to paragraph (b)(1) of this section for the treatment of athlete’s foot and ringworm. “If irritation occurs or if there is no improvement within 4 weeks, discontinue use and consult a doctor.”

(3) For products labeled according to paragraph (b)(1) of this section for the treatment of jock itch. “If irritation occurs or if there is no improvement within 2 weeks, discontinue use and consult a doctor.”

(4) For products labeled according to paragraph (b)(2) of this section for the prevention of athlete’s foot. “If irritation occurs, discontinue use and consult a doctor.”

(5) For products containing the ingredient identified in §333.210(a) labeled according to paragraph (b)(1) of this section. The following statements must appear in boldface type as the first warnings under the “Warnings” heading. (i) “Do not use on children under 2 years of age.” (This warning is to be used in place of the warning in paragraph (c)(1)(i) of this section.)

(ii) “Do not use for diaper rash.”

(d) Directions. The labeling of the product contains the following statements under the heading “Directions”:

(1) For products labeled according to paragraph (b)(1) of this section for the treatment of athlete’s foot, jock itch, and ringworm. [Select one of the following: “Clean” or “Wash”] “the affected area and dry thoroughly. Apply” (the word “spray” may be used to replace the word “apply” for aerosol products) “a thin layer of the product to the feet once or twice daily (morning and/or night). Supervise children in the use of this product. Pay special attention to spaces between the toes; wear well-fitting, ventilated shoes, and change shoes and socks at least once daily. For athlete’s foot and ringworm, use daily for 4 weeks; for jock itch, use daily for 2 weeks. If condition persists longer, consult a doctor. This product is not effective on the scalp or nails.”

(2) For products labeled according to paragraph (b)(2) of this section for the prevention of athlete’s foot. “To prevent athlete’s foot,” (select one of the following: “clean” or “wash”) “the feet and dry thoroughly. Apply” (the word “spray” may be used to replace the word “apply” for aerosol products) “a thin layer of the product to the foot once or twice daily (morning and/or night). Supervise children in the use of this product. Pay special attention to spaces between the toes; wear well-fitting, ventilated shoes, and change shoes and socks at least once daily.”

(e) The word “physician” may be substituted for the word “doctor” in any of the labeling statements in this section.

§333.280 Professional labeling.

The labeling provided to health professionals (but not to the general public) may contain the following additional indication:

(a) For products containing haloprogin or miconazole nitrate identified in §333.210(a) and (c). “For the treatment of superficial skin infections caused by yeast (Candida albicans).”

(b) [Reserved]

Dated: September 17, 1993.

Michael R. Taylor,
Deputy Commissioner for Policy.

[FR Doc. 93–22360 Filed 9–22–93; 8:45 am]
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