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highlights

PART I:

NATIONAL SCHOOL LUNCH WEEK
Presidential proclamation 41405

FOOD ADDITIVES
HEW/FDA amends regulations to provide use of certain sodium salts as component of coatings for use in contact with food; effective 9–22–76; objections by 10–22–76 41421
HEW/FDA provides for safe use of styrene block polymers with 1,3-butadiene as component of food-packaging adhesives; effective 9–22–76; objections by 10–22–76 .. 41422
HEW/FDA proposes to delete provisions for use of modified industrial starch used in making paper and paper board; comments by 11–22–76 41435

PRIVACY ACT, 1974
USIA proposal regarding certain systems of records 41425

HOUSING
HEW/SRS proposes amendment to regulation on payments to public assistance recipients; comments by 11–8–76 41437

SECURITIES TRANSACTIONS
SEC proposal concerning confirmation disclosure to customers prior to effectuation; comments by 11–15–76 41432

MEETINGS—
Commerce/NOAA: Mid-Atlantic Regional Fishing Management Council, 10–19 thru 10–21–76 41445
New England Regional Fishing Management Council, (2 documents), 10–12 and 10–13 and 10–26 thru 10–28–76 41446
Secretary: Lead and Zinc Consumption, 10–19–76 .. 41446
HEW/National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 10–8 thru 10–10–76 41449
NIH: National Heart, Lung, and Blood Advisory Council, Manpower Subcommittee and Research Subcommittee, 10–7 thru 10–9–76 41449
National Advisory Council on Extension and Continuing Education, 10–7 and 10–8–76 41478
DOD: Defense System Management College, 10–27–76 41439
Air Force: USAF Scientific Advisory Board, 10–12 and 10–13–76 41439
Wage Committee, 11–2, 11–9, 11–16, 11–23 and 11–30–76 41439

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Subscriptions and distribution	**202–783–3238**
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	**202–523–5022**
Scheduling of documents for publication.	523–5220
Copies of documents	523–5215
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

Treasury: Debt Management Advisory Committees, 10–26 and 10–27–76 41438
Administrative Conference of the United States: Committee on Compliance and Enforcement Proceedings, 10–7–76 41450
CRC: North Dakota Advisory Committee, 10–8–76 41452
South Dakota Advisory Committee, 10–5–76 41452
FEA: International Energy Agency, 10–4–76 41459
NLRB: Chairman's Task Force on the National Labor Relations Board, 10–5 and 10–6–76 41479
Interior/NPS: Gateway National Recreation Area, 10–26, 10–28, 10–30, 11–3, 11–4, 11–6, 11–8, 11–10, 11–13, 11–19 and 11–20–76 41443
Mines: U.S. Lead and Zinc production and consumption, 10–19–76 41440

PART II:

URBAN MASS TRANSPORTATION
DOT/UMTA publishes statement of Federal policy toward decisions on investments 41511

PART III:

CONSTRUCTION PROJECTS
HUD changes assurance of completion requirements for multifamily dwellings, nursing homes, hospitals and group practice facilities; effective 9–22–76 41515

PART IV:

FEDERAL ELECTIONS
FEC announces advisory opinion requests 41519

PART V:

PRIVACY ACT OF 1974
The following agencies issue documents on the implementation:
Committee for Purchase from the Blind and other Severely Handicapped 41526
Federal Communications Commission 41528
Federal Paperwork Commission 41524

PART VI:

PRIVACY ACT OF 1974
Securities and Exchange Commission issues notice of systems of records 41549

PART VII:

PRIVACY ACT OF 1974
Small Business Administration issues notice of systems of records 41647

contents

THE PRESIDENT

Proclamations

School Lunch Week, National ... 41405

EXECUTIVE AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Notices

Meetings:
Compliance and Enforcement Proceedings Committee ... 41450

AGRICULTURAL MARKETING SERVICE

Proposed Rules

Milk marketing orders:
St. Louis-Ozarks et al ... 41427

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service.

Notices

Rice deficiency payments; procedure for calculating National average market price ... 41444

AIR FORCE DEPARTMENT

Notices

Meetings:
USAF Scientific Advisory Board 41439

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices

Privacy Act; systems of records; USAF Scientific Advisory Board ... 41526

CIVIL AERONAUTICS BOARD

Rules

Policy statements:
Hearing cases; target dates ... 41407

Notices

Hearings, etc.:
Houston/New Orleans-Yucatan route proceeding ... 41450

CIVIL RIGHTS COMMISSION

Notices

Meetings, State advisory committees:
North Dakota ... 41452
South Dakota ... 41452

COMMERCE DEPARTMENT

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

Notices

Meetings:
U.S. lead and zinc consumption ... 41446

CUSTOMS SERVICE

Rules

Customs bonds:
Alcoholic beverages, landing bond; forms ... 41420

DEFENSE DEPARTMENT

See also Air Force Department.

Notices

Meetings:
Defense Systems Management College ... 41439
Wage Committee ... 41439

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Export privileges; actions affecting:
Engler & Co., and Maag-Fetscherin ... 41445
Scientific articles, duty free entry:
Carnegie Institution of Washington ... 41444

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Proposed Rules

Procedural regulations; employment discrimination; deferral of charges to appropriate State and local agencies; designated 706 agencies ... 41431

Notices

Information reports; extension of filing deadlines:
State and local governments ... 41452

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Notices

Reports on closed meetings of Advisory Committees; public availability ... 41452

EXTENSION AND CONTINUING EDUCATION NATIONAL ADVISORY COUNCIL

Notices

Meeting ... 41478

FEDERAL COMMUNICATIONS COMMISSION

Notices

FM broadcast applications ready and available for processing ... 41459
Privacy Act; systems of records; annual compilation ... 41528
Rule making proceedings filed, petitions by various companies ... 41459
Hearings, etc.:
Communico Oceanic Corp. (2 documents) ... 41453, 41455
Flint Family Radio, Inc., et al ... 41457

FEDERAL ELECTIONS COMMISSION

Notices

Advisory opinion requests ... 41519

FEDERAL ENERGY ADMINISTRATION

Proposed Rules

Voluntary agreements, international; record maintenance; extension of time ... 41432

Notices

Meetings:
Voluntary Agreement, International Energy Program ... 41459

FEDERAL HOUSING COMMISSIONER—OFFICE OF ASSISTANT SECRETARY FOR HOUSING

Rules

Mortgage and loan insurance programs:
Assurance of completion requirements ... 41515

FEDERAL MARITIME COMMISSION

Notices

Agreements filed, etc.:
Port of New Orleans, et al ... 41461
Complaints filed:
American Export Lines, Inc. and Dart Containerline, Inc ... 41461

FEDERAL PAPERWORK COMMISSION

Notices

Privacy Act; systems of records; annual compilation ... 41524

FEDERAL POWER COMMISSION

Notices

Electric Rate Schedule Filings; policy statement ... 41474
Hearings, etc.:
Algonquin Gas Transmission Co ... 41461
Boston Edison Co ... 41461
Boston Edison Co. and New England Power Service Co ... 41462
Central Illinois Public Service Co ... 41464
Central Telephone & Utilities Corp ... 41477
Cincinnati Gas & Electric Co ... 41464
Consolidated Gas Supply Corp ... 41464
Denver Board of Water Commissioners ... 41465
Detroit Edison Co ... 41465
Distrigas of Massachusetts Corp ... 41465
El Paso Natural Gas Co ... 41465
Georgia Power Co ... 41466
Illinois Power Co ... 41466
Iowa Power & Light Co ... 41467
Iowa Public Service Co ... 41467
Lawrenceburg Gas Transmission Corp ... 41467
Marshall Exploration, Inc ... 41468
Mid Louisiana Gas Co ... 41468
Mississippi River Transmission Corp ... 41468
Montaup Electric Co ... 41468

National Fuel Gas Supply Corp. and National Gas Shortage Corp ---- 41470
National Gas Pipeline Company of America ---- 41472
Nekoosa Papers, Inc ---- 41472
Northern Natural Gas Co ---- 41473
Northwest Pipeline Corp ---- 41473
Pacific Interstate Transmission Co ----
Panhandle Eastern Pipe Line Co ---- 41474
Southern California Edison Co ---- 41474
Tacoma, City of ---- 41475
Texas Eastern Transmission Corp. (2 documents) ---- 41475
Transcontinental Gas Pipe Line Corp ---- 41475
Trunkline Gas Co ---- 41476
United Gas Pipe Line Co ---- 41476
Virginia Electric and Power Co ---- 41477
Western Transmission Corp ---- 41477
Wisconsin Power & Light Co ---- 41477

FISH AND WILDLIFE SERVICE

Rules

Hunting:
Crab Orchard National Wildlife Refuge, Ill ---- 41425
Piedmont National Wildlife Refuge, Ga.; correction ---- 41426
Trempealeau National Wildlife Refuge, Wis ---- 41426

Notices

Endangered species permits; applications (2 documents) ---- 41441, 41442

FOOD AND DRUG ADMINISTRATION

Rules

Food additives:
Styrene block polymers ---- 41422
Paper and paperboard; resinous and polymeric coatings; use of sodium salt ---- 41421
Biological products:
Pyrogenic substances, test; purity ---- 41422

Proposed Rules

Emergency permit control:
Pickled, fermented and acidified foods; extension of time ---- 41436
Food additives:
Starch-modified, industrial ---- 41435
Foods, thermally processed low acid, packaged in hermetically sealed containers; good manufacturing practices; extension of time ---- 41436
Foods, pickled, fermented and acidified; good manufacturing practices; extension of time ---- 41436

Notices

GRAS status, petitions:
Demineralized, delactosed soluble whet protein and edible lactalbumin; Tetroid Co., Inc ---- 41447

FOREIGN-TRADE ZONES BOARD

Notices

Foreign-trade zone applications:
Mayaguez, P.R ---- 41478

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration; Health Services Administration; National Institutes of Health; Social and Rehabilitation Service.

Notices

Meetings:
National Commission for the Protection for Human Subjects of Biomedical Research ---- 41449

HEALTH SERVICES ADMINISTRATION

Notices

Professional standards review organizations; nominations, designations, etc.:
California ---- 41447
Kentucky ---- 41448
New Jersey ---- 41448
New York (2 documents) ---- 41447
Ohio ---- 41448

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Housing Commissioner—Office of Assistant Secretary for Housing.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau; Mines Bureau; National Park Service.

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Monolithic Catalytic Converters ---- 41478

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief ---- 41490
Hearing assignments ---- 41490
Motor carriers:
Irregular route property carriers; gateway elimination ---- 41490

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
California ---- 41440
Montana ---- 41440
Wyoming ---- 41440

LEGAL SERVICES CORPORATION

Notices

Grants and contracts, applications ---- 41478

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests ---- 41479

MINES BUREAU

Notices

Meetings:
Lead and Zinc Production and Consumption ---- 41440

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:
National Heart, Lung, and Blood Advisory Council, Manpower Subcommittee and Research Subcommittee ---- 41449

NATIONAL LABOR RELATIONS BOARD

Notices

Meetings:
Chairman's Task Force ---- 41479

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Uniform relocation assistance and real property acquisition policies; interim regulations ---- 41407

Notices

Tuna, Giant Bluefin; purse seining season closed ---- 41446
Meetings:
Mid-Atlantic Regional Fishery Management Council ---- 41445
New England Regional Fishery Management Council (2 documents) ---- 41446

NATIONAL PARK SERVICE

Notices

Meetings:
Gateway National Recreation Area ---- 41443

SECURITIES AND EXCHANGE COMMISSION

Proposed Rules

Securities Exchange Act:
Brokers and dealers; written disclosure requirements ---- 41432

Notices

Privacy Act; systems of records; annual compilation ---- 41549
Self-regulatory organizations, proposed rule changes:
Pacific Stock Exchange ---- 41487
Hearings, etc.:
Adams Express Co ---- 41479
Cardinal Corporate Income Trust, "Series 101" and Ohio Co ---- 41480
Chicago Board Options Exchange, Inc ---- 41482
Eastern Utilities Associates, etc ---- 41482
Federated Exchange Fund ---- 41483
First National Bank of Chicago ---- 41483
Major Petroleum Co ---- 41484
Massachusetts Mutual Life Insurance Co ---- 41484
NASDAQ, Inc ---- 41485
New England Electric System and New England Power Co. (2 documents) ---- 41485, 41486
One William Street Fund, Inc ---- 41486
Wellington Fund, Inc., etc ---- 41489

SMALL BUSINESS ADMINISTRATION

Notices

Privacy Act; systems of records ---- 41647

SOCIAL AND REHABILITATION SERVICE
Proposed Rules
Financial assistance programs:
Experimental housing allowance program 41437

TRANSPORTATION DEPARTMENT
See Urban Mass Transportation Administration.

TREASURY DEPARTMENT
See also Customs Service.
Notices
Notes, Treasury:
Series G–1981 41438
Meetings:
Debt Management Advisory Committees 41438

UNITED STATES INFORMATION AGENCY
Rules
Privacy Act; implementation; systems of records 41425

URBAN MASS TRANSPORTATION ADMINISTRATION
Notices
Urban mass transportation; Federal policy toward investments 41511

VETERANS ADMINISTRATION
Rules
Information release from other than claimant records; fees 41425

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Weekly Briefings at the Office of the Federal Register

(For Details, See 41 FR 22997, June 8, 1976)

RESERVATIONS: JANET SOREY, 523–5282

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR
PROCLAMATIONS:
4461 41405

7 CFR
PROPOSED RULES:
1007 41427
1011 41427
1030 41427
1032 41427
1046 41427
1049 41427
1050 41427
1062 41427
1063 41427
1064 41427
1065 41427
1068 41427
1070 41427
1071 41427
1073 41427
1076 41427
1078 41427
1079 41427
1090 41427
1094 41427
1096 41427
1097 41427
1098 41427
1099 41427
1101 41427
1102 41427
1104 41427
1106 41427
1108 41427
1120 41427
1126 41427
1131 41427
1132 41427
1138 41427

10 CFR
PROPOSED RULES:
209 41432

14 CFR
399 41407

15 CFR
916 41407

17 CFR
PROPOSED RULES:
240 41432

19 CFR
113 41420

21 CFR
121 (2 documents) 41421, 41422
610 41422
PROPOSED RULES:
90 41436
121 41435
128b 41436
128g 41436

22 CFR
505 41425

24 CFR
207 41516
213 41516
221 41517
232 41517
241 41517
242 41517
244 41518

29 CFR
PROPOSED RULES:
1601 41431

38 CFR
1 41425

45 CFR
PROPOSED RULES:
233 41437

50 CFR
32 (3 documents) 41425, 41426

CUMULATIVE LIST OF PARTS AFFECTED DURING SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR

PROPOSED RULES:

440 ... 37134

3 CFR

PROCLAMATIONS:

4452 ... 37089
4453 ... 37759
4454 ... 38147
4455 ... 38149
4456 ... 38151
4457 ... 38485
4458 ... 38487
4458 (Correction) ... 38999
4459 ... 39001
4460 ... 39301
4461 ... 41405

EXECUTIVE ORDERS:

11342 (Amended by EO 11937) ... 38755
11868 (Amended by EO 11936) ... 38153
11883 (Amended by 11934) ... 37083
11906 (See 11934) ... 37083
11934 ... 37083
11935 ... 37301
11936 ... 38153
11937 ... 38755

MEMORANDUMS:

August 27, 1976 ... 37561
August 28, 1976 ... 36787

LETTERS:

September 2, 1976 ... 37303

4 CFR

414 ... 37091

5 CFR

7 ... 37301
213 ... 37565, 38489, 38491, 39003, 40089
711 ... 39003
890 ... 40089
1302 ... 38491

7 CFR

16 ... 37091
25 ... 36791
47 ... 41075
51 ... 39303
107 ... 37305
226 ... 40110
244 ... 37305
411 ... 36792
908 ... 37091, 37761, 38155, 38757, 39735, 41077
910 ... 37305, 38155, 38494, 39735, 40110
926 ... 38494
927 ... 38495
931 ... 36795, 39003
932 ... 38757
981 ... 37761
991 ... 41078
993 ... 37306
1004 ... 37761
1011 ... 36795
1033 ... 36806
1090 ... 36795
1101 ... 36795
1124 ... 41078
1205 ... 37092
1421 ... 36807, 38156

7 CFR—Continued

1446 ... 40471
1801 ... 38156
1816 ... 40111
1821 ... 38156, 39004
1822 ... 37307, 39005, 40111
1823 ... 39005
1832 ... 39005
1845 ... 39005
1861 ... 40111
1890p ... 40111
1901 ... 38157, 40111
1927 ... 40116
1980 ... 39005

PROPOSED RULES:

16 ... 39045, 41098
26 ... 39325
52 ... 40152
725 ... 39043
Ch. IX ... 39772
911 ... 37812
915 ... 37813
918 ... 37337
927 ... 38776
931 ... 39043
932 ... 36821
948 ... 36821
982 ... 38187
1006 ... 40487
1007 ... 41427
1011 ... 41427
1012 ... 40487
1013 ... 40487
1030 ... 40156, 41427
1032 ... 41427
1046 ... 41427
1049 ... 41427
1050 ... 41427
1062 ... 41427
1063 ... 41427
1064 ... 41427
1065 ... 40495, 41427
1066 ... 41427
1070 ... 41427
1071 ... 41427
1073 ... 41427
1076 ... 41427
1078 ... 41427
1079 ... 41427
1090 ... 41427
1094 ... 41427
1096 ... 41427
1097 ... 41427
1098 ... 41427
1099 ... 41427
1101 ... 41427
1102 ... 41427
1104 ... 41427
1106 ... 41427
1108 ... 41427
1120 ... 41427
1126 ... 41427
1131 ... 41427
1132 ... 41427
1138 ... 41427
1205 ... 37337
1421 ... 40162
1801 ... 37340
1823 ... 37340
1980 ... 39776, 39777

8 CFR

212 ... 37565
243 ... 38758

9 CFR

73 ... 37307
76 ... 37308, 39005, 40090
79 ... 37308
114 ... 38496

PROPOSED RULES:

113 ... 37338
201 ... 40162
301 ... 40162
307 ... 39044
318 ... 39044, 40156
320 ... 39044, 40156
327 ... 40156
381 ... 37592, 40156
445 ... 37452
447 ... 37452

10 CFR

210 ... 40451, 40452
211 ... 37308, 40451
212 ... 37309, 37311, 40451, 41080
705 ... 37566, 41080

PROPOSED RULES:

50 ... 40506
51 ... 40506
140 ... 40511
206 ... 39767
209 ... 37128, 41432
211 ... 37599, 40504
212 ... 37130, 37599, 39331–39336, 40504
430 ... 37603
700 ... 36823

11 CFR

PROPOSED RULES:

114 ... 38522

12 CFR

201 ... 36807
202 ... 38759
265 ... 38759, 39736
561 ... 37313

PROPOSED RULES:

2 ... 37812
9 ... 37812
202 ... 38786
701 ... 39771

13 CFR

106 ... 37762
107 ... 38161
119 ... 38161
120 ... 40090
121 ... 38162, 39305
309 ... 36808
316 ... 38974

PROPOSED RULES:

107 ... 37817
115 ... 37817

14 CFR

39 ... 37092–37096, 37571, 38759, 39736, 39737, 40454–40456

14 CFR—Continued

71 ... 40457
73 ... 37101, 37571, 38763
75 ... 38763
91 ... 37097–37101, 38760–38763, 39738
97 ... 37101, 38764, 40458
152 ... 37102
207 ... 37762
208 ... 37762
212 ... 37763
214 ... 37763
289 ... 41080
298 ... 37313
302 ... 38496
371 ... 37775
389 ... 37775
399 ... 41407

PROPOSED RULES:

71 ... 37120, 38776–38778, 40498–40500
121 ... 38778
135 ... 38778
221 ... 40500
250 ... 40501
288 ... 39045
372a ... 37342
378a ... 37342
399 ... 39329

15 CFR

916 ... 41407

16 CFR

13 ... 37572, 37573, 38162, 40458, 40460
1632 ... 37775
1704 ... 37102

PROPOSED RULES:

2 ... 36823
3 ... 36823
450 ... 39768
455 ... 39337
1028 ... 37120
1202 ... 39046
1704 ... 37124

17 CFR

1 ... 38755, 40091
200 ... 40461
211 ... 39006
231 ... 39007, 39012
240 ... 39014, 39306
241 ... 39007, 39014
271 ... 39012
275 ... 39019

PROPOSED RULES:

1 ... 37597, 40167
240 ... 38786, 39048, 41104, 41432
241 ... 39048
249 ... 39048

18 CFR

2 ... 38765
35 ... 40461
101 ... 39738
104 ... 39738
141 ... 39738
154 ... 38765, 40461
157 ... 40100
201 ... 39738
204 ... 39738
260 ... 39738

PROPOSED RULES:

1 ... 39768, 40191
2 ... 36823, 39046, 40505
141 ... 36823, 36926, 37232, 37603, 37817, 39448
260 ... 37882, 40506

19 CFR

1 ... 38766
6 ... 39021
12 ... 39021
24 ... 38767
113 ... 41420
159 ... 37103

PROPOSED RULES:

1 ... 39030
6 ... 38187
153 ... 39030
155 ... 41093
159 ... 41093

20 CFR

405 ... 39306

PROPOSED RULES:

405 ... 40495

21 CFR

1 ... 38618
8 ... 38618
11 ... 36810
26 ... 38497
121 ... 38618, 38767, 39740, 41421, 41422
501 ... 38619
503 ... 38627
505 ... 38768
507 ... 38628
508 ... 38637
509 ... 38640
510 ... 39022
520 ... 39022
540 ... 38768
546 ... 37103
558 ... 36810, 41081
561 ... 40100
564 ... 38641
570 ... 38644
571 ... 38647
573 ... 38652
582 ... 38657
610 ... 40100, 41422

PROPOSED RULES:

2 ... 40190
90 ... 41436
102 ... 37593
121 ... 41435
125 ... 37595
128b ... 41436
128g ... 41436
201 ... 38188
212 ... 38515
341 ... 38312
432 ... 39328
436 ... 40168
446 ... 40168
510 ... 39329
526 ... 39329
540 ... 39329
544 ... 39765
556 ... 39329
558 ... 39329
807 ... 37458
809 ... 37458
812 ... 40190

22 CFR

42 ... 37574
130 ... 40608
505 ... 41425

PROPOSED RULES:

42 ... 37591

24 CFR

207 ... 41516
213 ... 41516
221 ... 40465, 41417
232 ... 41417
236 ... 40465
241 ... 41417
242 ... 41417
244 ... 41418
570 ... 36898
803 ... 40328
888 ... 38698, 40328
1914 ... 37314, 38497, 39022, 41081
1915 ... 38498
1916 ... 37112–37114, 37574, 37575, 39024, 39740
1917 ... 37315, 37776–37779, 38503, 38768, 39025–39027, 39740–39742, 40461–40463
1920 ... 40101–40102, 40464–40465
3282 ... 40337

PROPOSED RULES:

205 ... 37226
207 ... 37226
213 ... 37226
221 ... 37226
231 ... 37226
232 ... 37226
241 ... 37226
242 ... 37226
244 ... 37226
1917 ... 38188, 38189, 38516–38519, 39765, 40498, 41099–41103
3282 ... 41214

25 CFR

PROPOSED RULES:

191 ... 39030
192 ... 39030
193 ... 39030
194 ... 39030
195 ... 39030
196 ... 39030
197 ... 39030
198 ... 39030
199 ... 39030
200 ... 39030
201 ... 39030
221 ... 37117, 39030
231 ... 37605
700 ... 38523

26 CFR

20 ... 38769
25 ... 38769
403 ... 39310
601 ... 40102

PROPOSED RULES:

1 ... 39761, 39762, 40477–40483
301 ... 39762

27 CFR

PROPOSED RULES:

170 ... 40118
173 ... 40118
186 ... 40118
194 ... 40118
201 ... 40118
250 ... 40118
251 ... 40118
252 ... 40118

28 CFR

2 ... 37316

29 CFR

721 ... 38504
1601 ... 37104
1910 ... 40103
1952 ... 39027, 41082
2520 ... 37575
2602 ... 38769

PROPOSED RULES:

1601 ... 41431

30 CFR

PROPOSED RULES:

211 ... 39036

31 CFR

PROPOSED RULES:

1 ... 38187
12 ... 40139
210 ... 37117

32 CFR

166 ... 40466
710 ... 41083
1286 ... 39315

PROPOSED RULES:

505 ... 39325
972 ... 38512

32A CFR

634 ... 37331
651 ... 40106

33 CFR

3 ... 37104
19 ... 38769
25 ... 39742
110 ... 39743, 40467
117 ... 39743, 39744
206 ... 38770

PROPOSED RULES:

1 ... 37118
117 ... 37118, 37119

35 CFR

69 ... 41089
253 ... 38163

36 CFR

7 ... 40107
213 ... 38164
231 ... 38164
261 ... 38165

38 CFR

1 ... 38770, 41425
3 ... 38771

PROPOSED RULES:

2 ... 39339
3 ... 39772
13 ... 39340
14 ... 39340

39 CFR

111 ... 38166

40 CFR

2 ... 36902
30 ... 36918
40 ... 36918
52 ... 36810, 38166
55 ... 36810, 39315–39319
60 ... 36918, 40107, 40467
61 ... 36918, 40108, 40467
79 ... 36918
86 ... 38674
87 ... 39744
125 ... 36918
167 ... 36918
169 ... 36918
180 ... 36918
227 ... 39319
244 ... 41202
245 ... 41208
458 ... 39320
600 ... 38674

PROPOSED RULES:

52 ... 37343, 37344, 38190, 38782–38784, 39329, 40502
55 ... 38191
86 ... 38520
133 ... 37222
180 ... 38784
458 ... 39330
600 ... 38520

41 CFR

1–1 ... 38166
7–17 ... 39320
7–50 ... 39320
14–30 ... 39747
101–25 ... 37575
101–26 ... 38504
101–46 ... 38167

PROPOSED RULES:

4–1 ... 37104
8–4 ... 39051
51–1 ... 37343
51–3 ... 37343
51–4 ... 37343
60–1 ... 40340
60–2 ... 40340
60–5 ... 40340
60–8 ... 40340
105–61 ... 37607

42 CFR

51b ... 36814
51d ... 38882
56 ... 38888
57 ... 37780
122 ... 41089

PROPOSED RULES:

110 ... 40292

43 CFR

5400 ... 39324
6220 ... 39749

PROPOSED RULES:

2360 ... 40484

45 CFR

117 ... 37575
175 ... 36872
176 ... 39324
205 ... 37781
220 ... 37781
232 ... 37781
911 ... 38612
1005 ... 41090
1006 ... 41090
1609 ... 38505
1613 ... 38506
1614 ... 38507
1615 ... 38508
1616 ... 38508

PROPOSED RULES:

121 ... 37813
121a ... 37813
121f ... 36822
233 ... 38776, 41437
250 ... 37341
1005 ... 41104

46 CFR

61 ... 38771
146 ... 38167
390 ... 39751
502 ... 40468
514 ... 37785, 39324
531 ... 39752
542 ... 39752

PROPOSED RULES:

30 ... 37119
502 ... 40504

47 CFR

0 ... 38167, 41090
1 ... 36814, 37580, 41091
21 ... 37580, 41091
68 ... 37105
73 ... 36815, 37332, 37580, 37581, 40108, 40469
74 ... 37334
81 ... 37335, 40470
83 ... 36819, 37335, 37581, 40470

PROPOSED RULES:

21 ... 38192, 39766
63 ... 40502
73 ... 37344–37349, 38192, 38520, 38521, 38785, 39330, 40503

49 CFR

73 ... 40110
107 ... 38167
171 ... 38179, 40614
172 ... 37114, 38179, 40614
173 ... 37114, 38180, 40614
174 ... 38180, 40614
175 ... 38180, 40614
176 ... 38180, 40614
177 ... 38180, 40614
178 ... 38180
179 ... 38183
192 ... 39752
231 ... 37782
571 ... 37115, 40473
800 ... 39753
801 ... 39755, 39759
802 ... 39758
803 ... 39758
805 ... 39758
830 ... 39758
831 ... 39758
845 ... 39759
1033 ... 36820, 37336, 37582, 38183

PROPOSED RULES:

173 ... 38779
571 ... 38189
1056 ... 37350
1201 ... 37603

50 CFR

20 ..... 37106, 37582, 38509, 38772
26 ..... 37106, 40471, 41091, 41092
32 ..... 36820, 37106–37112, 37589, 37590, 38184, 38185, 38510, 38511, 38774, 38775, 39028, 39324, 39760, 41092, 41425, 41426
33 ..... 37112, 41092
601 39436
602 39441
603 39445

PROPOSED RULES:

216 40167

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*	*Pages*	*Date*
36787–37088	Sept. 1	38999–39300	14
37089–37300	2	39301–39733	15
37301–37560	3	39735–40087	16
37561–37757	7	40089–40450	17
37759–38145	8	40451–41073	20
38147–38483	9	41075–41403	21
38485–38753	10	41405–41678	22
38755–38997	13		

reminders

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

Rules Going Into Effect Today

EPA—Control of air pollution from new motor vehicles and new motor vehicle engines; final evaporation emission regulations for light duty vehicles and trucks..... 35626; 8–23–76

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

Frozen peas; standards for grades; comments by 9–30–76..... 31843; 7–30–76

Pears (Bartlett) grown in Oreg. and Wash.; comments by 9–30–76. 39043; 9–14–76

Rural Electrification Administration—

Irrigation load studies; Bulletin 145–1; comments by 9–30–76..... 36668; 8–31–76

COMMERCE DEPARTMENT

Domestic and International Business Administration—

Exporter's Textile Advisory Committee, Washington, D.C. (open), 9–28–76..... 33928; 8–11–76

National Oceanic and Atmospheric Administration—

Pribilof Islands; administration; comments by 9–29–76..... 36507; 8–30–76

COMMODITY FUTURES TRADING COMMISSION

Notification of pending legal proceedings; comments by 9–30–76..... 37597; 9–7–76

DEFENSE DEPARTMENT

Navy Department—

Navy affirmative salvage claims; comments by 9–30–76..... 36666; 8–31–76

Office of the Secretary—

Air installations compatible use zones; comments by 9–30–76..... 36030; 8–26–76

ENVIRONMENTAL PROTECTION AGENCY

Effluent guidelines and standards; mineral mining and processing point source category; extension of comment period to 9–30–76..... 36669; 8–31–76

Effluent guidelines and standards; mineral mining and processing point source category; extension of comment period on interim rule to 9–30–76..... 36653; 8–31–76

Grants to State and designated areawide planning agencies; conditions, policies and procedures; comments by 9–30–76..... 29867; 7–20–76

FEDERAL COMMUNICATIONS COMMISSION

FM broadcast stations, table of assignments; Iowa and Missouri; comments by 9–27–76..... 35533; 8–23–76

FM broadcast stations; table of assignments, New York; reply comment period extended to 9–29–76..... 34323; 8–13–76

FM broadcast stations; table of assignments; Wisconsin; comments by 9–27–76..... 35534; 8–23–76

Telemetry transmitters employed in flight test stations; technical standards; comments by 9–28–76.. 32242; 8–2–76

FEDERAL ENERGY ADMINISTRATION

International voluntary agreements; recordkeeping requirements; comments by 10–1–76..... 37128; 9–2–76

FEDERAL HOME LOAN BANK BOARD

Savings and loan system; branch offices and mobile facilities in rural areas; comments by 9–27–76..... 36039; 8–26–76

FEDERAL POWER COMMISSION

Annual report of power system transmission and distribution technical data; new FPC Form No. 157; comments by 9–29–76..... 36823; 9–1–76

Corporate and Financial Report for Class C and Class D Natural Gas Companies; proposed new FPC Form No. 155; comments by 9–29–76..... 33782; 8–10–76

Electric utilities; statements and reports, Form 159; comments period extended to 9–29–76..... 37817; 9–8–76

Gas Supply and Operations Data; proposed new Form No. 153; comments by 9–27–76..... 33642; 8–10–76

Municipal electric utilities and Federal projects; financial report; new Form No. 164; extension of comment period to 9–29–76..... 37603; 9–7–76

Natural gas companies; statements and reports, Form 161; comments period extended to 9–29–76..... 37817; 9–8–76

FEDERAL RESERVE SYSTEM

Truth in lending; interpretation on disclosure of amount of dealer participation; comments by 9–27–76..... 35536; 8–23–76

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Privacy Act of 1974; implementation; comments by 9–27–76..... 36222; 8–27–76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

Modern foreign language and area studies; mandatory requirements; comments by 9–28–76..... 34053; 8–12–76

National direct student loan program, college work-study program, supplemental educational opportunity grants program; determination of financial need; comments by 9–27–76..... 36322; 8–27–76

Food and Drug Administration—

Human drugs; current good manufacturing practice in the manufacture, processing, packing, or holding of large volume parenterals; comments by 9–29–76..... 22202; 6–1–76

Recall policy and procedures; extension of comment period to 9–29–76..... 30136; 7–22–76

Tree nuts and peanuts; good manufacturing practice regulations; extension of comment period to 9–30–76..... 35532; 8–23–76

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Insurance Administration—

National Flood Insurance Program; clarification of contractor-agent roles; comments by 9–29–76. 36620; 8–30–76

INTERIOR DEPARTMENT

Fish and Wildlife Service—

Hunting; opening of Barnegat National Wildlife Refuge, New Jersey to hunting of migratory game birds; comments by 9–27–76..... 36211; 8–27–76

Land Management Bureau—

Range management and technical services; grazing administration and trespass regulations; comments by 10–1–76..... 31504; 7–28–76

Mining Enforcement and Safety Administration—

Underground coal mines; illumination standards for working places; comments by 10–1–76..... 14102; 4–1–76

INTERSTATE COMMERCE COMMISSION

Accounts, reports and records of railroad companies; branch line accounting system; comments by 9–28–76. 37603; 9–7–76

Uniform system of accounts for railroads; revision; comments by 9–30–76..... 33016; 8–6–76

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—

Federal and Federally-assisted programs and projects; draft regulation relating to the LEAA implementation of OMB Circular No. A–95 Revised: Evaluation, Review and Coordination; comments by 9–30–76..... 36215; 8–27–76

LABOR DEPARTMENT
Employee Benefits Security Office—
Employee benefit plans; exemptions for certain expenditures; comments by 9–30–76..... 31870; 7–30–76
Emplayment Standards Administration—Black Lung Disease; claims for disability or death benefits; comments by 9–30–76..... 36219; 8–27–76
Occupational Safety and Health Administration—
Alaska; supplement to approved plan; comments by 9–27–76..... 36219; 8–27–76

NATIONAL CREDIT UNION ADMINISTRATION
Incidental powers; comment period extended to 9–30–76.. 29712; 7–19–76

POSTAL SERVICE
Environmental statement procedures; revision; comments by 9–27–76. 35726; 8–24–76

PRESIDENT'S COMMISSION ON PERSONNEL INTERCHANGE
Privacy Act of 1974; implementation; comments by 9–27–76..... 37134; 9–2–76

RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS, NATIONAL STUDY COMMISSION
Freedom of Information and Privacy Acts; implementation; comments by 9–29–76..... 36514; 8–30–76

SECURITIES AND EXCHANGE COMMISSION
Registration statements; forms; comments by 9–27–76.... 32540; 8–3–76
Tender offers; rules and schedules; comments by 9–30–76.... 33004; 8–6–76

SELECTIVE SERVICE SYSTEM
Recent address change and alternate places where information may be obtained; comments by 9–30–76. 36669; 8–31–76

STATE DEPARTMENT
Sale of defense articles or services; conditions under which reporting is required; information to be furnished; recordkeeping, political contributions and fees or commisisons; comments by 10–1–76..... 33446; 8–9–76

TRANSPORTATION DEPARTMENT
Coast Guard—
Anchorage area, Lahaina, Island of Maui, Hawaii; comments by 10–1–76..... 34649; 8–16–76
Drawbridge operations; Louisiana; comments by 10–1–76..... 36510; 8–30–76
Drawbridge operations; Middle River, California; comments by 9–28–76. 35536; 8–23–76
Drawbridge operations; Black River, Michigan; comments by 9–28–76. 35536; 8–23–76
Federal Aviation Administration—
Airworthiness directives; Bell; comments by 9–30–76..... 36511; 8–30–76
Airworthiness directives; Boeing; comments by 9–29–76..... 36511; 8–30–76
Airworthiness directives; Lockheed-California; comments by 9–28–76. 36512; 8–30–76
Control zone and transition area; Carlsbad, N.M.; comments by 9–29–76..... 36512; 8–30–76
Environmental impacts; policies and procedures for considering; comments by 9–27–76. 34222; 8–12–76
Nellis AFB special air traffic rule; comments by 10–1–76..... 35073; 8–19–76
Restricted areas, Tonopah, Nev.; comments extended to 10–1–76. 34650; 8–16–76

TREASURY DEPARTMENT
Alcohol, Tobacco and Firearms Bureau—
Metric standards of fill for distilled spirits; comments by 9–29–76. 36499; 8–30–76
Wine and distilled spirits bottles; label information on coverings and cartons; Tequila; comments by 9–27–76..... 36029; 8–26–76
Internal Revenue Service—
Employee benefit plans; exemptions for certain expenditures; comments by 9–30–76..... 31833; 7–30–76
Investment credit; requirement for taxpayers; comments by 9–30–76. 31828; 7–30–76

Next Week's Meetings

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
Committee on Rulemaking and Public Information, Washington, D.C. (open), 9–27–76..... 38545; 9–10–76

AGRICULTURE DEPARTMENT
Cooperative State Research Service—
Cooperative Forestry Research Advisory Board, New Orleans, Louisiana (open), 10–2–76..... 38535; 9–10–76
Forest Service—
Challis National Forest Livestock Advisory Board, Challis, Idaho (open), 9–30–76..... 39807; 9–16–76
Soil Conservation Service—
Public Advisory Committee on Soil and Water Conservation, Washington, D.C. (open), 9–29, 9–30, and 10–1–76..... 29738; 7–19–76

ARTS AND HUMANITIES, NATIONAL FOUNDATION
Education Panel (Advisory Committee), Washington, D.C. (open), 9–8 and 9–29–76..... 35101; 8–19–76
Music Advisory Panel (Opera), Washington, D.C. (open with restrictions), 9–29 thru 10–1–76.. 38556; 9–10–76
Music Advisory Panel (Planning), Washington, D.C. (partially open), 10–1 and 10–2–76..... 38828; 9–13–76
Public Media Advisory Panel, Washington, D.C. (closed), 9–27 thru 9–30–76..... 38556; 9–10–76
Science Technology and Human Values (Advisory Committee), Washington, D.C. (open), 10–1–76..... 38222; 9–9–76
Summer Seminars for College Teachers Panel, Washington, D.C. (closed), 10–1 and 10–2–76 37370; 9–3–76

CIVIL RIGHTS COMMISSION
Connecticut Advisory Committee, Middleton, Conn. (open), 9–29–76. 36241; 8–27–76
Idaho Advisory Committee, Boise, Idaho (open), 10–2–76..... 39830; 9–16–76
North Carolina Advisory Committee, Ashville, N.C. (open), 9–28 and 9–29–76. 38240; 9–9–76
Virginia Advisory Committee, Newport News, Va. (open), 9–30–76. 38240; 9–9–76

COMMERCE DEPARTMENT
Census Bureau—
Census Advisory Committee of the American Statistical Association, Suitland, Md. (open), 9–30 and 10–1–76..... 37827; 9–8–76
Domestic and International Business Administration—
Electronic Instrumentation Technical Advisory Committee, Washington, D.C. (partially closed), 9–28–76. 35006; 8–18–76
National Industrial Energy Council, Washington, D.C. (open), 9–29–76. 36676; 8–31–76
Telecommunications Equipment Technical Advisory Committee, Washington, D.C. (open with restrictions), 10–1–76..... 37636; 9–7–76
National Bureau of Standards—
New England Regional Fishery Management Council, 10–1–76. 37827, 9–8–76; 39057; 9–14–76
National Oceanic and Atmospheric Administration—
Caribbean Regional Fishery Management Council, St. Thomas, V.I. (open), 9–28 and 9–29–76. 37640; 9–7–76
Mid-Atlantic Regional Fishery Management Council, Baltimore, Md. (open), 9–28–76.... 37640; 9–7–76

CONSUMER PRODUCT SAFETY COMMISSION
Technical Advisory Committee on Poison Prevention Packaging, 9–28 and 9–29–76..... 39831; 9–16–76

DEFENSE DEPARTMENT
Air Force Department—
USAF Scientific Advisory Board, Edwards AFB, California (closed), 9–30 and 10–1–76..... 38527; 9–10–76
Scientific Advisory Board, Hanscom AFB, Mass. (closed), 9–28 thru 9–30–76..... 37819; 9–8–76
USAF Scientific Advisory Board, Langley Air Force Base, Virginia (closed), 9–27 and 9–28–76..... 38527; 9–10–76
USAF Scientific Advisory Board, Pentagon (closed), 9–28 and 9–29–76. 38527; 9–10–76

USAF Scientific Advisory Board, Electronic Systems Division Advisory Group, Hanscom AFB, Mass. (closed), 9–30–76 and 10–1–76. 37611; 9–7–76

Army Department—

Special Commission on the United States Military Academy, West Point, New York (open with restrictions), 9–28 thru 10–2–76. 38527; 9–10–76

Office of the Secretary—

Defense Intelligence Agency Scientific Advisory Committee, Washington, D.C. (closed), 9–27 and 9–28–76. 35544; 8–23–76

DDR & E High Energy Laser Review Group (HELRG) Vulnerability, Effects and Hardening Panel, Annapolis, Md. (closed), 9–27 and 9–28–76 ..... 34329; 8–13–76

DDR & E High Energy Laser Review Group (HELRG) Vulnerability, Effects and Hardening Panel, Ft. Meade, Md. (closed), 9–29 and 9–30–76 ..... 34329; 8–13–76

Defense Science Board Task Force on Theater Nuclear Forces R & D Requirements, Washington, D.C. (closed), 9–28 thru 9–30–76. 35866; 8–25–76

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

High Energy Physics Advisory Panel, Washington, D.C. (open), 9–27 and 9–28–76 ..... 38208; 9–9–76

ENVIRONMENTAL PROTECTION AGENCY

Air Monitoring Reference Methods; Traceability of Calibration Standards, Gaithersburg, Md. (open), 9–30 and 10–1–76 ..... 32949; 8–6–76

Environmental Radiation Exposure Advisory Committee, Washington, D.C. (open), 9–28 and 9–29–76. 37394; 9–3–76

ENVIRONMENTAL QUALITY COUNCIL

Environmental impact statements analysis report discussion, Washington, D.C. (open with restrictions), 9–29–76 ..... 31935; 7–30–76

FEDERAL COMMUNICATIONS COMMISSION

Broadcast Service Working Groups 1979 World Administrative Radio Conference, Washington, D.C. (open), 9–29 and 9–30–76 ..... 36544; 8–30–76

GENERAL SERVICES ADMINISTRATION

Program Advisory Committee, Washington, D.C. (open with restrictions), 9–30 and 10–1–76 ..... 37421; 9–3–76

Regional Public Advisory Panel on Architectural and Engineering Services, Atlanta, Ga. (closed), 9–30–76. 39098; 9–14–76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

Community Alcoholism Services Review Committee, Bethesda, Md. (partially open), 9–27 thru 10–1–76 ..... 36231; 8–27–76

Crime and Delinquency Review Committee, Washington, D.C. (partially open), 9–29 through 10–1–76. 33316; 8–9–76

National Advisory Council on Drug Abuse, Rockville, Md. (open with restrictions), 9–27–76 ..... 33928; 8–11–76

Education Office—

Adult Education, National Advisory Council, Arlington, Va. (open), 10–1 and 10–2–76 ..... 37833; 9–8–76

Bilingual Education, National Advisory Council, Washington, D.C. (open), 9–26–76 ..... 37833; 9–8–76

Career Education, National Advisory Council, Washington, D.C. (open), 9–27 and 9–28–76 ..... 37834; 9–8–76

Environmental Education, Advisory Council, Washington, D.C. (open), 9–28 thru 9–30–76 ..... 38806; 9–13–76

Financial Aid to students, (Advisory Council), Washington, D.C. (open), 9–29 and 9–30–76 ..... 38199; 9–9–76

Food and Drug Administration—

Advisory Committees, Washington, D.C., Rockville, Md. and Silver Spring, Md. (open and closed), 9–26, 9–27, 9–28, 9–30 and 10–1–76 ..... 35548; 8–23–76

Geriatric Neuropsychopharmacology Subcommittee of the Neurologic Drugs Advisory Committee, Rockville, Md. (open), 10–1–76. 39814; 9–16–76

Obstetrics and Gynecology Advisory Committee, Rockville, Md. (open), 9–30 and 10–1–76 ..... 37141; 9–2–76

Review of Blood and Blood Derivatives Panel, Bethesda, Md. (open), 10–1 and 10–2–76 ..... 39814; 9–16–76

Health Resources Administration—

Nurse Training, National Advisory Council, Bethesda, Md. (open with restrictions)3, 9–27 through 9–29–76 ..... 35088; 8–19–76

National Institutes of Health—

Advisory Committees, Bethesda, Maryland (open), 9–30–76. 32281; 8–2–76

Allergy and Immunology Subcommittee of the National Allergy and Infectious Diseases National Council, Bethesda, Md. (closed), 9–29–76. 35206; 8–20–76

Commission for the Control of Huntington's Disease and Its Consequences, Boston, Mass. (open), 10–1–76 ..... 39827; 9–16–76

Contraceptive Evaluation Research Contract Review Committee, Bethesda, Md. (open), 9–27–76. 30379; 7–23–76

Interagency Coordinating Committee for Cancer Control and Rehabilitation, Bethesda, Md. (open), 9–29–76 ..... 33575; 8–10–76

Mammalian Cell Lines Committee, Bethesda, Md. (open), 10–1 and 10–2–76 ..... 34669; 8–16–76

National Advisory Allergy and Infectious Diseases Council, Bethesda, Md. (partially open with restrictions), 9–30 and 10–1–76. 33575; 8–10–76

National Commission on Diabetes, Bethesda, Md. (open), 9–29 and 9–30–76 ..... 30379; 7–23–76

President's Cancer Panel, Houston, Tx. (open), 10–1–76 ..... 37143; 9–2–76

Research Resources National Advisory Council, Bethesda, Md. (open), 10–1–76 .. 37143; 9–2–76

Review of the Field of Immunology for Application to Cancer Cause and Prevention (NCI Extramural Program, Bethesda, Md. (open), 9–27–76 ..... 30378; 7–23–76

Review of Research Contract Proposals, Bethesda, Md. (partially open), 9–27 through 9–29–76. 32282; 8–2–76

Review of Research Grant Applications, Bethesda, Md. (partially open), 9–30 and 10–1–76. 32283; 8–2–76

Office of the Secretary—

Defense Science Task Force on Patriot Vulnerability, Washington, D.C. (closed), 9–28 thru 9–30–76. 38193; 9–9–76

Secretary's Advisory Committee on the Rights and Responsibilities of Women, Washington, D.C. (open), 9–30–76 ..... 36829; 9–1–76

INTERIOR DEPARTMENT

Land Management Bureau—

Albuquerque District Multiple Use Advisory Board, Farmington, N.M. (open), 9–28 and 9–29–76. 36046; 8–26–76

Montrose District Multiple Use Advisory Board, Montrose, Colo. (open), 9–28 and 9–29–76. 34798; 8–17–76

Roseburg District Multiple Use Advisory Board, Roseburg, Oregon (open), 9–30–76 .... 36825; 9–1–76

Vale District Advisory Board, Vale, Oregon (open), 9–30–76. 38533; 9–10–76

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—

Law Enforcement and Criminal Justice National Institute, Wash., D.C. (open), 9–30–76 .. 36045; 8–26–76

Prisons Bureau—

National Institute of Corrections Advisory Board, Kansas City, Missouri (open), 10–1 and 10–2–76. 37367; 9–3–76

NATIONAL SCIENCE FOUNDATION

Ethical and Human Value Implications of Science and Technology Advisory Committee, Washington, D.C. (open), 10–1–76 ..... 38828; 9–13–76

NUCLEAR REGULATORY COMMISSION

Reactor Safeguards Advisory Committee, Subcommittee on the Clinch River Breeder Reactor, Oak Ridge, Tenn., 9–28 and 9–29–76.... 38222; 9–9–76

Reactor Safeguards Advisory Committee, Subcommittee on the Marble Hill Nuclear Power Plant Units 1 and 2, Madison, Ind. (open with restrictions), 10–1–76..... 39846; 9–16–76

Reactor Safeguards Advisory Committee; Louisville, Ky., Los Angeles, Calif., and Oak Ridge, Tennessee (partially open), 9–28, 9–29, 9–30 and 10–1–76 ..... 35577; 8–23–76

SMALL BUSINESS ADMINISTRATION

Concord District Advisory Council, Holderness, New Hampshire (open), 9–30–76 ..... 39400; 9–15–76

STATE DEPARTMENT

Advisory Committee to the United States National Section of the International North Pacific Fisheries Commission, Seattle, Wash. (open and closed), 9–27 and 9–28–76 36520; 8–30–76

Study Group 1, U.S. National Committee for the International Radio Consultative Committee, Washington, D.C. (open), 9–28–76.... 36520; 8–30–76

UNITED STATES INFORMATION AGENCY

U.S. Advisory Commission on Information, Washington, D.C. (open), 9–27–76 ..... 32301; 8–2–76

VETERANS ADMINISTRATION

Administrator's Education and Rehabilitation Advisory Committee, Washington, D.C. (open), 9–28–76. 36280; 8–27–76

Central Office Education and Training Review Panel, Washington, D.C. (open), 10–1–76..... 37175; 9–2–76

Station Committee on Educational Allowances, Denver, Colorado (open), 9–30–76 ..... 38557; 9–10–76

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

Cotton research and promotion order, Dallas, Texas, 9–28–76..... 37337; 9–3–76

Cotton research and promotion order, Phoenix, Arizona, 9–30–76. 37337; 9–3–76

Forest Service—

Teton Wilderness; proposed addition, Jackson, Wyo. (open), 9–30–76. 33928; 8–11–76

CIVIL AERONAUTICS BOARD

Ohio/Indiana Points Nonstop service, Columbus, Ohio, 9–30–76.... 34537; 8–30–76

ENVIRONMENTAL PROTECTION AGENCY

Grants for State underground water source protection programs, Washington, D.C., 9–29–76..... 36727; 8–31–76

State underground injection control programs, Washington, D.C., 9–29–76. 36736; 8–31–76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

Modern foreign language and area studies; mandatory requirements, Washington, D.C., 9–28–76. 34052; 8–12–76

Office of the Secretary—

Home health care, Los Angeles, California, 9–30 and 10–1–76.. 35882; 8–25–76

Social and Rehabilitation Service—

Need and amount of assistance, Pittsburgh, Pa. (open), 9–28–76. 38776; 9–13–76

INTERIOR DEPARTMENT

Indian Affairs Bureau—

Crow Ceded Area Coal Lease Development Proposal; draft environmental statement; Crow Agency, Monotana, 9–29–76. 35544; 8–23–76

Office of the Secretary—

Development of phosphate resources in southeastern Idaho, Boise, Idaho, 9–13–76.. 29736; 7–19–76

Mineral development on public lands, Anchorage, Alaska, 10–1–76. 37369; 9–3–76

TRANSPORTATION DEPARTMENT

Federal Highway Administration—

Study of highway needs to solve energy problems, Albuquerque, New Mexico, 9–30–76..... 37389; 9–3–76

Study of highway needs to solve energy problems, Billings, Montana, 9–28–76..... 37389; 9–3–76

Office of the Secretary—

Construction of I–66 between Capital Beltway (I–495) and Rosslyn, Va., Washington, D.C. (open), 10–2–76. 36536; 8–30–76

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 8800..... Pub. Law 94–413

Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976

(Passed over Presidential Veto Sept. 17, 1976; 90 Stat. 1260)

presidential documents

Title 3—The President

PROCLAMATION 4461

National School Lunch Week, 1976

By the President of the United States of America

A Proclamation

Productive people are our Nation's greatest natural resource. Americans are agreed on the importance of seeing that every child in our country gets a healthy start in life. Sound nutrition is a vital building block in our children's growth and development. Malnutrition must not be allowed to harm the development of any American child.

Thirty years ago, we demonstrated our concern for our children's well-being with the inauguration of the National School Lunch Program. Through it, millions of children have received the benefit of improved nutrition, and therefore a better opportunity for full, healthy development.

The National School Lunch Program exemplifies the cooperative spirit that underscores the efforts of food producers and distributors, dietitians, educators, parents, civic groups and public officials at all levels of Government to ensure the health and welfare of our Nation's youngsters.

In recognition of the Program's contribution to America's youth, the Congress, by a joint resolution of October 9, 1962 (76 Stat. 779; 36 U.S.C. 168), has designated the week beginning the second Sunday of October in each year as National School Lunch Week, and has requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby urge the people of the United States to observe the week of October 10, 1976, as National School Lunch Week and to give special recognition to the role of good nutrition in building a stronger America through its youth.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of September, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-27884 Filed 9-20-76;12:47 pm]

rules and regulations

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

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

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER F—POLICY STATEMENTS

[Regulation PS–71; Amendment No. 50]

PART 399—STATEMENTS OF GENERAL POLICY TARGET DATES IN HEARING CASES

SEPTEMBER 17, 1976.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

Policy Statements, Docket 28761, Amendment No. 50 to Part 399.

Effective: October 22, 1976.

Adopted: September 17, 1976.

This rule adds a new section, 14 CFR § 399.62, to the Civil Aeronautics Board's Policy Statements, under which, in hearing cases, target dates will be promptly announced for an administrative law judge to make an initial decision or recommended decision, and for the Board to make a final decision or a decision on a petition for review or for reconsideration.

The Board has been considering ways in which it might expedite its actions with respect to various types of procedures. Thus, for example, we recently issued regulations setting forth a deadline by which the Board undertook to endeavor to meet in announcing its disposition of petitions for rulemaking (PS–68 and PR–150, adopted March 9, 1976, 41 F.R. 10598–99).

With respect to hearing cases however, the Board has concluded that it would be impractical to undertake to meet a similar categorical deadline. The wide variation in the difficulty and complexity of issues involved in different hearing cases precludes us from attempting to announce a realistic deadline for issuance of administrative law judge's or the Board's decisions in all such cases. Instead, we have determined to make allowances for differences among hearing cases by undertaking that the Board or an administrative law judge, as the case may be, will promptly announce target dates for making their decisions in matters pending before them. A new section to that effect is added to Part 399.

Because this amendment relates solely to internal management and procedures, and creates no significant additional burden on any members of the public, it is found for good cause that notice and public procedure thereon are unnecessary.

Effective date: This amendment shall be effective with respect to cases submitted for decision on and after October 22, 1976.

In light of the foregoing, the following amendments are made to 14 CFR Part 399, *Statements of General Policy:*

1. The following is added to the table of contents:

* * * * *

§ 399.62 Target dates in hearing cases.

2. A new § 399.62, Target dates in hearing cases, is added to Subpart E, Policies Relating to Hearing Matters, of 14 CFR Part 399, Statements of General Policy, to read as follows:

§ 399.62 Target dates in hearing cases.

(a) *Applicability.* This section applies to initial and recommended decisions of administrative law judges, final decisions, and decisions on petitions for review or reconsideration in cases in which the Board has ordered a trial-type hearing before an administrative law judge.

(b) *Issuance of target dates.* In cases to which this section applies, the Board or the administrative law judge, as the situation calls for, shall issue a notice of the target date for the completion of the initial or recommended decision, final decision, or decision on a petition for review or reconsideration. The Board or the administrative law judge shall endeavor to render the pending decision not later than the target date.

(c) *Time for promulgating target dates.*

(1) In the case of initial, recommended, or final decisions, notice of target dates shall be issued, served, and filed within 20 days of the submission of closing briefs, or the conclusion of oral argument to the administrative law judge or the Board, as may be appropriate.

(2) In the case of petitions for review or for reconsideration, notices of target dates shall be issued, served, and filed within 20 days of the date of the petition.

(Secs. 204 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 788, 49 U.S.C. 1324 and 1481.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–27765 Filed 9–21–76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER A—GENERAL REGULATIONS

PART 916—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Interim Regulations

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 authorizes the head of each Federal agency to establish such regulations as may be necessary to assure that the policies of the Act are carried out. Notice is hereby given of the establishment of interim regulations regarding these policies as they pertain to the acquisition of real property and the displacement of persons under programs administered by the National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

Under Section 213 of the above statute, the head of each Federal agency may establish regulations and procedures as necessary to assure (1) That the payments and assistance required by the Act are administered in a fair, reasonable, and uniform manner, (2) That persons who properly apply for payments under the Act shall be paid promptly, and (3) That persons aggrieved by determinations with regard to the provisions of the Act may have their cases reviewed by the head of the agency administering the program. The interim regulations set forth below establish the procedures for assuring that programs administered by NOAA fulfill these goals of the Act.

These regulations are being promulgated at this time because NOAA is becoming involved in land acquisition under the Estuarine Sanctuary Program established by section 315 of the Coastal Zone Management Act of 1972, as amended. Through this program NOAA may make grants to states to acquire and develop estuarine sanctuaries so that such sanctuaries may be preserved in their natural state and used for scientific research.

Comments on these regulations are invited through October 22, 1976. Comments should be addressed to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230. Following the close of this period there will be a review of the comments received. At the discretion of the Administrator, these interim regulations will be amended to reflect any such comments. The Administrator will then publish final regulations in the FEDERAL REGISTER.

As authorized by 5 U.S.C. 553(d) these interim regulations are effective pending the issuance of final regulations. This action is necessary to prevent delays in the development of estuarine sanctuary projects for which important property acquisitions are imminent. Such sanctuaries must be established as soon as possible to prevent ecological deterioration or other damage which might thwart the purposes of the Coastal Zone Management Act of 1972, as amended.

Dated: September 15, 1976.

ROBERT M. WHITE,
Administrator.

Subpart A—General

Sec.
916.1 Purpose.
916.2 Adjudication of claims.
916.3 Scope.
916.4 Applicability.
916.5 Definition of terms.
916.6 Notice of displacement.
916.7 Eligibility requirements.
916.8 Extension of eligibility.
916.9 Relocation costs treated separately from purchase price of real property acquired under Federal law.
916.10 Filing applications for benefits.
916.11 Time limitation for filing applications for benefits.
916.12 Payments not to be considered as income.
916.13 Multiple occupancy.
916.14 Effects upon property acquisition.
916.15 Withholding from relocation payments.
916.16 Office procedures.

Subpart B—Uniform Real Property Acquisition Policy

916.20 Applicability.
916.21 Objectives.
916.22 Acquisition policy.
916.23 Statement of just compensation to owner.
916.24 Acquisition of improvements required to be removed from land acquired.
916.25 Appraisal.
916.26 Condemnation.
916.27 Uneconomical remnant.
916.28 Notice to move.
916.29 Temporary occupancy of property after acquisition.
916.30 Expenses incidental to transfer of title.
916.31 Notice to occupants upon initiation of negotiations.
916.32 State acting as agent for Federal programs.
916.33 Federally assisted programs.

Subpart C—Relocation Assistance Advisory Services

916.40 Relocation assistance advisory program.
916.41 Organizational requirements.
916.42 Relocation plan.
916.43 Coordination of planned relocation activities.
916.44 Local coordination.
916.45 Coordination with project work.
916.46 Public information.
916.47 Contracting for relocation services.
916.48 Agreements with central relocation agency.
916.49 Contracting with private concerns.
916.50 Additional sources of advisory services.
916.51 Relocation services — federally assisted programs.
916.52 Displaced person declining to accept relocation services.

Subpart D—Assurance of Adequate Replacement Housing Prior to Displacement

916.60 Determination of availability of replacement housing.
916.61 Housing provided as last resort.
916.62 Loans for planning and other preliminary expenses for additional housing.

Subpart E—Moving and Related Expenses

916.65 Eligibility.
916.66 Payment for moving expenses.
916.67 Allowable moving expenses.
916.68 Nonallowable moving expenses and losses.
916.69 Payment for expenses incurred in searching for replacement business or farm.
916.70 Limitation.
916.71 Actual direct losses by business or farm operation.

Subpart F—Payments in Lieu of Moving and Related Expenses

916.75 Eligibility.
916.76 Displaced dwelling occupant.
916.77 Moving allowance schedules.
916.78 Displaced farm operation.
916.79 Farms—partial taking.
916.80 Displaced business.
916.81 Determination of loss of existing patronage to a business.
916.82 Businesses not eligible to receive "in lieu" payment.
916.83 Displaced nonprofit organizations.
916.84 Average annual net earnings.

Subpart G—Replacement Housing Payment for Homeowners

916.87 Eligibility.
916.88 Owner-occupant of less than 180 days.
916.89 Elements included in replacement housing payment.
916.90 Computation of replacement housing payment.
916.91 Differential payment for replacement housing.
916.92 Interest payment.
916.93 Incidental expenses.
916.94 Statement of eligibility pending purchase of replacement dwelling.
916.95 Advance payment in condemnation cases.

Subpart H—Replacement Housing Payment for Tenants and Certain Others

916.98 Eligibility requirements.
916.99 Notification to tenants.
916.100 Replacement housing payment.
916.101 Computation of replacement housing rental differential payment for tenants and certain others.
916.102 Computation of replacement housing payment-purchasers.
916.103 Disbursement of rental replacement housing differential payment.

Subpart I—Federally Assisted Programs

916.106 Acceptance of real property furnished by a State incident to NOAA program.
916.107 Assurances—section 210.
916.108 Assurances—section 305.
916.109 Compliance with section 210.
916.110 Compliance with sections 301 and 302.
916.111 Inability to provide assurances under Section 305.
916.112 Assurances not required.
916.113 Monitoring assurances.
916.114 Federal share of costs.
916.115 Relocation assistance programs.
916.116 Waiving of benefits.
916.117 Appeal procedures.

Subpart J—Administrative Review and Appeals

916.120 Compliance review.
916.121 Appeals.
916.122 Appeals procedures.

Subpart K—Annual Report

916.125 General.
916.126 Narrative report.
916.127 Statistical report.
916.128 Submission.

AUTHORITY: 5 U.S.C. 301, and section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894, 1900, 42 U.S.C. 4601, 4633.

Subpart A—General

§ 916.1 Purpose.

These regulations prescribe policies and procedures to insure the fair, equitable, and uniform treatment of persons displaced by Federal and federally assisted programs. They implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, hereinafter referred to as the Act, and General Services Administration Guidelines, Federal Management Circular (FMC) 74-8, October 4, 1974. All references in these regulations to sections or subsections are references to sections or subsections of the Act unless otherwise noted.

§ 916.2 Adjudication of claims.

Any claims made under these regulations and the Act shall be adjudicated on the basis of the regulations in effect when the claim was filed.

§ 916.3 Scope.

The regulations in this Part apply to the programs of all Offices of the National Oceanic and Atmospheric Administration (NOAA). The geographical coverage includes the fifty (50) States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands, and any political subdivision thereof.

§ 916.4 Applicability.

The provisions of the Act and the regulations in this Part 916 apply to the acquisition of all real property for, and the relocation of all persons displaced by, NOAA programs and projects and programs and projects undertaken by State agencies which receive Federal financial assistance from NOAA for all or a part of the cost thereof. The Act and these regulations apply regardless of whether the real property is acquired by NOAA or a State agency or whether Federal funds actually contributed to the cost of the real property acquired for a federally assisted project.

§ 916.5 Definition of terms.

The terms used in this Part 916 shall have the meanings set forth in this section. Heads of Offices may expand these definitions to provide greater clarity and successful implementation of assigned programs. Any such expansion, however, shall not result in a deviation in concept from the definitions set forth herein.

(a) *The Act.* "The Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), approved January 2, 1971.

(b) *Business.* Any lawful activity, except a farm operation, conducted primarily:

(1) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization; or

(4) Solely for the purposes of section 202(a) of the Act (see Subpart E of this part) for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(c) *Comparable replacement dwelling.* For the purposes of rendering relocation assistance by making referrals for replacement housing and for computation of the replacement housing payment, a comparable replacement dwelling is one which is decent, safe, and sanitary and:

(1) Functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

(2) Adequate in size to meet the needs of the displaced family or individual. However, at the option of the displaced person, a replacement dwelling may exceed his/her needs when the replacement dwelling has the same number of rooms or the equivlent square footage as the dwelling from which he/she was displaced.

(3) Open to all persons regardless of race, color, religion, national origin, sex, or marital status, consistent with the requirement of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968 and other applicable laws.

(4) Located in an area not generally less desirable than the one in which the acquired dwelling is located with respect to:

(i) Neighborhood conditions, including but not limited to municipal services and adverse environmental factors,

(ii) Public utilities, and

(iii) Public and commercial facilities.

(5) Reasonably accessible to the displaced person's place of employment or potential place of employment.

(6) Within the financial means of the displaced family or individual, and

(7) Available on the market to the displaced person.

NOTE.—If housing meeting the requirements of the above definition is not available on the market, the head of a displacing agency may, upon a proper finding of the need therefor, consider available housing exceeding that basic criteria.

(d) *Decent, safe, and sanitary housing.* A decent, safe, and sanitary dwelling is one which is found to be in sound, clean, and weathertight condition, and which meets local housing codes. Offices shall be governed by the following criteria in determining if a dwelling unit is decent, safe, and sanitary. Adjustments may only be made in the case of unusual circumstances or in unique geographical areas, as determined by the head of the office.

(1) *Housekeeping unit.* A housekeeping unit must include a kitchen with fully usable sink, a cooking stove, or connections for same; a separate complete bathroom; hot and cold running water in both the bath and the kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(2) *Nonhousekeeping unit.* A nonhousekeeping unit is one which meets local code standards for boarding houses, hotels, or other congregate living. If local codes do not include requirements relating to space and sanitary facilities, standards will be subject to the approval of the head of the Office.

(3) *Water.* Has a continuing and adequate supply of potable safe water.

(4) *Egress.* Each building used for dwelling purposes shall have a safe means of egress leading to safe open space at ground level. Each dwelling unit in a multidwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In multidwelling buildings of three stories or more, the common corridor on each story must have at least two means of egress.

(5) *Occupancy standards.* Occupancy standards for replacement housing shall comply with Office approved occupancy requirements or comply with local codes.

(6) *Absence or inadequacy of local standards.* In those instances where there is no local housing code or a local housing code does not contain minimum standards or the standards are inadequate, the head of the Office may establish the standards.

(e) *Displaced person.* Any person who, on or after the effective date of the Act, moves from real property, or moves his/her personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by any Office of the National Oceanic and Atmospheric Administration or with Federal financial assistance; and solely for the purposes of sections 202 (a) and (b) and 205 of the Act, as a result of the acquisition of or as the result of the written order of the acquiring Office to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(f) *Displacing agency.* An Office in the case of a direct Federal project, or a State agency, as defined in the Act, in the case of a project receiving Federal financial assistance.

(g) *Dwelling.* The place of permanent or customary and usual abode of a person. It includes a single family building; a one-family unit in a multifamily building; a unit of a condominium, or cooperative housing project; any other residential unit, including a mobile home which is either considered to be real property under State law, or cannot be moved without substantial damage or unreasonable cost. For the purpose of sections 203 and 204 of the Act the term "dwelling" shall mean the place of permanent abode of a person and does not include seasonal or part-time dwelling units, such as beach houses, mountain, or other vacation cabins.

(h) *Economic rent.* The amount of rent a displaced tenant would have had to pay for a comparable dwelling unit in an area similar to the neighborhood in which the dwelling unit being acquired is located.

(i) *Family.* Two or more individuals who are related by blood, adoption, marriage, legal guardianship, or operation of law who live together as a family unit. However, upon appropriate determination by the head of the Office, others who live together as a family unit may be treated as if they were a family for the purpose of determining benefits under title II of the Act.

(j) *Farm operation.* Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(k) *Federal agency.* Any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

(l) *Federal financial assistance.* A grant, loan, property, or other contribution provided by the United States, except any insurance or guarantee contracts and any annual payment or capital loan to the District of Columbia.

(m) *Financial means.* For the purpose of determining "financial means" of families and individuals in accordance with section 205(c)(3) of the Act, a determination should be made as to the displaced person's ability to afford the replacement dwelling. In making this determination, the average monthly rental or housing cost (e.g., monthly mortgage payments, insurance for the dwelling unit, property taxes and other reasonable recurring related expenses) which the displaced person will be required to pay, in general, should not exceed 25 percent of the monthly gross income or the present ratio of housing payment to the income of the displaced family or individual, including supplemental payments made by public agencies. Offices may issue regulations providing for determinations that 25 percent of monthly gross income for housing costs or the present ratio of housing payment to the individual income is or is not excessive to the other needs of the displaced family or individuals, such as food, clothing, child care, medical expenses, etc. In these cases, the head of the Office shall establish criteria for determining the financial means of the displaced family or individual.

(n) *Initiation of negotiations.* The date the Office makes the first personal contact with the owner of real property to be acquired (or his/her representative) and furnishes him/her with a written

offer to purchase real property. Registered mail may be used in lieu of personal contact only where the head of the Office determines that such means is justified by geographic location and/or scale of negotiations.

(o) *Mortgage.* Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

(p) *Owner.* A person who holds fee title, a life estate, a 99-year lease or an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser or any such estate or interest, or who is possessed of such other proprietory interest in the property acquired as, in the judgment of the head of the Office, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

(q) *Person.* Any individual, partnership, corporation, or association.

(r) *State.* Any of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(s) *State agency.* The National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more states or of two or more political subdivisions of a State or States.

(t) *Available replacement housing.* The terms "available replacement housing" or "made available", shall mean that the displaced person has either, by him/herself obtained and has the right of possession of comparable replacement housing, or the Office has offered him/her comparable replacement housing as defined in paragraph (d) of this section, which is available for immediate occupancy.

(u) *Nonprofit organization.* A corporation, partnership, individual, or other public or private entity, engaged in a business, professional or instructional activity on a non-profit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, professional, or institutional activity on the premises.

(v) *Offices.* The various offices and divisions of the National Oceanic and Atmospheric Administration.

(w) *Heads of offices.* The head of each office referred to in paragraph (v) of this section or his/her designee.

§ 916.6 Notice of displacement.

National Oceanic and Atmospheric Administration officials responsible for the administration of programs affected by the Act must ensure that a written notice of displacement is given to each individual, family, business, or farm operation to be displaced at least 90 days in advance of the date by which a move is required. Such notice shall be served personally or by certified (or registered) first-class mail. In the case of a federally assisted program, the State agency is responsible for ensuring that such notice is given.

§ 916.7 Eligibility requirements.

To be eligible for benefits under title II of the Act as a displaced person, either of the following conditions must be fulfilled:

(a) The person must have moved (or moved his/her personal property) as a result of the receipt of a written notice to vacate which notice may have been given before or after initiation of negotiations for acquisition of the property; or

(b) The subject real property must, in fact, have been acquired, and the person must have moved as a result of its acquisition (except in those instances covered by sections 217 and 219 of the Act).

(c) All persons contacted by the negotiating Office shall be advised that the benefits of the Act are not available to (1) Persons who move prior to the initiation of negotiations if they have not received a notice to vacate the property, or (2) To persons who move subsequent to the initiation of negotiations when the Office does not acquire the property or does not issue a notice to vacate the property.

§ 916.8 Extension of eligibility.

In addition to the basic eligibility requirements specified in § 916.7, certain of the benefits provided by Title II of the Act are available as follows:

(a) Whenever the acquisition of, or notice to move from, real property used for a business or farm operation causes any person to move from other real property used for his dwelling, or to move his personal property from such other real property, such person is entitled to the benefits provided by sections 202(a), 202 (b), and 205 of the Act.

(b) When the head of the displacing agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he/she may offer such person relocation advisory services pursuant to section 205(c) of the Act.

§ 916.9 Relocation costs treated separately from purchase price of real property acquired under Federal law.

Contracts or options to purchase real property under Federal law shall not incorporate provisions for making payments for relocation costs and related items in title II of the Act.

(a) Appraisers shall not give consideration to or include in their real property appraisals any allowances for the benefits provided by title II and section 303 of the Act.

(b) In the event of condemnation with a declaration of taking, the estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under title II of the Act.

§ 916.10 Filing applications for benefits.

All applications for benefits under the Act by a displaced person shall be submitted to the displacing agency and be supported by such documentation as is required by the regulations in this Part 916. Offices shall make every effort to pay promptly any displaced person who makes application for authorized payments and may authorize advance payments in hardship cases. In the case of a project or program undertaken with Federal financial assistance, all applications shall be submitted to the State agency and be supported by such documentation as may be required by the State.

§ 916.11 Time limitation for filing applications for benefits.

Applications for benefits shall be made within eighteen (18) months from the date on which the displaced person moves from the real property acquired or to be acquired or the date on which the displacing agency makes final payment of all costs of that real property, whichever is the later date. The head of the Office may extend this period upon a proper showing of good cause.

§ 916.12 Payments not to be considered as income.

Offices shall advise all displaced persons that no payment received under title II of the Act shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

§ 916.13 Multiple occupancy.

Where two or more individuals, not families, living together in a single family dwelling are displaced from such dwelling, they shall be treated as one displaced person for purposes of entitlements for replacement housing benefits under sections 203 and 204 of the Act. However, each individual displaced may receive a payment for actual reasonable moving expenses as authorized under section 202(a) of the Act, and in the case of families, each family shall be considered separately.

§ 916.14 Effects upon property acquisition.

(a) Nothing in the regulations in this Part 916 shall be construed as creating in any condemnation proceeding brought under the power of eminent domain any element of value or of damage not in existence immediately prior to January 2, 1971.

(b) The provisions of section 301 of the Act create no rights or liabilities and shall not affect the validity of any property

acquisitions by purchase or condemnation.

§ 916.15 Withholding from relocation payments.

To insure equitable treatment, no displaced person is to have a relocation payment witheld or amounts deducted therefrom (including closings in escrow) to satisfy claims or obligations to others, including the acquiring agency. Moving costs and relocation payments are intended to lessen the impact of the forced relocation and to permit satisfactory relocation into decent, safe, and sanitary housing. Other legal remedies are available to the displacing Office to satisfy the displacee's credit obligations rather than withholding amounts from relocation payments.

§ 916.16 Office procedures.

The head of each office shall issue such procedural instructions, not inconsistent with the provisions of this Part 916, as he deems necessary to assure proper implementation and administration of the Act and these regulations.

Subpart B—Uniform Real Property Acquisition Policy

§ 916.20 Applicability.

This subpart prescribes policies and procedures governing the acquisition of real property for Federal and federally assisted programs administered by the National Oceanic and Atmospheric Administration.

§ 916.21 Objectives.

The objectives of the policies and procedures set forth in this subpart are to:

(a) Encourage and expedite the acquisition of real property by agreements with owners;

(b) Avoid litigation and relieve congestion in the courts;

(c) Assure consistent treatment for owners in the many NOAA programs and federally assisted programs administered by NOAA; and

(d) Promote public confidence in land acquisition practices.

§ 916.22 Acquisition policy.

To achieve the objectives set out in 916.21, offices shall, to the greatest extent practicable:

(a) Make every reasonable effort to acquire real property expeditiously by negotiation;

(b) Appraise real property prior to the initiation of negotiations;

(c) Give the owner or his/her designated representative an opportunity to accompany the appraiser during his/her inspection of the property; and

(d) Establish, prior to initiation of negotiations, an amount which is believed to be just compensation for the real property and make a prompt offer to acquire the property for the full amount so established.

(1) In no case will the amount established as just compensation be less than the approved appraisal of the estimated fair market value of the property.

(2) Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement or project for which the property is acquired, or by the likelihood that the property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property.

§ 916.23 Statement of just compensation to owner.

Offices shall provide the owner of real property to be acquired with a written statement of, and a summary of the basis for, the amount established as just compensation. In the case of a partial taking, damages to the remaining real property, if any, shall be separately stated. The summary statement shall include the following:

(a) Identification of the real property and the estate or interest therein to be acquired;

(b) Identification of the buildings, structures, and other improvements considered to be part of the real property for which the offer of just compensation is made;

(c) A statement explaining the basis for the determination of just compensation and that such determination:

(1) Is based on the estimated fair market value of the estate or interest which is to be acquired on the property;

(2) Is not less than the approved appraisal of the estate or interest in the property;

(d) A statement that any decrease or increase in the fair market value of the real property prior to the date of valuation caused by the public improvement or project for which the property is to be acquired, or by the likelihood that the property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded by the Office in making its determination of just compensation for the property.

§ 916.24 Acquisition of improvements required to be removed from land acquired.

Whenever an Office acquires any interest in real property it shall acquire at least an equal interest in all buildings, structures, or other improvements located thereon and which it requires to be removed from the real property or which it determines will be adversely affected by the use to which the real property will be put.

(a) If any buildings, structures, or other improvements, required to be acquired in accordance with this Section 916.24, are the property of a tenant who has the right or obligation to remove them at the expiration of his term, the total just compensation for the real property, including the property of the tenant, shall be apportioned to the landowner and the tenant. The amount payable to the tenant for such improvements will be the greater of:

(1) The estimated fair market value of the property for offsite removal (salvage value), or

(2) The contributive value of the tenant's improvements to the value of the entirety which shall not be less than the approved appraisal of the value of the improvements.

(b) A payment may be made under paragraph (a) of this section, only in those cases where:

(1) The landowner disclaims all interests in the tenant's improvements, and

(2) The tenant, in consideration for such payment, assigns, transfers, and releases to the acquiring agency all his/her right, title, and interest in and to the improvements.

(c) A tenant may reject payment under paragraph (a) of this section and elect to obtain payment in accordance with other applicable laws.

(d) Payment under paragraph (a) of this section shall not duplicate any payment otherwise authorized by law.

§ 916.25 Appraisal.

As a general rule, only one appraisal will be obtained on each tract, unless the Office determines that circumstances require an additional appraisal or appraisals.

(a) Real property acquisition records shall show that the owner or his/her designated representative has been given an opportunity to accompany the appraiser during his/her inspection of the property.

(b) The head of each Office shall establish, for all NOAA programs and federally assisted programs under his jurisdiction, criteria for determining the qualifications of appraisers, and a system of review by qualified appraisers. Such criteria and system shall be consistent with any standards or procedures established by the Director of the Office of Administrative Services, Department of Commerce, pursuant to section 5.01 of Department Administrative Order 217–13 (March 7, 1973) or any revisions thereof.

(c) Standards for appraisals used in NOAA programs and federally assisted programs administered by NOAA shall be consistent with the current uniform appraisal standards for Federal land acquisition published by the Interagency Land Acquisition Conference.

§ 916.26 Condemnation.

Condemnation proceedings, where required, will be instituted by the Office. Offices shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his/her property.

(a) Offices in project planning shall take into consideration the possible liability for the payment of litigation expenses of a condemnee provided in section 304 of the Act.

(b) In no case will an Office, in order to compel an owner to agree to a price to be paid for his property:

(1) Advance the time of condemnation;

(2) Defer negotiations or condemnation or the deposit of funds in court for the use of the owner; or

(3) Take any other coercive actions to force a price agreement.

§ 916.27 Uneconomical remnant.

In any case where acquisition of only part of a property will leave the owner with an uneconomical remnant, the acquiring Office shall offer to acquire the entire property.

§ 916.28 Notice to move.

No owner or tenant who will become a displaced person will be required to surrender possession of his property before payment is made to him or deposited in the registry of the court. In all cases the owner or tenant shall be given at least 90 days' written notice of the date by which he is required to move from the acquired property.

§ 916.29 Temporary occupancy of property after acquisition.

If an owner or tenant is permitted to remain in possession of property for a short period after acquisition, the rental charged for such occupancy shall not be more than the fair rental value of the property to a short-term occupier.

§ 916.30 Expenses incidental to transfer of title.

Offices shall take actions necessary to insure that owners are reimbursed for expenses incurred incidental to conveyance of real property by the earliest date practicable. All Office land purchase contract forms shall be amended to provide reimbursement to the vendor in an amount deemed by the Office to be fair and reasonable for the following:

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property;

(b) Penalty cost for prepayment of any preexisting recorded mortgage entered into in good faith encumbering said real property; and

(c) The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the acquiring agency, or the effective date of possession of such real property by the acquiring agency, whichever is the earlier.

§ 916.31 Notice to occupants upon initiation of negotiations.

The following information shall be furnished occupants of real property to be acquired at the time of initiation of negotiations, either in a brochure or such other medium as may be directed by the head of the Office:

(a) Owner-occupants of not less than 180 days. Simultaneous with the fair market value offer, an owner-occupant of not less than 180 days shall be furnished:

(1) An explanation of his/her eligibility to receive a replacement housing payment not to exceed $15,000 and the manner in which the exact amount to which he/she will be entitled will be computed, and

(2) An explanation of the eligibility requirements to receive payments for replacement housing, increased interest costs, and incidental expenses, and of his option to rent replacement housing.

(b) Owner-occupants of 90 days or more, but less than 180 days. Simultaneous with the fair market value offer, an owner occupant of 90 days or more, but less than 180 days, shall be furnished.

(1) An explanation of his/her eligibility to receive a replacement housing payment not to exceed $4,000 and the manner in which the exact amount to which he/she will be entitled will be computed, and

(2) An explanation of the option to receive a downpayment towards the purchase of replacement housing not to exceed $4,000, and incidental expenses to purchase replacement housing and the requirement therefor.

(c) Tenants of 90 days or more. Within 15 days after the initiation of negotiations for the purchase of real property, each tenant of 90 days or more shall be personally contacted and furnished in writing:

(1) The date of initiation of negotiations for purchase of the real property;

(2) An explanation of his/her eligibility to receive a replacement housing payment not to exceed $4,000 and the manner in which the exact amount to which he will be entitled will be computed, and

(3) An explanation of the option to receive a down payment towards the purchase of replacement housing and incidental expenses, including the matching requirements therefor.

(d) Owners and tenants of less than 90 days. Within 15 days after the initiation of negotiations for acquisition of the property, each owner and tenant of less than 90 days shall be personally contacted and furnished in writing:

(1) The date of initiation of negotiations for purchase of the real property; and

(2) An explanation of his/her eligibility to receive a payment for moving expenses.

§ 916.32 State acting as agent for Federal program.

In the event that real property is acquired by a State agency at the request of the Office for a NOAA program or project, such acquisition shall, for purposes of the Act, be deemed an acquisition by the Office administering such program or project.

§ 916.33 Federally assisted programs.

The head of each Office administering federally assisted programs carried out by State agencies which will result in the acquisition of real property shall require that State agencies:

(a) Reimburse owners for necessary expenses as specified in sections 303 and 304 of the Act, and

(b) Comply with the provisions of sections 301 and 302 of the Act if compliance is legally possible under State law.

Subpart C—Relocation Assistance Advisory Services

§ 916.40 Relocation assistance advisory program.

Whenever the acquisition of real property for a program or project undertaken by an Office will result in the displacement of any person, the Office shall establish a relocation assistance advisory program for the displaced person or persons. If the head of the Office determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition he/she may offer such person relocation advisory services under this program. Where a federally assisted project is involved in the displacement, the State agency shall provide the advisory services. Each relocation assistance advisory program shall include such measures, facilities, or services as may be necessary or appropriate to:

(a) Determine the need, if any, of displaced persons, for relocation assistance;

(b) Provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing and of comparable commercial properties and locations for displaced businesses;

(c) Insure the availability of adequate replacement housing prior to displacement as prescribed in Subpart D of this part;

(d) Assist a person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(e) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons;

(f) Provide assistance to displaced persons in completing the application forms for benefits under the Act; and

(g) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

§ 916.41 Organizational requirements.

The head of each Office engaged in programs which cause the displacement of persons shall insure that responsibility for administration of relocation assistance programs is properly assigned in accordance with the following:

(a) Headquarters office. An official at the Office headquarters level shall be assigned responsibility for providing staff guidance and direction for administration of the Office's relocation programs.

(b) Regional or comparable office level. At least one official in each region, area, or state office where relocation occurs, shall be assigned the responsibility for providing relocation assistance. These officials may be responsible for one or more projects within the region or other geographical area where practicable and appropriate.

(c) Local relocation office. A local relocation office, properly staffed, should be established when it is determined that the volume of work or the needs of the displaced persons justify such an office. The determination to establish a local relocation office may be made only by the head of the Office on an individual project basis. Local relocation offices, when established, should be reasonably ac-

cessible to public transportation or within walking distance of the project and should be open during hours convenient to the persons being displaced.

§ 916.42 Relocation plan.

A relocation plan shall be developed for all areas or projects where land acquisition activitie. wil cause displacement of persons from their dwellings, businesses, or farm operations. The plan shall be developed in accordance with procedures outlined in § 916.60.

(a) The plan shall include the following information, as a minimum:

(1) The estimated number of individuals, families, businesses, farms, and nonprofit organizations which are to be relocated;

(2) The availability of decent, safe, and sanitary replacement housing within the financial means of the individuals and families being displaced;

(3) The estimated total cost of payments to displaced persons for all benefits under the Act for replacement housing; and

(4) The estimated cost of administering required relocation services to displaced persons.

(b) Each relocation plan shall be:

(1) Coordinated with other Federal, State, and local agencies and private concerns having relocation programs within the project area, to ensure that the real estate market from which replacement housing will be obtained is capable of supplying the demands of all users of housing. (See also §§ 916.43 and 916.44); and

(2) Updated periodically to reflect current real estate conditions. When funds have been appropriated for commencement of real property acquisitions, the relocation plan will be continuously updated and serve as a basis for accomplishing required relocation activities.

(c) A more elaborate relocation plan may be required in instances where acquisition of real property for a program or project will result in the displacement of a substantial number of persons in a metropolitan area, particularly where low or moderate income persons are involved. In any such instances, Offices shall be guided by the relocation planning instructions promulgated by the Department of Housing and Urban Development in its Relocation Handbook 1371.1.

§ 916.43 Coordination of planned relocation activities.

Where two or more Offices of the National Oceanic and Atmospheric Administration plan displacement activities in a given community or project area, they shall coordinate such plans to insure the adequacy of available replacement housing and that displaced persons receive the maximum assistance available to them. Similarly Offices shall communicate with other Federal agencies, and State and local agencies, contemplating displacement activities in the community or area for the purpose of planning relocation activities and coordinating available housing resources. As a minimum, Offices causing displacement shall:

(a) Consult with the appropriate field office of the Department of Housing and Urban Development within the jurisdictional area concerning the availability of housing;

(b) Provide the Housing and Urban Development field office with information regarding the projects which will cause displacement; and

(c) Designate at least one representative who will meet periodically with representatives of other NOAA Offices and other Federal agencies causing displacement in the community to review the impact of their respective programs on the community or area.

§ 916.44 Local coordination.

To further insure maximum coordination of relocation activities in a given community or area, the displacing agency shall consult appropriate local officials prior to approving any proposed project in the community, consistent with the requirements promulgated by Office of Management and Budget Circular No. A-95 (Revised). The circular provides a central point of identifying local officials.

§ 916.45 Coordination with project work.

Offices shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

§ 916.46 Public information.

The head of each Office shall insure that the public receives adequate knowledge of the Office's relocation programs and that persons to be displaced are fully informed, at the earliest possible time, concerning relocation plans. In those areas where the number of persons to be displaced is such that it is not feasible to provide such information on a personal basis, the Office shall afford all concerned persons an opportunity to discuss the relocation program at public meetings. Brochures describing the relocation program will be distributed at these meetings and to all other individuals and organizations, as appropriate.

(a) Discussions at public meetings shall include, as a minimum, the following:

(1) The availability of relocation assistance and services, eligibility requirements, and payment procedures;

(2) The estimated number of individuals, families, businesses, farm operations and nonprofit organizations to be relocated;

(3) Specific plans for relocating all eligible displaced persons in suitable replacement housing; and

(4) The right of administrative review by the head of the Office and of appeal to the Administrator of the National Oceanic and Atmospheric Administration, as provided in Subpart J of this part.

(b) Where appropriate, Offices will, within 15 days after initiation of negotiations on a project, provide public announcements concerning:

(1) The relocation services to be provided;

(2) The payments which can be made; and

(3) The location where the Office relocation brochures can be obtained.

(c) Public announcements may utilize any type of mass media which will provide full and adequate notice to the public.

§ 916.47 Contracting for relocation services.

Offices may enter into agreements with any Federal, State, or local agency, or contracts with private individuals or concerns for the purpose of carrying out relocation activities as provided in §§ 916.48 and 916.49. Each such agreement or contract shall require specific performance standards for the services to be provided. Any contract for such services must be executed and administered in conformance with NOAA Procurement Regulations.

§ 916.48 Agreements with central relocation agency.

When a central relocation agency is available in the community or project area, the displacing agency shall consider entering into an agreement with such agency in an effort to reduce costs, prevent duplication, and promote uniform and effective administration of relocation assistance programs for displaced persons. The appropriate Regional/Area Office of the Department of Housing and Urban Development will provide information and assistance concerning these services, upon request.

§ 916.49 Contracting with private concerns.

Offices may provide relocation services through contracts with private individuals or concerns only when the following conditions exist:

(a) A central relocation agency is not available in the community or project area, or a central agency is available but does not have the capacity to provide the necessary services within the time required by the Office's program, and

(b) The Office does not have the in-house capability to provide the services.

§ 916.50 Additional sources of advisory services.

The following additional sources of advisory services may be available in the project area and should be considered and utilized whenever practicable:

(a) Veterans Administration (VA). The Veterans Administration maintains a housing counseling service and a displaced persons priority program for providing VA owned housing to displaced persons. These services may be made available to persons displaced by NOAA programs and federally assisted programs administered by NOAA, and the local VA Loan Guarantee Office should be contacted.

(b) Small Business Administration. The Small Business Administration provides technical and loan counseling services for small businesses. A displaced businessman should be advised of these services.

(c) Department of Agriculture. The Department of Agriculture provides many services through its direct action farmer assistance programs, activities in rural nonfarm communities, and also urban communities of under 10,000 population. Coordination with the Farmers Home Administration, Department of Agriculture is recommended when a farm operation is displaced.

(d) Local governmental organizations. Local governmental organizations and agencies may have rent supplement, public housing, or related relocation assistance programs which may be utilized to provide housing for the occupants displaced from a project. Local programs should be utilized where they exist. The use of local non-governmental associations may also be used in helping a displaced person. Local real estate boards, apartment owners associations, home builders associations, and other organizations may provide information and services that will help obtain comparable replacement housing for displaced persons and suitable replacement sites for displaced businesses. Also, many States have veterans' organizations which offer services to veterans. The availability of such State organizations should be ascertained and utilized.

§ 916.51 Relocation services—federally assisted programs.

State agencies receiving Federal financial assistance on a project may enter into agreements or contracts for the provision of relocation services in accordance with this Subpart C. When a State agency elects to contract for these services, the Office providing the Federal financial assistance shall take such action as is necessary to insure that the contract will facilitate a uniform and effective relocation program for the displaced persons. Any such contract shall include the following provisions, as a minimum:

(a) That payments or services shall be provided in accordance with the regulations in this Part 916;

(b) That records pertinent to the contract will be retained by the State agency for a period of at least 3 years and shall be available for examination by representatives of the Office and the General Accounting Office.

(c) Clauses required by regulations implementing Title VI of the Civil Rights Act of 1964 (Pub. L. 88–353), and

(d) Any other provision as required by the Office administering the federally assisted program or project.

§ 916.52 Displaced person declining to accept relocation services.

A displaced person is not required to accept the relocation services provided for his/her benefit. He/she may choose to relocate on his/her own and still be eligible for payments under the Act. However, the displaced person must meet the occupancy requirements for decent, safe, and sanitary housing and make application within the prescribed time limits to be eligible for a replacement housing payment.

Subpart D—Assurance of Adequate Replacement Housing Prior to Displacement.

§ 916.60 Determination of availability of replacement housing.

An office shall not proceed with any phase of any project or authorize a State agency to proceed with any phase of a project which will cause the displacement of any person until it has determined, or received satisfactory assurances from the displacing State agency that, within a reasonable period of time prior to displacement, decent, safe, and sanitary housing as defined in § 916.5(d) will be available on a basis consistent with the requirements of title VIII of the Civil Rights Act of 1968 (Pub. L. 90–284) and the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals being displaced. Such dwellings are to be equal in number to the number of, and available to, persons being displaced who require dwellings and reasonably accessible to their places of employment.

(a) Support. Determinations or assurances shall be based on a current survey and analysis of available replacement housing by the Office or displacing State agency and shall take into consideration the competing demands on available housing. (See Subpart C of this part.) Information to develop and maintain the survey may be available from the Department of Housing and Urban Development, the Veterans Administration, and real estate associations. The survey should:

(1) Be undertaken during the planning phase for each project,

(2) Be developed sufficiently to provide a means for determining whether or not the project or area is feasible from the standpoint of assuring that suitable replacement housing will be available to displaced persons and to support assurances that replacement dwellings are available to meet the criteria specified in this section, and

(3) Include a listing of the housing currently available.

(b) Waiver. The head of the Office may waive the requirements of this section for assuring the availability of replacement housing only in the case of an emergency or other extraordinary situation where immediate possession of real property is of crucial importance. Each such waiver shall be supported by appropriate findings and a determination of the necessity for the waiver which shall be documented in writing and made a part of the record pertaining to the project in question.

§ 916.61 Housing provided as last resort.

In any case where the survey and analysis of available replacement housing required by § 916.60 discloses that adequate replacement housing is not available and cannot otherwise be made available, the head of the Office may take action or approve action by a State agency to develop replacement housing as authorized by section 206(a) of the Act. Offices taking or approving such action for replacement housing will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development in 24 CFR Subtitle A, Part 43, Subpart A. A State agency taking such action should comply with the requirements and procedures of the Office which provides the Federal financial assistance.

§ 916.62 Loans for planning and other preliminary expenses for additional housing.

To encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons, the head of the Office may provide loans to eligible borrowers for planning and other preliminary expenses authorized by section 215 of the Act. In implementing this paragraph, Offices will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development in 24 CFR Subtitle A, Part 43, Subpart B. A State Agency providing such loans should comply with the requirements and procedures of the Office which provides the Federal financial assistance.

Subpart E—Moving and Related Expenses

§ 916.65 Eligibility.

(a) Any displaced person, as defined in § 916.5(e), including one who conducts a business or farm operation, is eligible to receive a payment for moving and related expenses.

(b) A person who lives on his/her business or farm property may be eligible for both:

(1) Moving and related expenses as a dwelling occupant, and

(2) Moving and related expenses with respect to displacement from a business or farm operation.

(c) A displaced owner-occupant of a multifamily rental dwelling may be eligible for both:

(1) Moving and related expenses as a dwelling occupant, and

(2) Moving and related expenses with respect to displacement from a business.

§ 916.66 Payment for moving expenses.

Whenever the acquisition of real property will result in the displacement of any person, business, or farm operation, the displacing agency shall make a payment to such displaced person upon proper application for the following, or the "in lieu" payments authorized in Subpart F of this part.

(a) Actual reasonable expenses in moving himself/herself, his/her family, business, farm operation, or other personal property;

(b) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the displacing agency; and

(c) Actual reasonable expenses in searching for a replacement business or farm operation.

§ 916.67 Allowable moving expenses.

(a) Actual reasonable expenses incurred by the displaced person in moving may be allowed as follows:

(1) Transportation of individuals, families, and personal property from the acquired site to the replacement site, not to exceed a distance of 50 miles, except where the displacing agency determines that relocation beyond the 50-mile area is justified.

(2) Packing and unpacking, crating and uncrating of personal property.

(3) Advertising for packing, crating, and transportation when the displacing agency determines that it is necessary.

(4) Storage of personal property for a period generally not to exceed 12 months when the displacing agency determines that storage is necessary in connection with relocation.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, reestablishment of machinery, equipment, appliances, and other items, including modifications as deemed necessary by the Office and reconnection of utilities not acquired as real property.

(7) Property lost, stolen, or damaged (not caused by the fault or neglect of the displaced person, his/her agent or employees) in the process of moving, where insurance to cover such loss or damage is not available.

(8) Such other reasonable expenses as may be determined to be allowable by the Office.

(b) Limitations:

(1) When the displaced person accomplishes the move himself/herself, the amount of payment shall not exceed the estimated cost of moving commercially, unless the Office determines a greater amount is justified.

(2) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement shall not exceed the replacement cost minus the proceeds received from the sale, or the estimated cost of moving, whichever is less.

(3) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, in the judgment of the Office, the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals, and similar type items of personal property.

(4) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in place value of the display, consideration should be given to acquiring such display or displays as a part of the real property.

§ 916.68 Nonallowable moving expenses and losses.

The following expenses shall not be included in the moving expense payment required to be made by § 916.66

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures or other improvements in which the displaced person reserved ownership, except as otherwise provided by law.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of goodwill.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Payment for search cost in connection with locating a replacement dwelling.

(k) Such other items as the Office determines should be excluded.

§ 916.69 Payment for expenses incurred in searching for replacement business or farm.

Actual reasonable expenses incurred by the displaced person in searching for a replacement business or farm may be allowed as follows:

(a) Actual travel costs.

(b) Extra costs for meals and lodging.

(c) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed $10 per hour.

(d) In the discretion of the displacing agency, necessary broker, real estate, or other professional fees to locate a replacement business or farm operation under circumstances prescribed by the Office.

§ 916.70 Limitation.

The total amount which a displaced person may be paid for searching expenses may not exceed $500, unless the Office determines that a greater amount is justified based on the circumstances involved.

§ 916.71 Actual direct losses by business or farm operation.

Whenever the acquisition of or notice to move from, real property used for a business or farm operation causes any person to move from other real property used for his/her dwelling, or to move his/her personal property from such other real property, such person may receive payments for moving and related expenses as provided in § 916.66.

(a) When the displaced person does not move personal property he/she should be required to make a bona fide effort to sell it and should be reimbursed for the reasonable costs incurred.

(b) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the proceeds from its sale, or the estimated costs of moving 50 miles, whichever is less.

(c) When the personal property is abandoned, the displaced person is entitled to payment for the fair market value of the property for continued use at its location prior to displacement or the estimated cost of moving 50 miles, whichever is less.

(d) When personal property is sold and the business or farm operation reestablished, the displaced person is entitled to payment provided in § 916.67 (b)(2).

(e) The costs of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

Subpart F—Payments in Lieu of Moving and Related Expenses

§ 916.75 Eligibility.

Except as otherwise provided herein, a displaced person, including one who is displaced from a business or farm operation, who is eligible to receive payments for moving and related expenses under Subpart E of this part, may elect to receive payments in accordance with this Subpart 930–50.6 in lieu of payment for actual moving and related expenses.

§ 916.76 Displaced dwelling occupant.

A person displaced from a dwelling who elects to receive the payments authorized by this paragraph, in lieu of payment for actual moving expenses, may receive a moving expense allowance, determined in accordance with a schedule established by the Office, not to exceed $300, plus a dislocation allowance of $200.

(a) Only those persons who are displaced from a dwelling, as defined in § 916.5(g), may elect to receive the payment authorized under section 202(b) of the Act in lieu of payment for actual reasonable moving expenses.

(b) Where two or more individuals, not families, living together in a single family dwelling are displaced from such dwelling, they shall be treated as one displaced person for purposes of entitlements under this section.

§ 916.77 Moving allowance schedules.

Moving allowance schedules maintained by the respective State highway departments should be used as the basis for the Office schedules. These schedules should provide for adequacy of reimbursement in every locality.

(a) The Federal Highway Administration will make current schedules available to displacing agencies upon request.

(b) In areas where there are no highway department schedules, Offices undertaking or providing Federal financial assistance to a project causing displacement in such areas shall cooperate with other displacing agencies in the development of a single moving expense schedule for the use of all such agencies.

§ 916.78 Displaced farm operation.

A person displaced from his/her farm operation, as defined in § 916.5(j), may elect to receive a fixed payment of not less than $2,500 nor more than $10,000 in lieu of actual moving expenses in accordance with the same criteria established for a person displaced from a business in § 916.80. Such a payment may be made to the displaced operator of a farm operation only if the acquiring Office determines that the farm operator has discontinued his/her entire farm operation at the present location or has relocated the entire farm operation.

§ 916.79 Farms—Partial taking.

In the case of a partial taking, the operator will be considered to have been displaced from a farm operation if:

(a) The part taken met the definition of a farm operation prior to the taking and the part remaining does not; or

(b) The taking caused the operator to be displaced from the farm operation on the remaining land; or

(c) The taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

NOTE.—If application of the above criteria obviously creates an inequity in any given case, the head of the Office may approve the use of other criteria as determined appropriate.

§ 916.80 Displaced business.

(a) A person displaced from his/her business, as defined in § 916.5(b)(1), (2), and (3), may elect to receive a fixed payment of not less than $2,500 nor more than $10,000 in lieu of actual moving and related expenses, *Provided*, That the displacing Office determines that, during the two taxable years prior to displacement, or during such other period as the head of the Office determines to be more equitable, the business:

(1) Had average annual gross receipts of at least $2,000 in value; or

(2) Had average annual net earnings of at least $1,000 in value; or

(3) Contributed at least 33⅓ percent of the average gross annual income of the owner(s) from all sources, including welfare.

NOTE.—If application of the above criteria obviously creates an inequity in any given case, the head of the Office may approve the use of other criteria as determined appropriate.

§ 916.81 Determination of loss of existing patronage to a business.

The determination of loss of existing patronage to a business shall be made by the displacing agency only after consideration of all pertinent circumstances, including but not limited to the following factors:

(a) The type of business conducted by the displaced concern.

(b) The nature of the clientele of the displaced concern.

(c) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person.

§ 916.82 Businesses not eligible to receive "in lieu" payment.

Those businesses described in § 916.5(b)(4) are not eligible to receive a fixed payment in lieu of payment for actual moving and related expenses.

§ 916.83 Displaced nonprofit organizations.

A displaced nonprofit organization may elect to receive a fixed payment, in lieu of payment for actual moving and related expenses, in an amount equal to the average annual net earnings of the nonprofit organization, except that such payment shall be not less than $2,500 nor more than $10,000. However, no payment shall be made pursuant to this paragraph until after the Office determines that:

(a) The nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used in connection with nonprofit organizations includes the persons, community, or clientele served or affected by the activities of the nonprofit organization.

(b) The nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

§ 916.84 Average annual net earnings.

The term "average annual net earnings" as used in this subpart means the average net earnings of the business or farm operation, before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired, or during such other period as the displacing agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his/her spouse or his/her dependents during such period.

Subpart G—Replacement Housing Payment for Homeowners

§ 916.87 Eligibility.

A displaced owner-occupant is eligible for a replacement housing payment not in excess of $15,000: *Provided*, That he/she meets both of the following requirements:

(a) Actually owned and occupied the dwelling from which displaced for not less than 180 days immediately prior to the initiation of negotiations (see § 916.5(n)) for the acquisition of the property; and

(b) Purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the 1-year period beginning on the date on which he/she receives from the displacing agency final payment of all costs of the acquired dwelling, or on the date on which he/she moves from the acquired dwelling, whichever is the later date.

§ 916.88 Owner-occupant of less than 180 days.

A displaced owner-occupant of a dwelling who is determined to be ineligible for a replacement housing payment under this Subpart G may be eligible for a payment under Subpart H of this part.

§ 916.89 Elements included in replacement housing payment.

The replacement housing payment authorized by this subpart is in addition to payments otherwise authorized by title II of the Act. It includes the following elements:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, is necessary to purchase a comparable replacement dwelling as defined in § 916.5(c).

(b) The amount, if any, necessary to compensate the displaced person for increased interest costs, including points, which he/she is required to pay for financing the purchase of a comparable replacement dwelling. This amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage. A bona fide mortgage is one which was a valid lien on the acquired dwelling for not less than 180 days prior to initiation of negotiations.

(c) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

§ 916.90 Computation of replacement housing payment.

Offices shall determine the amounts necessary to compensate a displaced person for the replacement housing differential payment, increased interest costs, and incidental expenses in accordance with § 916.91.

§ 916.91 Differential payment for replacement housing.

The replacement housing differential payment may be determined by either establishing a schedule or by using a comparative method.

(a) Schedule method. A schedule may be established reflecting reasonable acquisition costs for comparable replacement dwellings of the various types of dwellings to be acquired and available on the private market.

(1) The schedule shall be based on a current analysis of the market to determine an amount for each type of dwelling required.

(2) When more than one Office of the National Oceanic and Atmospheric Administration is causing displacement in a community or an area, they shall coordinate the establishment of a single schedule for replacement housing payments. Similarly, Offices shall cooperate with other Federal agencies causing dis-

placement in the community or area, if any, in the development of such a schedule.

(b) Comparative method. The price of a comparable replacement dwelling may be determined by selecting one or more dwellings most representative of the dwelling unit acquired which are available to the displaced person on the private market and which meet the definition of comparable replacement dwelling. A single dwelling shall only be used when additional comparable dwellings are unavailable.

(c) Alternate method. In the event that neither the schedule or comparative methods is feasible, the displacing agency should develop criteria for computing replacement housing payments. In the case of a federally assisted program, any alternate method proposed by a State agency should be subject to the prior concurrence of the Office administering such program.

(d) The method of determining the replacement housing differential payment shall be selected by the acquiring agency.

(e) Limitations. The amount established as the differential payment for the replacement housing, plus the costs referred to in §§ 916.89(b) and 916.89(c), sets the upper limit of this payment.

(1) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the amount established for comparable replacement housing, the differential payment will be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(2) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

§ 916.92 Interest payment.

Displaced persons shall be compensated for increased interest costs, if any, only if the acquired dwelling was encumbered by a bona fide mortgage. The payment for any increased interest costs including points, incurred by the displaced person, shall be determined in consideration of the following:

(a) The payment shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the bona fide mortgage on the acquired dwelling, at the time of acquisition, over the remaining term of the mortgage on the acquired dwelling, reduced to discounted present value.

(b) The discount rate shall be the mean annual interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) A "bona fide mortgage" is one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations. All bona fide mortgages on the dwelling acquired by the displacing agency will be used to compute the increased interest cost portion of the replacement housing payment.

(d) The computation of the payment for increased interest costs will be based on the actual term of the new mortgage or the remaining term of the old mortgage, whichever is the lesser, and the computation will be based on the actual amount of the new mortgage or the unpaid amount of the old mortgage, whichever is the lesser.

(1) Seller's points are not to be included in the interest computation.

(2) The actual interest rate of the new mortgage will be used in the computation.

(3) Purchaser's points and/or loan origination fees will be added to the computed interest payment.

(e) However, the interest payment shall be based on the present value of the reasonable cost of the interest differential, including points paid by the purchaser, on the amount financed not to exceed the amount of the unpaid debt on the acquired dwelling for its remaining term.

(f) The format described in Exhibit 1 of this Part 916 shall be used in the computation of the interest payment.

EXHIBIT 1

FORMAT; COMPUTATION OF INTEREST PAYMENT

Required Information

1. Outstanding balance of mortgage on acquired dwelling ..... $_____
2. Outstanding balance of mortgage on replacement dwelling ..... _____
3. Lesser of Line 1 or Line 2 ..... _____
4. Number of months remaining until last payment is due for mortgage on acquired dwelling ..... _____
5. Number of months remaining until last payment is due for mortgage on replacement dwelling ..... _____
6. Lesser of Line 4 or Line 5 ..... _____
7. Annual Interest rate of mortgage on acquired dwelling ..... _____%
8. Annual interest rate of mortgage on replacement dwelling (or, if it is lower, the prevailing annual interest rate currently charged by mortgage lending institutions in the general area in which the replacement dwelling is located) ..... _____%
9. Prevailing annual interest rate paid on standard passbook savings accounts by commercial banks ..... _____%
10. If applicable, any debt service costs on the loan on the replacement dwelling, such as points paid by the purchaser which are not reimbursable as an incidental expense ..... _____

Development of Monthly Payment Figures

A. Monthly payment required to amortize a loan of $_____ in (Line 3) _____ months at an annual interest rate of _____ $_____% (Line 6) (Line 7)

B. Monthly payment required to amortize a loan of $_____ in (Line 3) _____ months at an annual interest rate of _____ _____% (Line 6) (Line 8)

C. Monthly payment required to amortize a loan of $_____ in (Line 3) _____ months at an annual interest rate of _____ _____% (Line 6) (Line 9)

Calculation of Interest Payment

Step 1 Subtract A from B:
- Monthly payment based on rate for replacement dwelling (B) ..... _____
- Monthly payment based on rate for acquired dwelling (A) ..... _____
- Result (difference) ..... _____

Step 2 Divide result (difference) of Step 1 by C (carry to 6 decimal places):
- Result (difference) from Step 1 ..... _____
- Monthly payment based on savings rate (C) ..... _____
- Result (quotient) ..... _____

Step 3 Multiply outstanding balance of mortgage on acquired dwelling by result (quotient) of Step 2:
- Outstanding Balance (from Line 3) ..... $_____
- Result (quotient) of Step 2 ..... ×_____
- Result (product) ..... _____

Step 4 Add to result (product) of Step 3 any debt service costs on the loan on the replacement dwelling:
- Result (product) of Step 3, first mortgage ..... _____
- Result (product) of Step 3, second mortgage [1] ..... _____
- Sum or difference, as applicable [1] ..... _____
- Add debt service costs on loan on replacement dwelling (Line 10) ..... _____
- Amount of interest payment ..... _____

[1] If there is more than one outstanding mortgage on an acquired dwelling, the discounted value of each mortgage must be determined. To do this, a separate computation is made to each mortgage through Step 3. A consolidated Step 4 is then completed.

§ 916.93 Incidential expenses.

(a) The payment for incidental expenses, i.e., the amount necessary to reimburse a displaced person for reasonable costs incurred by him/her incident to purchase of a replacement dwelling, shall be determined in consideration of such costs as:

(1) Legal, closing, and related costs including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.

(2) Lenders, Federal Housing Administration, or Veterans Administration appraisal fees.

(3) Federal Housing Administration application fee.

(4) Certification of structural soundness when required by lender, Federal Housing Administration, or Veterans Administration.

(5) Credit report.

(6) Title policies or abstracts of title.

(7) Escrow agent's fee.

(8) State revenue stamps, or sale or transfer taxes.

(b) No fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, title I, Public Law 90–321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System.

§ 916.94 Statement of eligibility pending purchase of replacement dwelling.

Upon request of a displaced owner-occupant who has not yet purchased and occupied a replacement dwelling, but who is otherwise eligible for a replacement housing payment under this subpart, Offices shall furnish a written statement to any interested person, financial institution, or lending agency as to the displaced person's eligibility for a payment and the requirements which must be satisfied before such payment can be made.

§ 916.95 Advance payment in condemnation cases.

In a condemnation proceeding involving a declaration of taking, an advance replacement housing payment may be made to a homeowner if determination of the acquisition price of the acquired dwelling will be delayed pending the outcome of condemnation proceedings. Inasmuch as the exact amount of the replacement housing payment cannot be ascertained until final adjudication of the condemnation suit, a provisional replacement housing payment may be determined based on the displacing agency's offer for the property acquired. No such payment may be made, however, unless the homeowner agrees, in writing, that:

(a) Upon final determination of the condemnation proceeding, the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court:

(b) If the acquisition price as determined by the court is greater than the displacing agency's offer upon which the provisional replacement housing payment was based, the difference up to the extent of the replacement housing payment advanced shall be refunded (including interest computed at the same rate as that paid by the agency on that portion of the acquisition price above the agency's offer) to the displacing agency; and

(c) If the acquisition price as determined by the court is less than the displacing agency's offer upon which the provisional replacement housing payment was based, the difference shall be paid to the homeowner.

Subpart H—Replacement Housing Payment for Tenants and Certain Others

§ 916.98 Eligibility requirements.

(a) Displaced tenant or owner-occupant of less than 180 days. A displaced tenant (including a sleeping room occupant) or owner-occupant of a dwelling for less than 180 days, is eligible for a replacement housing payment if he/she actually occupied the dwelling as a permanent abode for not less than 90 days immediately prior to the initiation of negotiations (see § 916.5(h)) for acquisition of the property.

§ 916.99 Notification to tenants.

Offices shall notify the tenant or other occupant, in writing, of the date of initiation of negotiations.

§ 916.100 Replacement housing payment.

A displaced tenant or owner-occupant of less than 180 days who meets the eligibility requirements of § 916.98(a) is eligible for either:

(a) The differential payment necessary to enable him/her to lease or rent, for a period not to exceed 4 years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public, utilities and public and commercial facilities, and reasonably accessible to his/her place of employment, but not to exceed $4,000.00, or

(b) If he/she purchases and occupies replacement housing within one year from displacement, the amount necessary to enable him/her to make a downpayment, including incidental expenses, on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and commercial and public facilities, but not to exceed $4,000, except that if such amount exceeds $2,000, such person must equally match any such amount in excess of $2,000, in making the downpayment.

§ 916.101 Computation of replacement housing rental differential payment for tenants and certain others.

Offices shall establish the amount necessary to rent a comparable replacement dwelling. The amount may be determined either by establishing a schedule or by a comparative method.

(a) Schedule method. A rental schedule may be established for renting comparable replacement dwellings of the various types required and which are available in the private market. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (the average monthly cost from the schedule) and subtracting from such amount 48 times the average month's rent paid by the displaced person in the past 3 months prior to initiation of negotiations, if such rent was reasonable, or 48 times the monthly economic rent for the dwelling unit, as established by the Office, if the actual rent paid was unreasonable.

(1) The schedule should be based on a current analysis of the market to determine an amount for each type of dwelling required.

(2) When more than one Office of the National Oceanic and Atmospheric Administration is causing displacement in the same community or area, they shall coordinate with each other in choosing the method for computing the replacement housing payment and may use uniform schedules of average rental housing in the community or area. Similarly, Offices shall cooperate with other Federal agencies causing displacement in the community or areas, if any, in the establishment of the schedule.

(b) Comparative method. The average month's rent may be determined by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of comparable replacement dwelling. The payment should be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years and subtracting from such amount 48 times the average month's rent paid by the displaced person in the last 3 months prior to initiation of negotiations, if such rent was reasonable, or 48 times the monthly economic rent for the dwelling unit, as established by the Office, if the actual rent paid was unreasonable.

(c) Exceptions. The average month's rent paid by the displaced person may be established by using more than 3 months when deemed advisable. If rent is being paid to the displacing agency, economic rent shall be used in determining the amount of the payment to which the displaced person is entitled.

(d) Alternate method of computing replacement housing rental differential payment. When neither the schedule or the comparative method of computing the rental differential payment is feasible, the Office shall develop criteria for computing the payment.

(e) Limitation. The amount of the rental replacement housing payment (within the $4,000 limitation) for tenants and owner-occupants who rent instead of purchase replacement housing, shall be computed by subtracting the economic rent of the acquired dwelling from the lesser of:

(1) The amount of rent actually paid for the replacement dwelling; or

(2) The amount determined by the displacing agency as necessary to rent a comparable replacement dwelling.

(f) The amount initially established and approved as the rental replacement housing payment shall not be adjusted to compensate for subsequent increases or decreases, if any, in the amount of rent actually paid by the displacee.

§ 916.102 Computation of replacement housing payment—purchasers.

(a) The amount of the downpayment shall be the lesser of:

(1) The amount that would be required as a downpayment for financing a conventional loan on a comparable dwelling; or

(2) The amount required as a downpayment for financing of a conventional loan on the replacement dwelling actually purchased.

(b) To the amount determined pursuant to paragraph (a)(1) or (a)(2) of this section will be added the amount required to be paid by the purchaser as points and/or origination or loan services fee if such fees are normal to real estate transactions in the area, on the comparable dwelling or the replacement dwelling whichever is the lesser.

§ 916.103 Disbursement of rental replacement housing differential payment.

The amount of the rental replacement housing payment, determined in accordance with § 916.101, shall be paid in a lump sum, except that it shall be paid in installments when this method of payment is requested by the displaced person.

Subpart I—Federally Assisted Programs

§ 916.106 Acceptance of real property furnished by a State incident to NOAA program.

Whenever real property is acquired by a State agency and furnished as a required contribution incident to a NOAA program or project, the Office administering the program or project may not accept such property unless the State agency has made all payments and provided all assistance and assurances as are required of a state agency by sections 210 and 305 of the Act. The State agency shall pay the cost of such requirements in the same manner and to the same extent as the cost of the real property acquired for such project.

§ 916.107 Assurances—Section 210.

Offices shall not approve any grant to, contract, or agreement with, a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of the Act, unless satisfactory assurances are received from the State agency that:

(a) Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by Offices under this Part 916.

(b) Relocation assistance programs offering the services described in Subpart C of this part shall be provided to the displaced persons;

(c) A survey and analysis of the available replacement housing has been made in accordance with § 916.60 and that within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with Subpart D of this part, and

(d) The affected persons will be adequately informed of the benefits available under title II of the Act, and the policies and procedures relating to the payment of such benefits.

§ 916.108 Assurances—Section 305.

Offices shall not approve any program or project or any grant to contract, or agreement with a state agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on or after the effective date of the Act, unless satisfactory assurances are received from the State agency that:

(a) In acquiring real property, the State agency will be guided, to the greatest extent practicable under State law, by the land acquisition policies set forth in Subpart B of this part.

(b) Property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of the Act, and

(c) The affected persons will be adequately informed of the benefits available under title III of the Act and the policies and procedures relating to the payment of such benefits.

§ 916.109 Compliance with section 210.

In all cases, State agencies must comply fully with the assurances required by section 210 of the Act.

§ 916.110 Compliance with sections 301 and 302.

A State agency's assurances under section 305 of the Act shall be accompanied by a statement indicating the extent to which it can comply with the provisions of sections 301 and 302 of the Act. In the event a State agency maintains that it is unable to comply fully with any of the prescribed policies, its statement shall be supported by an opinion of the chief legal officer of the State agency. State agencies shall comply with sections 301 and 302 of the Act if compliance is legally possible under State law.

§ 916.111 Inability to provide assurances under section 305.

If a State agency's assurances are accompanied by a statement that it is unable to comply fully with the provisions of section 305 of the Act, the head of the Office administering the federally assisted project involved may prescribe procedures setting forth the conditions under which the project will be approved.

§ 916.112 Assurances not required.

If the federally assisted program or project will not result in either the acquisition of real property or the displacement of persons, a grant, contract, or agreement may be executed with the State agency without regard to such State agency's ability or inability to provide the assurances required by sections 210 and 305 of the Act.

§ 916.113 Monitoring assurances.

Offices shall monitor the assurances provided by State agencies on a continuing basis to insure that federally assisted programs and projects are carried out in conformance with such assurances.

§ 916.114 Federal share of costs.

The cost to a State agency of providing the payments and assistance required by the regulations in this Part 916 shall be included as part of the cost of a program or project for which Federal financial assistance is available to the State agency.

(a) The State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other project or program costs.

(b) No payment or assistance under section 210 or 305 of the Act shall be required or included as a program or project cost under this section if the displaced person receives a payment required by State law of eminent domain which is determined by the Office to have substantially the same purpose and effect as would a payment under this paragraph, and to be part of the cost of the program or project for which Federal financial assistance is available.

(c) Offices may advance to a State agency the Federal share of the cost of any payments or assistance by the State agency pursuant to sections 206, 210, 215, and 305 of the Act, when they determine that such action is necessary for the expeditious completion of a program or project.

§ 916.115 Relocation assistance programs.

State agencies receiving Federal financial assistance on a project which will result in the displacement of persons, shall provide relocation assistance advisory services to the displaced persons in accordance with the provisions of Subpart C of this part.

§ 916.116 Waiving of benefits.

(a) Whenever NOAA, or in the case of a federally assisted project, a State agency, provides that the owner of a single-family residence may, at his/her option, elect to retain a right of use and occupancy for not less than six months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Act, and for the purposes of these sections, such owner shall not be considered a displaced person as defined in section 101(6) of the Act.

(b) Retention of a residence under a use and occupancy agreement must be compatible with the intended use of the project site. Moreover, the appraisal should properly reflect the effect such a retention of use has upon the property's fair market value.

(c) In no case shall a State refuse to pay relocation payments for homeowners who were allowed temporary occupancy while awaiting for replacement property.

(e) An owner of a single-family residence who elects to retain a right of use and occupancy for not less than six months from date of acquisition of such residence shall be informed that any benefits to which he/she may be entitled under sections 203, 204, 205, and 206 of the Act will be deemed to have been waived as a result of such use and occupancy.

§ 916.117 Appeal procedure.

Prior to approving any federally assisted project, heads of Offices administering federally assisted programs or projects which will result in the displacement of persons shall require the State agency to furnish a description of the appeal procedures that are available to such displaced persons, to assure that any person aggrieved by a determination as to eligibility for a payment authorized by the Act or the amount of a payment, may have his/her application reviewed by the head of the State agency.

Subpart K—Administrative Review and Appeals

§ 916.120 Compliance reviews.

The head of each Office engaged in NOAA programs or federally assisted programs administered by NOAA which involve the acquisition of real property and/or the displacement of persons shall provide for such periodic review of the operations at regional and other field office levels as he/she deems necessary to insure proper implementation of, and full compliance with, the provisions of the Act and the regulations in Part 930–50.

§ 916.121 Appeals.

All eligible relocatees shall be furnished a written notice of their right to appeal. Such notification may be provided by brochure if the right to appeal is adequately described therein.

§ 916.122 Appeal procedure.

In NOAA acquisition programs any dispute concerning a question arising under the Act which is not disposed of by agreement shall be decided by the head of the Office who shall reduce his decision to writing and mail a copy thereof to the displaced person. This decision shall be final and conclusive unless, within 30 days from date of mailing of such copy, the displaced person mails a written appeal addressed to the Administrator, National Oceanic and Atmospheric Administration, Rockville, Maryland, in accordance with the regulations in 43 CFR Part 4, Subpart G. The decision of the Administrator shall be final and conclusive. In connection with any appeal to the Administrator, the displaced person may be afforded an opportunity to be heard and to offer evidence in support of his appeal, as provided for in 43 CFR Part 4, Subpart G.

Subpart L—Annual Report

§ 916.125 General.

Each Office having responsibilities for Federal or federally assisted programs that come within the purview of Public Law 91–646 shall prepare and submit an annual report to the Administrator, NOAA on its activities related to programs and policies established or authorized by the Act. This report, which is required by section 214 of the Act, shall consist of both a narrative and statistical report.

§ 916.126 Narrative report.

The narrative portion of the report should be consolidated for the Office and submitted, in duplicate, in the form of an attachment to a transmittal memorandum. It shall respond to each of the items set out in the following subparagraphs as the item pertains to the respective Office. Narrative comments should be furnished for all items. If an item is not applicable to an Office, or if a negative response pertains to a particular item, the report should so indicate.

(a) Assurance of required replacement housing.

(1) Each Office should comment on the effectiveness of the provisions of the Act relating to assurances of the availability of comparable decent, safe, and sanitary replacement housing for displaced homeowners and tenants.

(2) Describe the actions taken by the Office to assure compliance with the requirements of sections 205(c)(3), 206(b), and 210(3) of the Act.

(3) Provide information on all court decisions affecting the Office which concern the adequacy of replacement housing.

(b) Office actions to achieve objectives of the Act.

(1) Describe the actions taken by the Office to achieve the objectives of the policies of the Congress to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by or having real property taken for Federal or federally assisted programs.

(2) Describe the provisions adopted by the Office for coordination with other Federal, State and local displacing agencies.

(c) Progress in achieving objectives of the Act. Report the progress of the Office in the various programs conducted or administered, indicating:

(1) The success in coordinating Office relocation activities with other Federal, State, and local agencies.

(2) Office experience and the cost of utilization of authority under section 206(a) of the Act to provide replacement housing, citing difficulties, if any, in obtaining funds for this purpose and the impact on specific projects.

(3) Office experience and cost of implementing section 215 of the Act, concerning loans for planning and obtaining federally insured mortgage financing for replacement housing.

(4) For federally assisted programs administered by the Office, enumerate the States not in compliance with the Act or the reporting date. If compliance by any State does not extend to any or all federally assisted programs conducted or administered by the Office, the programs excepted should be indicated and an explanation furnished for the basis of the State's inability to comply. In all such instances, indicate the expected date for full compliance by the state.

(5) Describe adverse effects of the Act, if any, on programs conducted by the Office.

(d) Effect of Act on the public. Describe any indicated effects of the relocation program and policies on the public, reporting conclusions obtained from surveys, special studies, and other sources relating to the effects of implementation of the Act on a neighborhood or community.

(e) Recommendations. Furnish any recommendations for further improvement in relocation assistance and land acquisition programs, policies, and implementing laws and regulations. Include any proposals for amendments or revisions to:

(1) General Services Administration Guidelines.

(2) Federal legislation.

(3) State legislation.

(f) Waiver of assurances of replacement housing. Describe any situations or circumstances which required a waiver of assurance of replacement housing pursuant to subsection 205(c)(3) of the Act. For any waivers reported, submit the Office findings and determination supporting waiver of the requirements of the subsection.

§ 916.127 Statistical report.

The statistical portion of the report shall be submitted on General Services Administration Form 2997. The forms should be consolidated for the Office and submitted in duplicate. Those Offices administering both Federal and federally assisted programs shall submit separate consolidated forms for such programs.

§ 916.128 Submission.

The annual report shall be prepared on a fiscal year basis and submitted in duplicate to reach the Administrator, NOAA, by not later than September 1 of each year.

[FR Doc.76-27649 Filed 9-21-76;8:45 am]

Title 19—Customs Duties

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

[T.D. 76-267]

PART 113—CUSTOMS BONDS

Landing Bond for Alcoholic Beverages

Section 113.14 of the Customs Regulations (19 CFR 113.14), which lists the types of bonds subject, after execution, to approval by a district director of Customs, includes in paragraph (r) (19 CFR 113.14(r)) the landing bond for alcoholic beverages. Section 113.14(r) of the Customs Regulations describes the bond in question as "Landing Bond, Customs

Form 7593, or landing bond in the form prescribed in T.D. 47886."

It has come to the attention of the United States Customs Service that the wording of § 113.14(r) of the Customs Regulations, suggests that Customs Form 7593 is a different document from the landing bond prescribed in Treasury Decision 47886. Actually, Treasury Decision 47886 provided that the form prescribed therein was "to be designated Customs Form 7593." However, Customs Form 7593 has never been printed by the Government Printing Office or otherwise been made available by the Customs Service. Instead, persons needing to file a landing bond for alcoholic beverages have been referred to Treasury Decision 47886, which requires that a bond be filed in substantially the form prescribed therein.

Accordingly, in order to eliminate any continued confusion in this matter, paragraph (r) of § 113.14 of the Customs Regulations (19 CFR 113.14(r)) is amended to read as follows:

§ 113.14 Bonds approved by the district director.

* * * * *

(r) *Landing bond for alcoholic beverages.* Landing bond, in the form prescribed in T.D. 47886, to land spirits, wines, or other alcoholic liquors in foreign ports, in an amount equal to double the estimated duty.

* * * * *

(R.S. 251, as amended, sec. 623, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

Because this amendment merely clarifies present requirements and requires no public initiative, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date: This amendment shall become effective September 22, 1976.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: September 10, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-27778 Filed 9-21-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0270]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS; RESINOUS AND POLYMERIC COATINGS FOR POLYOLEFIN FILMS

The Food and Drug Administration is amending the food additive regulations to provide for the use of a 2-sulfoethyl methacrylate, sodium salt as a component of coatings for use in contact with food, and to provide for the use of N,N'-diphenyl-p-phenylenediamine as a polymerization inhibitor for 2-sulfoethyl methacrylate, sodium salt; effective September 22, 1976; objections by October 22, 1976.

Notice was given by publication in the FEDERAL REGISTER of October 29, 1975 (40 FR 50299) that a petition (FAP 5B3112) had been filed by the Morton Chemical Co., 110 North Wacker Drive, Chicago, IL 60606, proposing that §§ 121.2526 and 121.2569 (21 CFR 121.2526 and 121.2569) be amended to provide for the use of 2-sulfoethyl methacrylate, sodium salt as a component of coatings in contact with food.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that §§ 121.2526 and 121.2569 should be amended as set forth below to provide for the use of the petitioned additive and to provide for the use of *N,N'*-diphenyl-*p*-phenylenediamine, currently regulated in other food additive regulations, as a polymerization inhibitor for the additive.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat 1786 (21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 121 is amended in Subpart F as follows:

1. Section 121.2526 is amended in paragraph (b)(2) by alphabetically adding 2 new items as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * * *

(b) * * *
(2) * * *

* * * * * * *

List of substances	*Limitations*
* * * * * * *	
N,N'-Diphenyl-*p*-phenylenediamine.	For use only as polymerization inhibitor in 2-sulfoethyl methacrylate, sodium salt.
* * * * * * *	
2-Sulfoethyl methacrylate, sodium salt [C.A. Registry No. 10595-80-9].	For use only in copolymer coatings under conditions of use E, F, and G described in paragraph (c) of this section, table 2, and limited to use at a level not to exceed 1.0 percent by weight of the dry copolymer coating.
* * * * * * *	

2. Section 121.2569 is amended in paragraph (b)(3) by alphabetically adding 2 new items as follows:

§ 121.2569 Resinous and polymeric coatings for polyolefin films.

* * * * * * *

(b) * * *
(3) * * *

List of substances	*Limitations*
* * * * * * *	
N,N'-Diphenyl-*p*-phenylenediamine.	For use only as a polymerization inhibitor in 2-sulfoethyl methacrylate, sodium salt.
* * * * * * *	
2-Sulfoethyl metacrylate, sodium salt [C.A. Registry No. 10595-80-9].	For use only in copolymer coatings under conditions of use E, F, and G described in table 2 of § 121.2526(c) and limited to use at a level not to exceed 1.0 percent by weight of the dry copolymer coating.
* * * * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 22, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: This regulation shall become effective September 22, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348 (c)(1)).)

Dated: September 15, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-27664 Filed 9-21-76;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES; STYRENE BLOCK POLYMERS

The Food and Drug Administration is amending the food additive regulations to provide for the use of styrene block polymers with 1,3-butadiene as a component of food-packaging adhesives; effective September 22, 1976; objections by October 22, 1976.

Notice was given by publication in the FEDERAL REGISTER of November 20, 1975 (40 FR 50422), that a petition (FAP 6B3156) had been filed by the Minnesota Mining and Manufacturing Co., 3M Center, St. Paul, MN 55101, proposing that §§ 121.2520, 121.2622, and 121.2577 (21 CFR 121.2520, 121.2622, and 121.2577) be amended to provide for the safe use of the subject additive as a component of adhesives and pressure-sensitive adhesives intended to contact food. The petitioner subsequently amended the petition to delete the request for the pressure-sensitive adhesive coverage (§ 121.2577).

The Commissioner, having evaluated data in the petition and other relevant material, concludes that §§ 121.2520 and 121.2622 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1 (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 121 is amended as follows:

1. By amending § 121.2520(c)(5) by alphabetically adding a new item to the list of substances, to read as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * * * *	
Styrene block polymers with 1,3-butadiene.	
* * * * *	

2. By adding new paragraph (e) to § 121.2622 to read as follows:

§ 121.2622 Styrene block polymers.

* * * * *

(e) The provisions of this section are not applicable to styrene block polymers with 1,3-butadiene listed in § 121.2520.

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 22, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: This regulation shall become effective September 22, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348 (c)(1)).)

Dated: September 15, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-27666 Filed 9-21-76;8:45 am]

SUBCHAPTER F—BIOLOGICS

[Docket No. 76N-0022]

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

Test for Pyrogenic Substances

The Food and Drug Administration (FDA) is amending the biologics regulations in § 610.13 (21 CFR 610.13), which governs the test for pyrogenic substances, effective September 22, 1976.

In a proposed regulation published in the FEDERAL REGISTER of June 10, 1974 (39 FR 20399), the Commissioner of Food and Drugs proposed to amend paragraph (b) of § 610.13 Purity, to update the test for pyrogenic substances to include improved procedures developed since its incorporation into the biologics regulations on June 30, 1960. The pyrogen test is designed to establish whether a biological product is free from fever-producing contaminants and impurities, which, if present, may result in illness and death to the user. The proposed regulation included most of the provisions of the pyrogen test method published in the United States Pharmacopeia (U.S.P.), which is more specific on test procedures, number of test animals to be used, and interpretation of results. The proposed regulation thus provided a method of testing for pyrogens that is comparable to the method used for testing all other drugs for human use.

Interested persons were given until August 9, 1974 to file written comments with the Hearing Clerk, Food and Drug Administration. Eight letters about the proposal were received. Their comments and the Commissioner's responses are as follows:

1. Two comments concerned the proposal's preamble and statements therein that implied that the rabbit pyrogen test is the best current scientific testing procedure. One comment requested data demonstrating that the rabbit test is the most reliable test. The other comment stated that the Limulus Amebocyte Lysate test is superior to the rabbit pyrogen test and should be permitted as an alternate test, or the rabbit test should be used only as a reference test and not as the required procedure.

The Commissioner advises that practical experience with the rabbit test accumulated through the years by the Bureau of Biologics and manufacturers' control laboratories indicates that, with the exception of a limited number of lots of 25 percent Normal Serum Albumin (Human), the rabbit pyrogen test reliably detects pyrogenic substances in biological products. Furthermore, a number of studies published in the scientific literature demonstrate the effectiveness of the rabbit test for detecting pyrogenic substances. These studies are available at the office of the Hearing Clerk, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner is aware of the potential value of the Limulus Amebocyte Lysate test to detect bacterial endotoxins as pyrogens in human blood and in drugs for human use. He is receptive to licensing the reagents for the Limulus Amebocyte Lysate Test provided adequate data are received to support the stability of the lysate material, consistency in production, and relative effectiveness of the Limulus Amebocyte Lysate test to the current rabbit test. To date, adequate data have not been received to support licensing of the reagents. When adequate data are received, the reagents for the Limulus Amebocyte Lysate test will be licensed and products that can be tested by this method will be prescribed. In addition, the pyrogen test method in § 610.13(b) can be amended to permit the use of the Limulus Amebocyte Lysate test for certain products. Until such time, the rabbit test must continue to be the required test for pyrogens, and no change is made in the final regulation.

2. Two comments indicated that the test dose volume prescribed in the U.S.P. is inconsistent with the test dose volume in existing § 610.13(b)(1). (On July 1, 1975, subsequent to the proposal and comment period for this regulation, the nineteenth revision, U.S.P. XIX, became official. Discussion in this preamble will reference the requirements of this current official edition.)

Although the proposal did not contain an amendment to § 610.13(b)(1), the Commissioner will, however, respond to the comment.

The U.S.P. XIX prescribes a test dose volume of 10 milliliters per kilogram of body weight of the rabbit; the current § 610.13(b)(1) prescribes at least 3 milliliters and need not exceed 10 milliliters per kilogram of body weight of the rabbit

and also requires that the test dose volume be equivalent proportionately, on a body weight basis, to the maximum single human dose. The Commissioner did not intend to revise the test dose volumes specified in § 610.13(b)(1) to make them consistent with the test dose volumes prescribed in U.S.P. XIX because the test dose volumes prescribed in § 610.13(b)(1) have been established experimentally over the years to be the maximum volume that can be safely tolerated by rabbits and still detect the presence of pyrogenic substances in biological products. However, there should be no inconsistency in practice between the U.S.P. and the biologics regulations since for biological pharmacopeial drugs "revisions of the federal requirements affecting the USP monographs will be made the subjects of USP Supplements" (U.S.P. XIX, "Biologics," p. 675). Moreover, both the U.S.P. XIX in its individual monographs and the biologics regulations in § 610.13(b)(1) provide exceptions to the general test dose volumes prescribed. All biological products requiring pyrogen testing are derived from protein of animal species other than the rabbit. In addition, the concentration of protein varies from one product to another. If the test dose volumes were adjusted to be consistent with the volume specified in the general procedure in U.S.P. XIX, many rabbits would die as a result of the injection of foreign protein in volumes and concentrations that could not be tolerated by the rabbits. It is apparent that such a test dose volume requirement would not be compatible with a valid test for detection of pyrogenic substances. Accordingly, no change is made in the current § 610.13(b)(1).

3. One comment suggested that the U.S.P. XIX requirement that equipment be rendered pyrogen-free by heating to 250° C be included as a requirement of the pyrogen test in § 610.13.

The Commissioner recognizes the need to render all testing equipment pyrogen-free. Failure to do so could cause a positive test suggesting the presence of pyrogens in the product rather than in the equipment used for performing the test. Under these circumstances the lot would fail the test and would not be released. The preparation of equipment before testing is only one of several preparatory steps required before performing the test. Section 610.13 is intended to describe the required test method; it is not intended to describe all the quality control procedures and appropriate precautions required to assure validity of the test. Accordingly, no change is made in the final regulation.

4. One comment concerning proposed § 610.13(b)(2) asked for clarification of the phrase "overtly healthy."

The Commissioner has used the phrase as a general term to prevent the use of obviously sick rabbits, even when the temperature of the rabbit falls within the temperature requirements of § 610.13(b)(2).

5. Two comments suggested that proposed § 610.13(b)(2) include a requirement that rabbits weigh not less than 1,500 grams, to be consistent with the U.S.P. XIX requirement for test animals.

The Commissioner did not prescribe a minimum weight requirement so that dwarf breeds of rabbits that may weigh less than 1,500 grams at maturity could be used. Dwarf breeds of rabbits may be economically advantageous to use because they require less space for housing. The 1,500-gram minimum weight requirement prescribed by U.S.P. XIX is intended to prohibit the use of juvenile rabbits. In this respect, the first sentence of § 610.13(b)(2) prescribes the use of mature rabbits, which is consistent with the intent of the U.S.P. XIX requirement. Accordingly, no change is made in the regulation.

6. Two comments concerning proposed § 610.13(b)(2) questioned the advisability of permitting re-use of animals for pyrogen testing.

The Commissioner recognizes that re-use of rabbits within 2 weeks following a pyrogenic reaction is not desirable because rabbits exposed to pyrogenic substances may become refractive and fail to react on subsequent exposure to pyrogenic substances. The prescribed rest of 2 weeks for rabbits given a test sample that was adjudged pyrogenic is intended to allow sufficient time to avoid the period during which the rabbit can be refractive. On the other hand, manufacturers of blood derivatives have avoided the re-use of a rabbit with products containing similar proteins for fear of obtaining spurious results. The question concerning re-use of rabbits for pyrogen testing has been the subject of extensive discussion within the scientific community. On the basis of data available at the present time, there is no reason to prohibit re-use of rabbits for pyrogen testing. Nevertheless, the Commissioner encourages interested persons to submit data from controlled studies for further consideration, and if the data demonstrate that re-use of rabbits is contraindicated, the regulation will be amended to prohibit their re-use.

7. One comment concerning proposed § 610.13(b)(2) objected to requiring a "sham test" on a rabbit previously used in a pyrogen test.

The sham test is a procedure used to condition rabbits before pyrogen testing. Those rabbits that are not preconditioned may become excited during testing and produce irregular temperature responses, causing a false-positive reading. The Commissioner agrees that a rabbit conditioned for the initial pyrogen test may remain adequately docile for all further pyrogen tests, and that the requirement to condition all re-use rabbits in a sham test would then be unnecessary. Accordingly, paragraph (b)(2) is revised to require that only rabbits being used in a pyrogen test for the first time need be conditioned by a sham test.

8. Two comments concerning proposed § 610.13(b)(2) related to the requirement that food be withheld from rabbits on the day of the test until completion of the test. One comment stated that the U.S.P. XIX requires that food be withheld only during the test. The other comment stated that a literal interpretation of "the day of the test" would mean starting at midnight.

The Commissioner intended that food be withheld from rabbits only during the test, and the final regulation is amended accordingly.

9. One comment on proposed § 610.13(b)(2) concerned the requirement that the control temperature of a rabbit be obtained by allowing sufficient time for the temperature-measuring device to reach a maximum temperature before taking the reading. The comment stated that the requirement is inconsistent with the U.S.P. XIX requirement that an accurate clinical thermometer, for which the time necessary to reach the maximum reading is known, be used.

The Commissioner finds no inconsistency between these requirements. The intent of both requirements is that the temperature of the rabbits be accurately determined. The proposed regulation requires that the temperature-measuring device remain in the animal for a sufficient time necessary to reach maximum temperature. The time necessary may be known, or it may be determined before testing.

10. Two comments concerning proposed § 610.13(b)(2) related to the requirement that the test dose be injected at the rate of not less than 1 milliliter per minute rather than injection of the test dose within 10 minutes, as prescribed in the U.S.P. XIX. One comment requested an explanation for selecting 1 milliliter per minute as the injection rate. The other comment recommended reconciling the proposed testing procedure with that found in the U.S.P. XIX and cited the injection rate in U.S.P. XIX to be within 40 minutes.

The Commissioner proposed that the test dose be injected at the rate of not less than 1 milliliter per minute when the then current U.S.P. XVIII required that the test dose be injected within 40 minutes. The volume of test dose required for many biological products is approximately 1 to 3 milliliters, and the injection of small volumes over 40 minutes would not provide sufficient stress to the test animal to produce a meaningful test. On July 1, 1975, the U.S.P. XIX became official, and the rate of injection was changed to require injection of the test dose within 10 minutes after start of administration. The Commissioner is of the opinion that the rate recommended in U.S.P. XIX is compatible with the small and larger volume test doses required for biological products; and therefore, paragraph (b)(2) of § 610.13 is changed in the final regulation to agree with the U.S.P. XIX procedure. The comment citing the U.S.P. XIX injection rate to be within 40 minutes was apparently a misstatement.

11. Two comments concerning proposed § 610.13(b)(2) and (3) suggested that the interpretation of test results be expressed in positive terms, i.e., passing the test rather than in negative terms, i.e., failing the test.

The Commissioner agrees with these suggestions. The general safety test (21 CFR 610.11) and sterility test (21 CFR 610.12) prescribed in the general standards for most biological products, as well as many tests prescribed in the additional standards for specific biological products, express interpretation of test results in terms of passing the test rather than failing the test. For consistency, paragraphs (b)(2) and (3) are changed accordingly in the final regulation.

12. Two comments concerning proposed § 610.13(b)(2) objected to the requirement that to pass the initial test none of the three rabbits tested may produce a temperature rise of 0.6° C or more. Both comments indicated that the lot should pass the test if one of the three rabbits tested produces a temperature rise of 0.6° C, as prescribed in the current § 610.13(b)(3). One of the comments suggested that the criteria for passing the initial test are inconsistent with the criteria prescribed in the proposed paragraph (b)(3) for passing the retest. Namely, to pass the initial test none of the three rabbits may show a rise of 0.6° C, however, three of the eight rabbits from the initial and repeat tests combined may show a temperature rise above 0.6° C. The other comment concluded that the proposed revision would probably increase the retest rate and fail occasional lots of pyrogen-free products, thereby increasing the cost of the product to users without providing increased assurance of a safe product.

The Commissioner is of the opinion that all drugs for human use should be subject to the same criteria of acceptance with respect to the pyrogen test. In this respect, the proposed criteria for passing the test are the same as those prescribed in the U.S.P. XIX. In addition, experimental data indicate that in comparative tests, the threshold doses of bacterial endotoxin are approximately equal in rabbit and man. However, as the dose increases, the reaction is more severe in man than in the rabbit. Consequently, borderline reactions in the rabbit must be considered as potentially more reactive in man, and therefore the more sensitive criteria of the proposed § 610.13(b) (2) and (3) are justified. The requirement that all three rabbits pass the initial test is consistent with the U.S.P. XIX requirement for passing the initial test. If limited testing is to be done, it is consistent with other biological screening tests to expect no failures in the initial testing. If there are any failures in the initial testing it is consistent with U.S.P. XIX and other biological screening tests to repeat the tests using a larger sample, in this case five additional rabbits. The results of all tests must be considered in evaluating a lot for release. Accordingly, the Commissioner rejects the suggestion that the lot of product should pass the initial test if one of the three rabbits tested produces a temperature rise of 0.6° C. The Commissioner also rejects the suggestion that the proposed revision would probably increase the retest rate and fail occasional lots of pyrogen-free products. Rather, the proposed revision will encourage testing laboratories to take adequate precautions designed to minimize false-positive pyrogen test results, thereby reducing the retest rate. Accordingly, no change is made in the final regulation.

13. Three comments recommended that additional repeat tests should be permitted if the product fails to meet the requirements for retesting in proposed § 610.13(b)(3). One of the comments further indicated that the restriction permitting only one repeat test is inconsistent with the U.S.P. XIX requirements.

The Commissioner finds no basis for permitting an additional repeat test if the product fails both the initial pyrogen test as well as the retest. The current regulations permit an unlimited number of retests. Data available to the Commissioner resulting from such additional retesting reflect that only in a few isolated instances did a lot fail the initial and retest requirements, and pass subsequent retesting. The Commissioner believes that a scientifically sound pyrogen test procedure should include the use of a uniform number of rabbits to determine the presence of pyrogenic substances in each lot of product being tested. Furthermore, there is no provision in the U.S.P. XIX that permits use of more than a total of eight rabbits. The Commissioner is of the opinion that the manufacture of products should be sufficiently consistent so that each lot will pass applicable tests within a prescribed number of retests or replicate tests. The suggestion that more than one pyrogen retest be permitted is rejected, and no change is made in the final regulation.

The Commissioner has reviewed the potential environmental impact of the regulation and has concluded that the action will not significantly affect the quality of the human environment and that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 610 is amended in § 610.13 by revising paragraph (b)(2) and (3) to read as follows:

§ 610.13 **Purity.**

* * * * *

(b) * * *

(2) *Procedure; test results; standards to be met.* Use only overtly healthy mature rabbits. House the rabbits individually in an area of uniform temperature (±3° C), free from disturbances likely to excite them. Rabbits for pyrogen tests may not be used within 2 weeks following their having been given a test sample that was adjudged pyrogenic, and in no case may a rabbit be used more frequently than every 48 hours. Before using a rabbit that has never been used in a pyrogen test, condition it by a sham test that includes all the steps prescribed in paragraph (b)(2) of this section, except injection of the test dose. Perform the test under environmental conditions similar to those under which the rabbits are housed. During the test withhold all food, except water, from the rabbits. Determine the control temperature of each rabbit not more than 40 minutes before injecting the test dose. The control temperature is determined by inserting the temperature measuring device into the rectum of the test rabbit to a depth of not less than 7.5 centimeters and allowing sufficient time to reach a maximum temperature before taking the reading. The control temperature recorded for each rabbit constitutes the temperature from which any subsequent rise following the injection of the material is calculated. If the rectal temperature measuring device is to remain inserted throughout the testing period, restrain the rabbits in a manner that will allow them to assume a natural resting position. In any one test, use only those rabbits whose control temperatures do not deviate more than 1° C from each other, and do not use any rabbits with a temperature exceeding 39.8° C. Warm the test product to approximately 37° C, and inject the test dose into an ear vein of each of three rabbits. Injection of each test dose shall be completed within 10 minutes after the start of administration. Record the temperature of each rabbit at 1, 2, and 3 hours subsequent to the starting time of each injection. The lot meets the requirements for absence of pyrogens if no rabbit shows a rise in temperature of 0.6° C or more above its respective control temperature at any time period, and if the sum of the three rabbits' individual maximum temperature rises does not exceed 1.4° C.

(3) *Retest.* If the lot fails to meet the test requirements prescribed in paragraph (b)(2) of this section, the test may be repeated once using five other rabbits. The temperature rises recorded for all eight rabbits used in testing shall be included in determining whether the requirements are met. The lot meets the requirements for absence of pyrogens if not more than three of the eight rabbits show individual rises in temperature of 0.6° C or more, and if the sum of the eight individual maximum temperature rises does not exceed 3.7° C.

* * * * *

Effective date: This regulation shall be effective September 22, 1976.

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

Dated: September 15, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-27668 Filed 9-21-76;8:45 am]

Title 22—Foreign Relations

CHAPTER V—U.S. INFORMATION AGENCY

PART 505—PRIVACY ACT POLICIES AND PROCEDURES

Exemptions of Systems of Records

On July 21, 1976, the United States Information Agency published in the FEDERAL REGISTER (41 FR 30029), proposed amendments to 22 CFR Part 505, adding § 505.15 concerning exemptions of systems of records under the Privacy Act. One comment received questioned the justification for the application of the exemption concerning classified material, 5 U.S.C. 552a(k)(1), to the systems of records "USIA–20–Legal Files—IGC." The Agency sustains the exemption because that system of records may contain records or portions of records that are properly classified and required to be kept secret in the interest of national defense and foreign policy. The Agency adopts the amendments with the following corrections and revisions, which are the result of other comments received.

The phrase "and in order for the Agency's security staff to properly perform its functions" in § 505.15(a)(1) is deleted because it is superfluous to the language of the exemption.

Section 505.15(a)(3) concerning exemptions under 5 U.S.C. 552a(k)(4) is deleted. After additional review of this proposal, the Agency has concluded that there is no statutory basis for the proposed exemptions of statistical records in the systems of records mentioned.

The adopted § 505.15 as corrected and revised reads as follows:

§ 505.15 Exemptions of systems of records.

Portions of the following systems of records may be exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4), (G), (H) and (I), and (f).

(a) Exempt under 5 U.S.C. 552a(k)(1). The reason for invoking this exemption is to protect material required to be kept secret in the interest of national defense and foreign policy.

USIA–20—Legal Files—IGC
USIA–25—Personnel Security and Integrity Records—IOS

(b) Exempt under 5 U.S.C. 552a(k)(2). The reasons for invoking this exemption are to prevent individuals who are subjects of an investigation from frustrating the investigatory process; to insure the integrity of law enforcement activities; to prevent the disclosure of investigative techniques; and to protect the confidentiality of sources of information.

USIA–20—Legal Files—IGC
USIA–25—Personnel Security and Integrity Records—IOS

(c) Exempt under 5 U.S.C. 552a(k)(5). The reasons for invoking this exemption are to insure the proper functioning of the investigatory process, to insure effective determination of suitability, eligibility and qualifications for employment, and to protect the confidentiality of sources of information:

USIA–13—Employee Relations File—IPT
USIA–16—Equal Employment Opportunity Complaint File—IEO
USIA–17—Equal Employment Opportunity General Files—IEO
USIA–20—Legal Files—IGC
USIA–25—Personnel Security and Integrity Records—IOS
USIA–31—Recruitment Records—IPT

(d) Exempt under 5 U.S.C. 552a(k)(6). The reasons for invoking this exemption are to prevent the compromise of testing or evaluation material used solely to determine individual qualifications for employment or promotion, and to avoid giving unfair advantage to individuals by virtue of their having access to such material:

USIA–13—Employee Relations File—IPT
USIA–14—Employee Training File—IPT
USIA–22—Master Employee Records—IPT
USIA–31—Recruitment Records—IPT

Dated: September 15, 1976.

EUGENE P. KOPP,
Deputy Director.

[FR Doc.76–27646 Filed 9–21–76;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 1—GENERAL PROVISIONS

Release of Information From Other Than Claimant Records; Schedule of Fees

On page 32247 of the FEDERAL REGISTER of August 2, 1976 a notice was published that the Veterans Administration was considering amending Part 1, Title 38 of the Code of Federal Regulations to change the schedule of fees indicated in § 1.555(h)(2) pertaining to charges for document search. The proposed amendment was issued to eliminate the minimum search charge for the release of information from other than claimant records and to provide that there will be no charge for the first hour or fraction thereof.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed amendment. No comments were received. The proposed amendment to § 1.555(h)(2) is adopted without change.

Effective date: This amendment is effective September 16, 1976.

Approved: September 16, 1976.

By direction of the Administrator.

A. J. SCHULTZ, Jr.,
Associate Deputy Administrator.

In § 1.555, paragraph (h)(2) is revised to read as follows:

§ 1.555 Fees.

* * * * *

(h) Schedule of fees: * * *

(2) Searching, per hour	$3.50
(No charge for the first hour or fraction thereof)	

* * * * *

[FR Doc.76–27780 Filed 9–21–76;8:45 am]

Title 50—Wildlife

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective September 22, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and geese on the Crab Orchard National Wildlife Refuge, Illinois is permitted in accordance with the seasons and limits established by the Illinois Department of Conservation. The area open to hunting is designated by green public hunting signs. This open area is delineated on a map available at refuge headquarters, Carterville, Illinois 62918 and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting will be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—the building of permanent blinds of any kind or other structural works on the refuge public hunting area is prohibited. All blinds must be of a portable nature or constructed with dead vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt. Blinds may not be constructed beyond the shoreline on refuge waters.

(2) A blind shall be defined as the artificial or natural materials arranged so as to conceal the hunter.

(3) All blinds located on the following islands will be filled by public drawing prior to each day's hunt. Grassy Island, Turkey Island, Sawmill Island and Orchard Island. This drawing will be conducted at 5:00 a.m. each day of goose season. No blinds may be constructed on these islands. Only the blinds furnished and located by the refuge staff may be used.

(4) No goose pits may be built on the refuge public hunting area.

(5) It is unlawful for any person to establish or use any blind for the taking of migratory waterfowl within 100 yards of any other blind on the refuge public hunting area.

(6) All persons hunting geese on the refuge public hunting area must register before entering and upon leaving the area and must register any geese taken on the area at the locations designated by the Project Manager.

(7) Hunting will not be permitted at the Carterville Beach area as posted by the Project Manager.

(8) All goose hunting at the Grassy Point and Carterville public area shall be subject to the following special conditions:

a. All blinds will be allotted by a daily drawing conducted at the Carterville hunting area.

b. Hunting will be allowed only from the existing blinds as established by the Project Manager.

c. Drawing will take place at 5:30 a.m. daily.

d. All applicants must be present for drawing.

e. Each hunter is permitted a maximum of 20 shells.

f. Shooting hours will be from Sunrise to 12 Noon daily.

g. Two hunters per blind will be allowed.

h. For the use of established blinds and decoys there will be a $2 charge per hunter.

i. No alcoholic beverages are permitted in the hunting area.

j. Disorderly conduct, high shooting or unsportsmanlike conduct will result in removal from the area.

k. All hunters must check out of the area by 12:30 p.m.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1977.

GEORGE G. P. BEKERIS,
Acting Regional Director.

[FR Doc.76-27709 Filed 9-21-76;8:45 am]

PART 32—HUNTING

Piedmont National Wildlife Refuge, Ga.; Correction

In FR Doc. 76-24809, appearing on page 35851 of the issue for Wednesday, August 25, 1976, under § 32.32, item (1) (c) erroneously sets either-sex hunt dates on November 5 and 13, 1976, and is corrected as follows:

(c) Either sex hunts—November 6 and 13, 1976. Limit one deer.

KENNETH E. BLACK,
Regional Director,
Fish and Wildlife Service.

SEPTEMBER 14, 1976.

[FR Doc.76-27707 Filed 9-21-76;8:45 am]

PART 32—HUNTING

Trempealeau National Wildlife Refuge, Trempealeau, Wis.

The following special regulation for deer hunting is proposed. Interested persons may submit written comments regarding the proposed regulations to the Regional Director, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111 by October 8.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

WISCONSIN

TREMPEALEAU NATIONAL WILDLIFE REFUGE SUB-UNIT, UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of deer on the Trempealeau National Wildlife Refuge sub-unit of the Upper Mississippi River Wild Life and Fish Refuge is permitted on 680 acres. Maps of the area are available at the District headquarters at Trempealeau National Wildlife Refuge, Trempealeau, Wiscosnin 54661.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) The season shall extend from November 20, 1976 through November 28, 1976.

(2) Only holders of special permits will be allowed to hunt deer and only for those days indicated on the permit. Twenty-four (24) permits by public drawing. Applications for permits are available from Trempealeau National Wildlife Refuge, Trempealeau, Wisconsin. One-half (12) of the permits are issued for Saturday, November 20, and twelve (12) for November 21, 1976. Any hunter not successful on those days will be allowed to hunt the remainder of the season.

(3) No shooting may be done within a safety zone (posted) around the headquarters area or within 100 feet of any traveled road.

(4) Vehicles are restricted to designated roads.

(5) All hunters must check into the headquarters prior to hunting and check out each day after hunting.

(6) Only antlerless deer may be taken the first two days of the season.

(7) Permitted weapons are shotguns with rifled slugs only.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 28, 1976.

GEORGE G. P. BEKERIS,
Acting Regional Director.

[FR Doc.76-27708 Filed 9-21-76;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1062, 1007, 1011, 1030, 1032, 1046, 1049, 1050, 1063, 1064, 1065, 1068, 1070, 1071, 1073, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1101, 1102, 1104, 1106, 1108, 1120, 1126, 1131, 1132, 1138]

[Docket Nos. AO-10-A52, etc.]

MILK IN THE ST. LOUIS-OZARKS AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments; Order Terminating Proceeding

CFR Part	Marketing area	Docket No.
1062	St. Louis-Ozarks	AO-10-A52
1007	Georgia	AO-366-A15
1011	Appalachian	AO-251-A19 R01
1030	Chicago regional	AO-361-A16
1032	Southern Illinois	AO-313-A30
1046	Louisville-Lexington-Evansville.	AO-123-A46
1049	Indiana	AO-319-A27
1050	Central Illinois	AO-355-A20
1063	Quad Cities-Dubuque	AO-105-A43 R01
1064	Greater Kansas City	AO-23-A50
1065	Negraska-western Iowa	AO-86-A36
1068	Upper Midwest	AO-178-A35
1070	Cedar Rapids-Iowa City	AO-229-A32 R01
1071	Neosho Valley	AO-227-A33
1073	Wichita, Kans	AO-173-A34
1076	Eastern South Dakota	AO-260-A23
1078	North central Iowa	AO-272-A27 R01
1079	Des Moines, Iowa	AO-295-A32 R01
1090	Chattanooga, Tenn	AO-266-A21 R01
1094	New Orleans, Mississippi	AO-103-A39
1096	Greater Louisiana	AO-257-A27
1097	Memphis, Tenn	AO-219-A33
1098	Nashville, Tenn	AO-184-A41
1099	Paducah, Ky	AO-183-A35
1101	Knoxville, Tenn	AO-195-A25 R01
1102	Fort Smith, Ark	AO-237-A27
1104	Red River Valley	AO-298-A27
1106	Oklahoma metropolitan	AO-210-A40
1108	Central Arkansas	AO-243-A31
1120	Lubbock-Plainview, Tex.	AO-328-A20
1126	Texas	AO-231-A44
1131	Central Arizona	AO-271-A22
1132	Texas Panhandle	AO-262-A29
1138	Rio Grande Valley	AO-335-A25

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the St. Louis-Ozarks and certain other marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Clayton, Missouri, pursuant to notice thereof issued on May 10, 1976 (41 FR 19650).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator, on August 3, 1976, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto (41 FR 33276).

The material issue, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Three paragraphs are added after paragraph 28.

2. Three paragraphs are added after paragraph 42.

3. Three paragraphs are added after paragraph 44.

The material issue on the record relates to whether the procedure for announcing the Class II price should be changed in the orders affected by this proceeding.

BACKGROUND

In 1970, interested parties asked the Department to conduct a rulemaking hearing on proposals to provide uniform classification provisions which ultimately included 39 [1] milk orders. The Milk Industry Foundation, representing regulated handlers, proposed, among other things, that advance pricing be provided for Class II and Class III milk.

The hearings on these proposals were conducted in 1970 and 1971. In August 1974 the orders were changed to provide for 3 classes in place of the previous 2-class system. The proposal for advance pricing, however, was denied. MIF had requested that if there were to be three classes the Secretary should announce the Class II and Class III price on the 5th of the month for which the price was applicable. That is, on June 5th the Secretary would announce the Class II and Class III price for the month of June. Historically, the orders have provided that the price for producer milk going into manufactured products be announced on the 5th of the month following the month to which it was applicable.

In exceptions filed to the revised recommended decision, there was a general concensus among both handler (including MIF) and producer groups that the present method of announcing surplus prices should continue with respect to Class III milk. These groups generally urged, however, that the Class II price for the month be announced by the fifth day of the month and be based on the Minnesota-Wisconsin price for the preceding month.

In the decisions issued on the matters at issue the Assistant Secretary concluded that:

> * * * the prices paid by regulated handlers for Class III milk should correspond very closely with the pay prices during the month of delivery for manufacturing grade milk if these handlers are to be competitive in the sale of the principal surplus products.
>
> The same considerations are involved in the case of an advance announcement of prices for milk used in the proposed Class II products. The influence of the manufacturing milk price level on the competitive relationship of producer milk for Class II use is similar to that for producer milk used in the proposed Class III products. Therefore the price for Class II milk should be announced on the same basis as the price for Class III milk. (Ref. 39 FR 8731, March 6, 1974)

It was intended that these conclusions would be weighed in the context of earlier findings in the decision dealing with the appropriate level and procedure for pricing surplus milk which clearly established the problem which can result when Class II and Class III prices get out of alignment with each other or with manufacturing grade milk values.

Previously in the decision in discussing the appropriate means of pricing surplus milk the Assistant Secretary stated:

> * * * as adopted herein the new Class II price under each order would be the Minnesota-Wisconsin price plus 10 cents. Should the Class III price drop significantly below the price for producer milk used in Class II, there would be an incentive for processors of such Class II products as ice cream and cottage cheese to displace producer milk with nonfat dry milk and butter made from milk priced at the lower Class III price. The net effect of this practice would be an uneconomical lowering of total returns to producers. (Ref. 39 FR 8719, March 6, 1974)

The Assistant Secretary stated further in the decision:

> Although cooperatives proposed Class II price differentials of 10, 15, 20 and 25 cents, the Class II differential for each market should be the same. The distribution of the adopted Class II products from a single plant often extends over a broad region encompassing several Federal order marketing areas. Numerous examples were cited on the record concerning the widespread sales of yogurt, cream items, frozen desserts, and cottage cheese in particular. Because of the intermarket competition, a uniform Class II price differential should be provided in these orders to complement the uniform classification provision. A price differential of 10 cents reasonably reflects the added value which handlers are able to pay for producer milk in such uses as compared to processing milk supplies or finished products from other sources. (Ref. 39 FR 8722, March 6, 1974)

Following the decision, and order, 57 handlers regulated by 26 marketing orders filed a petition pursuant to section (15)(A) of the Act. The petition alleged that the Secretary erred in denying the MIF proposal for advance pricing

[1] The number later was reduced to 32 through the merger of various orders in Texas and in the Upper Midwest. The Appalacian and Knoxville orders are included in this proceeding (bringing the total to 34) because they are involved in a merger proceeding with the Chattanooga market which originally was included in the uniform classification proceeding.

on Class II milk. The arguments were made by petitioners that the method of pricing Class II milk, as currently found in the orders, was a denial of due process, that the Secretary lacked statutory authority for such pricing and that the hearing record did not contain substantial evidence supporting the Secretary's decision for denying the proposal.

On April 29, 1976, the Judicial Officer issued a decision and order in which he found the provisions of the 26 marketing orders not to be in accordance with law. In reaching this conclusion he found the findings of the Assistant Secretary in the decision to deny advance pricing for Class II milk to be "totally inadequate." The Judicial Officer also found that he could not, on the basis of the evidence in record, agree with the petitioners' proposed findings that their proposed method of pricing would effectuate the purposes of the Act. He also denied petitioners' contention that the Secretary lacked statutory authority for the present method of pricing and that such pricing was a denial of due process. In summary, the Judicial Officer's decisions supported the Secretary in all aspects, with the exception of the inadequate findings in the decision following the rulemaking proceedings.

The Judicial Officer referred the matter to the Secretary in order that the Department could take whatever corrective action it deemed necessary. The Judicial Officer retained jurisdiction of the proceeding for purposes of allowing the petitioners to come before the Judicial Officer if they were not satisfied with the corrective action taken by the Department. The Department concluded that a hearing should be convened to consider further the issue of advance pricing for Class II milk.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Class II pricing. The orders should not be amended to change the procedure for announcing the Class II milk price.

The orders presently provide that the Class II milk price shall be the basic formula price for the month (the Minnesota-Wisconsin price) plus 10 cents. The orders provide further that the market administrator shall announce publicly on or before the 5th day of each month the Class II price for the preceding month.

A number of the handlers regulated by the orders covered by this proceeding were represented at the hearing by the Milk Industry Foundation and the International Association of Ice Cream Manufacturers. The Milk Industry Foundation is a trade association representing fluid milk processors regulated by each of the orders under consideration in the proceeding. Members of the association operate about 1,000 fluid milk processing plants and process about 75 percent of the total fluid milk packaged in the U.S. The Foundation also represents some of the companies which manufacture, distribute and sell cottage cheese, yogurt, dips, dressings, sour cream, and other products which are included in the Class II definition of the orders covered by this proceeding.

Likewise, the International Association of Ice Cream Manufacturers is a trade association representing a number of manufacturers of frozen desserts. These include ice cream, ice milk, sherbets, milk shakes and other mixes and combinations which are classified as Class II by the orders in this hearing. Members of the association operate 800 frozen dessert plants and manufacture about 85 percent of the total frozen desserts manufactured in the U.S.

The associations made alternative proposals at the hearing to:

(1) Announce the Class II prices on the same date as Class I prices are announced (Under present procedures this would provide that the Minnesota-Wisconsin price, which is announced on the 5th of each month, be applied to milk purchased the following month; thereby providing for a 25-day advance notice in most months); or (2) use the Minnesota-Wisconsin price announced on the 5th day of the month to set the Class II price effective on the 20th of the month, or on the first Monday following the 20th of each month to accommodate the current policy of the many retailers to make price changes on Mondays.

A third proposal was offered which would provide about 15 days advance notice by revising the method of computing the basic formula price of the respective orders and the announcement date of the Class II price. After objections and arguments by interested parties, the Administrative Law Judge presiding ruled that the proposal to modify the basic formula price was outside the scope of the hearing notice and the workpapers and exhibits supporting such proposal were excluded from evidence. On this basis, no further consideration concerning this proposal is given herein.

Producer cooperative associations were generally represented by the National Milk Producers Federation. The Federation is an organization whose membership consists exclusively of cooperative associations of dairy farmers and federations of such cooperative associations. Milk of one or more member cooperative associations is marketed in each area regulated by a Federal order subject to the hearing.

The producer associations represented by the Federation, and most other producer representatives who appeared at the hearing, testified that advance Class II pricing should not be adopted on the basis of this proceeding. They pointed out that studies were underway in an effort to devise a means whereby the desires of handlers for more current surplus class price announcements might be accommodated in conjunction with a modification of the Class I pricing procedure. In the interim they argued that any effort to modify the Class II pricing procedure on the basis of this record could only create problems which would have serious disruptive and disorderly effects on milk marketing under the respective orders.

Handlers testified that they do not know the Class II milk price until the 5th day after the close of the month. They pointed out that they have bought the raw milk, manufactured various Class II products, generally sold such products to their customers, and often have made collections for such sales without knowing the cost of the most important single cost element involved in the price of such products. They allege that they cannot estimate or anticipate the actual Class II price with sufficient accuracy or consistency to serve as a reasonable basis for costing and thus are placed in an intolerable and unwarranted competitive position.

The announcement of class prices, other than Class I, after the end of the month has been traditional under Federal milk orders and has never previously been challenged. The apparent reason for the current challenge is that the time involved in effectuating resale price changes has been significantly extended in recent years. Currently, a large percentage of Class II items processed is sold to retail food chains which are highly concentrated organizations. Usually, cottage cheese, yogurt, ice cream, and similar products which are supplied to such stores are bought centrally. Frequently, prices for Class II products sold through the individual stores of the chain are established for entire divisions at a central level. According to proponents, this activity requires planning and, most importantly, communication with a number of people in order to effectuate a price change.

After receiving notification of the Class II price which necessitates changes in prices to wholesale accounts, handlers must prepare new price lists and discuss the contemplated price changes with their customers who in turn, if agreeing to the change, must notify their own retail outlets of any changes which may be appropriate. Handlers' testimony is that usually changes in a Federal order handler's Class II product prices cannot be effective until retail store prices can be adjusted. Handlers claimed that to implement the entire pricing procedure in an orderly manner there must be at least 15 days' notice from the time Class II prices are announced until they become effective.

In describing the foregoing situation, handlers stressed that the food industry is characterized by vigorous competition. Each package size of each item the manufacturer or retailer handles is a factor in his ultimate gross margin. In the case of staple products, such as dairy products, a change in the retail price may weigh heavily in forming a consumer's view of the store's general price level. Thus, according to proponents, retailers are always concerned that any increase in the retail price of dairy products will result in reduced overall sales and a reduction in gross margin dollars rather than an increase.

The general procedure involved in implementing a price change was represented as follows: (1) Pre-notification of the customer that a price change is

imminent; (2) Transmission of a new price list and negotiation with the customer; (3) Management decision on the part of the retail food chain regarding new prices; (4) Preparation of a new price list by the retail food chain for distribution to each store; (5) Distribution of the new price list to each store; and (6) Effectuation of the new price list.

Proponents urged that Class II prices be announced on the same date that Class I prices are announced. Under present procedures this would require that the Minnesota-Wisconsin price for the preceding month, which is announced on the 5th day of the month, be the applicable price for milk purchased the following month, thereby providing for a 25-day advance notice in most months. As an alternative they proposed use of the Minnesota-Wisconsin price announced on the 5th of the month as the Class II price for the period from the 20th of the month through the 19th of the following month. They further suggested the possibility of making the price effective for the period beginning on the first Monday following the 20th.

Proponents testified at length that handlers would not be disadvantaged under advance pricing for Class II milk. Presumably, this point was stressed to refute one of the findings to this effect set forth in the Department's decision denying advance Class II pricing. However what proponents have failed to recognize is that the basic concern of the Department relates to the marketing problems which would result from price disparities between regulated handlers who use producer milk in the manufacture of Class II products, and dealers using nonfederally regulated supplies. Because regulated handlers can readily adjust their operations to remove the competitive disadvantages, it is producers who in the end suffer the adverse consequences of the price disparities.

The evidence in this proceeding establishes that because regulated handlers have flexibility to adjust their operations, they would not be disadvantaged under advance Class II pricing in competing with unregulated handlers. Under normal circumstances if the Class II price were too high in relation to the Class III price, regulated handlers could reject producer milk and buy cheaper ingredients made from Class III milk for making Class II products. This would insure that they continue to be competitive with unregulated handlers. On the other hand, if the Class II price were lower than the Class III price, regulated handlers would have a strong incentive for the use of lower-priced producer milk in producing Class II products. Under such circumstances they would actually have an advantage in competition with unregulated handlers.

Producer witnesses testified, almost unanimously, that the present Class II pricing provisions should not be changed on the basis of this proceeding. They contended that adoption of provisions for advanced announcement of the Class II price under existing circumstances would set the stage for disorderly marketing conditions which could only result in reduced returns to producers generally.

The record evidence indicates that cottage cheese and frozen desserts represent an important outlet for reserve milk supplies in regulated markets. For 1975, about 11 percent of the producer milk prices under the orders in this preceding was used in Class II, and over 75 percent of such Class II utilization was represented by cottage cheese and frozen desserts.

Cottage cheese and frozen dessert plants, for the most part, are located in heavily populated areas and are most often operated in conjunction with the fluid milk business. Proprietary handlers seemingly prefer fresh producer milk in the production of Class II products, particularly cottage cheese. Accordingly, they look to producers and their cooperative associations for a supply of fluid milk for such Class II utilization.

While proprietary handlers may desire a regular and dependable supply of milk for use in Class II, they are not required by the respective orders to accept any milk they do not need or want. Furthermore, handlers' needs for local milk for Class II use are strongly influenced by price considerations. Dairy farmers, on the other hand, must have a market for their milk every day of the year.

Cooperative associations generally perform the esssential role of balancing handlers' needs, and of providing an assured market for their member producer milk. This is an important consideration in evaluating whether disorderly marketing conditions could result from adopting advance pricing for Class II milk.

An analysis of data introduced into evidence shows that if advance pricing of Class II milk, based on the basic formula price of the second preceding months, had been in effect for the 52-month period of January 1972 through April 1976, there would have been 30 months (nearly 60 percent of the time) when the Class II price would have been lower than the Class III price. In only 10 months (20 percent of the time) would the Class II price have exceeded the Class III price by more than 10 cents.

The prevalence of Class II prices that are lower than Class III prices could not promote continuing orderly marketing conditions. Several tables of a handler exhibit introduced into evidence computed the values of butterfat and nonfat dry milk solids using the current, previous and second preceding month's Minnesota-Wisconsin price. The computed values were compared with the value of butterfat and nonfat milk solids based on market prices of butter and powder. This data purported to demonstrate that advance pricing would not result in sufficient price differences to influence handler decisions to use producer milk for Class II.

The market prices of butterfat and nonfat milk solids of course reflect the processing costs of converting whole milk into butter and powder. No comparable costs were included in the calculations for converting the various Minnesota-Wisconsin prices into the value of butterfat and nonfat milk solids; i.e., separation and other related processing. Thus, the data might indicate that handlers would have no significant incentive to purchase manufactured products for use in the processing of Class II items rather than using producer milk. Additionally, the calculations did not reflect the 10 cent Class II differential which would add about 1-cent per pound to the cost of nonfat solids in producer milk.

The data presented by proponents indicate that the value per pound of fat does not alter appreciably whether the current, preceding, or second preceding month's Minnesota-Wisconsin price is used to establish the Class II price. There are two reasons why the proposed advance pricing has but a minor effect on the butterfat value. First and most importantly, the butterfat differential used in computing the value of butterfat, is based on the current month's butter quotations. This is prescribed by the order. Secondly, since the announced price is for milk containing 3.5 percent butterfat, most of the weight of any price change in the Minnesota-Wisconsin series necessarily is allocated to the skim value. Thus, considering butterfat values only, it would take a 3-cent per pound change in butterfat value to cause a 10 cent price change for milk of 3.5 percent test. In only 2 of the 51 months (January 1972–March 1976) would the proposed 2-month advance pricing yield a butterfat value difference in excess of 3 cents per pound.

Based on data in the record for the period January 1972 through March 1976, skim milk values computed from the Minnesota-Wisconsin price of the second preceding month would have been higher in 10 months, and lower in 41 months than skim milk values computed from the Minnesota-Wisconsin price for the current month. When it is considered that the Class II price is 10 cents over the Class III price, the resulting situation is that the Class II skim values would have been less than Class III skim values in 29 months, or more than one-half the time.

The largest proportion of Class II skim milk use is in the production of cottage cheese. During 14 of the 51 months (about one-fourth of the time) use of the second preceding month's Minnesota-Wisconsin price would have resulted in a skim milk value more than 44 cents less than that which would have resulted from use of the current month's Minnesota-Wisconsin price. Since it is commonly accepted that 100 pounds of whole milk will yield about 15 pounds of cottage cheese curd, a 44 cent per 100 pounds lower price would be the equivalent of 3 cents per pound on cottage cheese. Handlers subject to advance Class II pricing who make cottage cheese thus would have had at least a 3-cent per pound advantage over other cottage cheese manufacturers about one-fourth of the time. This could have far reaching consequences since the record indicates that cottage cheese sales are very competitive in the retail market and hence resale prices tend to reflect current adjustments in ingredients costs.

Other cottage cheese manufacturers competing for sales with regulated handlers under these orders would almost necessarily have to adjust their prices to remain competitive and absorb the cost or risk loss of sales to handlers subject to the advance notice. In either case, a secondary result would be the shifting of milk supplies away from cottage cheese into other higher-valued surplus uses. Such higher-valued uses under such circumstance likely would be butter-powder or hard cheese. The increased quantities of milk going into these residual milk products reasonably could be expected to have a depressing effect on manufacturing milk values and hence on the Minnesota-Wisconsin price. This would effect a lower basic formula price which in turn would lower the pool value of milk in all classes under the respective orders. Such effect would not be reflective of any change in total milk supplies, relative to demand. Advance pricing under such circumstances could not be concluded to be in furtherance of the expressed purposes of the Act.

A cooperative association excepted to the statement that the increased quantities of milk going into butter, nonfat dry milk, and hard cheese reasonably could be expected to depress manufacturing milk values including the Minnesota-Wisconsin price. In exceptor's view, only a limited volume of unregulated milk would be shifted to the above residual products if the Class II price of milk used in cottage cheese were less than the Class III price. According to exceptor, such limited volume could not have an adverse effect on manufacturing milk values.

The impact on manufacturing milk values is not restricted to the shifting of unregulated milk supplies into the residual products. Producers supplying regulated handlers also would find it advantageous to shift supplies to Class III outlets. Exceptor, and several other cooperative association representatives testified that if the Class II price were lower than the Class III price, it would be desireable to shift milk from Class II to Class III use. Otherwise, in their view, the economic interest of their producer members would not be served.

The shifting of regulated supplies into butter, nonfat dry milk, and hard cheese would add to the total supply of these products. The increased supply could only have a negative impact on the values of butter, nonfat dry milk, and cheese which would be reflected in the value of manufacturing grade milk including the Minnesota-Wisconsin price.

The foregoing illustrates precisely the type of problem which could be created by advance Class II pricing under existing circumstances. Over the past several years advanced pricing would have resulted in Class II prices as high as $1.52 per hundredweight over the Class III price and as low as $1.03 per hundredweight below the Class III price. Such price variances would have been in direct contradiction with the Department's finding that appropriately the Class II price should be maintained at a level 10 cents over the Class III price. Even handlers testified at the June 1976 hearing that this relationship should not be changed.

Witnesses for cooperative associations testified that they foresaw no end to the volatility of dairy product prices of the past few years. Substantial upward and downward movement is anticipated at least over the next 18 months. While handlers testified that there is less likely to be the degree of price volatility there has been in the past, their prognostication was limited to the period through December 1976.

A provision for advance Class II pricing in the respective orders would have far greater consequences than merely providing handlers with a convenient means of implementing resale price changes for their customers. Disorderly marketing conditions readily could be created in any circumstances where order Class II prices are lower than residual manufacturing milk values (Class III price).

The evidence on the record indicates that returns to producers under these orders would have been reduced by $14 million if advance Class II pricing, based on the basic formula price of the second preceding month, had been in effect from the effective date of the uniform classification provisions (August 1974) through April 1976. During that period the Class II price would have averaged 11 cents less than the Class II price instead of being 10 cents over the Class III price as presently prescribed.

If advance Class II pricing had been based on the basic formula of the preceding month, producer revenue would have been decreased $6 million, and the Class II price would have averaged about the same as the Class III price.

The 10-cent Class II differential was established in recognition of the additional value of Class II milk to handlers and as a partial compensation to producers for the additional costs in moving milk for such use to the central market. Advance Class II pricing, in effect, would have created a negative differential which would have resulted in an unjustified reduction in producer returns. There is no economic justification why dairy farmers or cooperative associations should sell milk for Class II use for a price less than the Class III price plus 10 cents.

Whenever the Class II price was lower than the Class III price, cooperative associations would have a strong urgency to move the milk into other manufacturing uses (Class III) because there would be no economic incentive for the delivery of milk to the central market for Class II use. On the other hand, whenever the Class II price was above the Class III price handlers would have an incentive to use other source milk in the form of butterfat and nonfat dry milk or condensed skim milk and turn member milk back to cooperatives.

The number of facilities available for processing butter, hard cheese, and nonfat dry milk has gradually diminished over the years. While facilities are generally adequate for processing reserve milk into Class III products, it is often necessary to move milk great distances to available facilities. If dairy farmers through their cooperative associations were forced to find alternative markets for milk previously used in Class II, substantial additional hauling costs would be incurred in many circumstances in moving milk to widely scattered and distant manufacturing facilities. This could only result in lower net returns to member producers.

Where convenient manufacturing outlets are not available there could be an incentive to seek fluid outlets in other than normal markets. This could result in a competitive situation in which it might be impossible to recover necessary service charges to the end that serious disorderly marketing conditions could be created.

Under usual situations in most markets it is cooperative associations that coordinate the disposition of the market's normal seasonal reserves. Because cooperatives are committed to an assured market for their members' milk, handlers buying member and nonmembers milk usually adjust their supply by adjusting the intake of cooperative member milk. If cooperatives were asked to handle additional milk, formerly used in Class II, this would, in many cases, tax this coordination severely and result in uneconomic and costly movement of milk. As a specific example, one producer witness testified that if the cooperative association's plant at Franklinton, Louisiana, had to handle milk in excess of capacity because milk previously used in Class II in the Greater Louisiana order had to be processed, other milk might then have to be moved into Kentucky and Tennessee, if outlets were available there. Then, other milk normally disposed of to the Kentucky and Tennessee facilities would have to be moved further north. The overall effect could be related to the cost of hauling milk from Louisiana to the Upper Midwest for processing. The same witness indicated that the cooperative experiences the same chain reaction in handling reserve supplies for Florida and other Southeastern markets.

It is necessary that surplus milk be priced at the highest practical level consistent with disposing of all the milk in a market. The milk ought to be moved where it can return the greatest value and yet clear the market of reserve milk. Class III milk normally is channeled into manufactured products such as butter, nonfat dry milk, and cheese. It is reasonable and necessary that milk so used be priced competitively with manufactured grade milk which is sold competitively on a national market. The present basis for pricing Class III milk reflects these considerations through use of the Minnesota-Wisconsin price. Such price reflects the value of milk for manufacturing uses being sold in a national market.

These pricing considerations are equally applicable to Class II milk, since Class III products are readily substitutable in the manufacture of Class II products. The Class II differential of 10 cents

recognizes the fact that fresh producer milk has some additional value to handlers for use in Class II as well as the fact that producers incur additional costs in the marketing of milk for Class II use. The differential was limited to 10 cents on the basis of evidence indicating that any greater amount could encourage the substitution of dairy products for producer milk in the manufacture of Class II products.

Handlers reiterated in this proceeding, as in the earlier uniform classification proceeding, that the Class III milk price must be closely aligned with manufacturing milk values and that the Class II price differential should be not more than 10 cents over the Class III price.

It is concluded that because of the volatility of manufacturing milk values, advance Class II pricing under existing circumstances could result in an unintended but effective reduction in the Class II price level which prospectively could only have an adverse impact on manufacturing milk prices and hence on the level of Class I and Class III prices. To the extent that manufacturing milk values were affected, producer returns for both manufacturing grade and milk regulated under Federal milk orders would be reduced.

A handler excepted to the above paragraph. He interpreted it to mean that Federal orders have as an objective the maintenance of the highest possible level of manufacturing milk values. In his view, the primary objective of Federal order pricing should be to yield blend prices which attract an adequate supply of milk for a market, and not the enhancement of manufacturing milk values.

The paragraph objected to by the handler is a conclusion derived from previous findings in the decision. Previously, it was stressed that milk in excess of handlers' fluid needs should be disposed of where it can return the greatest value and yet clear the market. It is essential that the price of such milk be low enough to clear the market, yet, high enough to discourage handlers from seeking additional milk supplies for manufacturing use. This does not mean that orders seek the enhancement of manufacturing milk values. To the contrary, orders price reserve milk to reflect the appropriate value of manufacturing milk as established in the Minnesota and Wisconsin manufacturing milk areas.

With respect to the impact on producers whenever Class II prices are lower than Class III prices, the decision describes the adverse effects this situation could have on both manufacturing grade milk and Federal order producer milk. Such impact would not be solely a minimal reduction in blend prices, as claimed by the exceptor. Insofar as the regulatory schemes are concerned, serious disorderly marketing conditions could be created, and such conditions are specified herein.

It has previously been determined by the Department for the orders in this proceeding that the Class I and Class II price differentials must be at the stated levels relative to the basic formula price (also the Class III price) to assure dairy farmers of sufficient revenue to generate adequate supplies of milk for the respective markets. Any provision that would undermine those relationships must, of necessity, set into motion economic forces that will tend to jeopardize an adequate supply of milk for the respective markets.

The proposals for advance Class II pricing, therefore, must be and hereby are denied.

The Milk Industry Foundation and the International Association of Ice Cream Manufacturers filed a general exception to the overall findings and conclusions of the recommended decision. The exceptor asked that the recommended decision be reversed to provide for advance announcement of Class II prices. For the reasons set forth in this decision, that exception is denied.

A handler operating 30 plants regulated by orders subject to the proceeding objected to the recommended decision on the ground that it did not deal definitively with handlers' testimony concerning the range of time needed to make price changes to consumers.

This handler's exception must be denied primarily because the other considerations set forth in the decision are of overriding importance from the standpoint of the regulatory scheme. The Department is charged with the responsibility of developing order provisions that will promote the orderly marketing of milk and be in the public interest. As set forth in the decision, advance pricing of Class II milk would not achieve these objectives. Regardless of the range of time needed to make price changes to consumers, the record does not support the advance announcement of Class II prices. Accordingly, further evaluation of the proposal is not necessary.

Ruling on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. The extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Determination

The findings and conclusions of this decision do not require any change in the regulatory provisions of the orders regulating the handling of milk in the aforesaid marketing areas.

Termination Order

In view of the foregoing, it is hereby determined that the proceeding with respect to proposed amendments to the aforesaid tentative marketing agreements and to the orders should be and is hereby terminated.

Signed at Washington, D.C., on September 17, 1976.

Richard L. Feltner,
Assistant Secretary.

[FR Doc.76-27769 Filed 9-21-76;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Proposed Designation

Pursuant to § 1601.12(i), Title 29, Chapter 14 to the Code of Federal Regulations as revised and published in the Federal Register, 40 FR 3210M, January 20, 1975, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that the agencies listed below be designated as "706 Agencies" (§ 1601.12(c)). There are three purposes for such designation: First, that the agencies receive charges deferred by the Commission pursuant to section 706(c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord "substantial weight" to the final findings and orders of those agencies pursuant to § 1601.19B(e); and third, to commence the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(i)(1). At the expiration of the 15-day period, the Commission may effect designation of each of the agencies by publishing the list of them as an amendment to § 1601.12(m).

Additions to the list may be made by the Commission by similar notice and publication.

The proposed additions to § 1601.12 (m) are as follows:

§ 1601.12 Deferrals to State and local authorities.

* * * * *

(m) The designated 706 Agencies are:

South Bend, Indiana Human Rights Commission
Metropolitan Human Relations Commission (Fort Wayne, Indiana)
City of Evansville (Indiana) Human Relations Commission
St. Paul Department of Human Rights
Madison (Wisconsin) Equal Opportunities Commission

Written comments pursuant to this notice must be filed with the Commission on or before October 1, 1976.

Signed at Washington, D.C. this 17th day of September, 1976.

ETHEL BENT WALSH,
Vice Chairman, Equal Employment Opportunity Commission.

[FR Doc.76-27773 Filed 9-21-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 209]

RECORDKEEPING REQUIREMENTS RELATING TO INTERNATIONAL VOLUNTARY AGREEMENTS

Extension of Comment Period and Rescheduling of Hearing

On September 2, 1976, the Federal Energy Administration (FEA) published proposed amendments to Part 209 of Chapter II, Title 10, Code of Federal Regulations, relating to the recordkeeping requirements applicable to international voluntary agreements (41 FR 37128). In order that responses to FEA's proposal may reflect companies' experiences during the IEA allocation system test to be conducted beginning in October, FEA is hereby extending the comment period through November 1, 1976, and rescheduling the hearing for November 5, 1976. Accordingly, the other periods specified in the notice are correspondingly extended. Requests to speak may now be submitted through October 20, 1976, and witnesses shall receive notification by October 22, 1976. Questions may be submitted through November 1, 1976, and oral statements should be furnished to FEA by November 1, 1976. In all other respects, the notice remains the same.

Issued in Washington, D.C., September 17, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-27644 Filed 9-17-76;9:54 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release Nos. 34-12806, IC-9450; File No. S7-654]

SECURITIES CONFIRMATIONS

Proposed Rule Regarding Transactions

The Securities and Exchange Commission today released for public comment a proposal to adopt Securities Exchange Act Rule 10b-10 and to rescind Securities Exchange Act Rule 15c1-4 (17 CFR 240.15c1-4). Proposed Rule 10b-10 would make it unlawful for any broker, dealer, or municipal securities dealer to effect transactions in securities for or with the account of a customer without making certain written disclosures to that customer. The rule is proposed to be adopted pursuant to the Securities Exchange Act of 1934 (the "Act"), particularly Sections 3, 9, 10, 11, 15 and 23 thereof (15 U.S.C. 78c, 78i, 78j, 78k, 78o and 78w).

If Rule 10b-10 is adopted substantially as proposed, the Commission would rescind Rule 15c1-4, which currently prescribes confirmation disclosure requirements for brokers, dealers and municipal securities dealers effecting transactions otherwise than on a national securities exchange.

BACKGROUND

Under the Federal securities laws brokers and dealers have been required to make disclosures to their customers "at or before completion" of a transaction. Section 11(d)(2) of the Act (15 U.S.C. 78k(d)(2)) generally provides that a broker-dealer who conducts his business both as a broker and a dealer must disclose to a customer "in writing at or before the completion of the transaction whether he is acting as a dealer for his own account, as a broker for such customer, or as a broker for some other person." [1] Rule 15c1-4, which applies to transactions effected otherwise than on a national securities exchange, also requires brokers, dealers and municipal securities dealers to make certain disclosures to their customers "at or before the completion" of a transaction.[2] Section 11(d)(2) and Rule 15c1-4, together, have comprised the specific confirmation regulations under the Federal securities laws.[3]

Rule 15c1-4 was originally adopted by the Commission in 1937 pursuant to Section 15(c)(1) of the Act (15 U.S.C. 78o(c)(1)).[4] The Commission has from time to time amended the rule, most recently in 1976 to make it applicable to municipal securities dealers [5] and before that in 1974 to refine the confirmation delivery requirements for certain purchases of shares of open-end investment companies and unit investment trusts registered under the Investment Company Act of 1940 (15 U.S.C. 80a *et seq.*).[6]

As a result of the evolution of practices in the securities industry, which in part prompted the amendment of Rule 15c1-4 in 1974, the Commission is undertaking a more general review of the confirmation requirements under the federal securities laws. Changing business methods and the expansion of participants in the securities markets call for a uniform rule applicable to all who wish to effect transactions for or with investors, a rule which gives the investor the maximum information consonant with cost effectiveness and with his need to make investment decisions.

Proposed Rule 10b-10 has been developed to provide a basis for considering the advisability of adopting a rule of universal application setting forth the basic disclosures which are necessary and appropriate to investor protection, in the context of a securities transaction. Proposed Rule 10b-10 includes a variety of adjustments in current requirements to meet changing practices. Since the costs of regulation designed to promote investor protection are in the final analysis paid for in large part by the investor, the Commission is endeavoring to adjust regulatory requirements to eliminate those for which compliance costs appear to be disproportionate to the practical benefits of investor protection thereby obtained. Because of the continuing evolution in methods of doing business, the Commission's evaluation is focused not only in terms of new proposed regulations of traditional business practices but also in terms of the impact on emerging business practices of regulations drawn for an earlier era.

SUMMARY OF PRINCIPAL CHANGES IN CONFIRMATION REQUIREMENTS UNDER CONSIDERATION BY THE COMMISSION

1. *Recodification under section 10(b).* As noted earlier, Rule 15c1-4 has since 1937 defined as a manipulative or deceptive practice any failure by a broker or dealer to deliver a confirmation meeting the rule's requirements. As adopted under Section 15(c)(1), however, Rule 15c1-4 applies only to transactions effected by brokers or dealers otherwise than on a national securities exchange. While the Commission believes that the requirements of the rule are generally followed by all broker-dealers regardless of the market in which transactions are effected, it nonetheless appears appropriate for any such rule to apply without regard to marketplace. Furthermore, it does not appear that the Commission could adjust existing confirmation delivery requirements for exchange transactions solely by amending Rule 15c1-4.

2. *Adjustment of the confirmation delivery requirements.* Proposed Rule 10b-10 would adjust in certain respects the confirmation delivery requirements under the federal securities laws. Specifically, the rule provides for the use of monthly statements, in lieu of immediate confirmations, in connection with transactions made pursuant to a "periodic plan," as defined by paragraph (d)(2) of the rule. The essential required feature of a "periodic plan" would be a customer's written authorization to a

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[1] Section 11(d)(2) applies to any "member of a national securities exchange who is both a dealer and a broker, [and] any person who both as a broker and a dealer transacts a business in securities through the medium of a member or otherwise."

[2] Securities Exchange Act Rule 15c1-1(b) (17 CFR 240.15c1-1(b)) defines the phrase "completion of the transaction."

[3] *See also* Securities Exchange Act Rules 15c1-5 and 15c1-6 (17 CFR 240.15c1-5 and 1-6) and *Affiliated Ute Citizens of Utah* v. *United States*, 406 U.S. 128 (1972), *Chasins* v. *Smith, Barney and Co.*, 438 F.2d 1167 (2d Cir. 1970), and *Cant* v. *A. G. Becker & Co., Inc.*, 374 F. Supp. 36 (N.D. Ill. 1974). Confirmation rules have also been developed by various self-regulatory organizations and their members are required to comply with those requirements as well as with the requirements under the federal securities laws.

[4] That section authorizes the Commission to define "any manipulative, deceptive, or other fraudulent device or contrivance." The use of any such device or contrivance by any broker-dealer effecting transactions in the over-the-counter market is unlawful.

[5] *See* Securities Exchange Act Release No. 12468 (May 20, 1976), 41 FR 22820 (1976).

[6] *See* Securities Exchange Act Release No. 11025 (Sept. 24, 1974), 39 FR 35345 (Oct. 1, 1974).

broker to buy (or sell) for his account a specific security, or securities (other than investment company securities), in specific amounts (calculated in security units or dollars), at specific time intervals. The monthly statement would be required to contain essentially the same information as would be provided in an immediate confirmation.

As noted earlier, the Commission previously revised Rule 15c1–4 to provide that quarterly statements could be used for certain purchases of shares of open-end investment companies and unit investment trusts under certain conditions. Those revisions, currently embodied in paragraph (b) of Rule 15c1–4, are carried forward in substance into proposed Rule 10b–10 but have been redrafted to conform to the structure of the proposed rule.

Rule 15c1–4(b) currently permits the use of a quarterly statement, in lieu of an immediate confirmation, for purchases of investment company shares pursuant to tax qualified, individual retirement and pension plans and various group purchase plans without regard to tax status. Various other conditions under paragraph (b) of Rule 15c1–4 must also be met before the quarterly statement procedure may be used. The proposed rule would, however, extend the availability of the quarterly statement procedure to certain other types of purchase plans for investment company shares, as defined in paragraph (d)(3)(ii) of the rule.

The proposed rule contemplates the use of monthly statements in connection with employer-sponsored stock purchase plans under which specified amounts are deducted from an employee's paycheck at regular intervals to purchase a particular security, including the reinvestment of dividends.[7] With respect to investment company shares, it also contemplates the use of quarterly statements with respect to appropriately structured contractual or systematic accumulation plans. The rule is not intended to require the delivery of monthly or quarterly statements to participants in a plan where a trustee for the plan is the shareholder of record of the securities being purchased or sold. Paragraph (a) of the rule would require only the delivery of a confirmation to the plan trustee.

The Commission has received indications, however, that the current procedures for use of quarterly statements with respect to transactions in certain investment company securities are not being widely used. The Commission believes that proposed Rule 10b–10 sets forth appropriate circumstances for relaxing the confirmation delivery requirements in connection with periodic plans and would welcome the views of interested persons as to any other adjustments, particularly in confirmation provisions applicable to investment company securities, that would be consistent with the protection of investors. It would be helpful, in that regard, if economic and statistical data were provided to illustrate the extent of any cost savings that could be achieved under any such further adjustment of current or proposed requirements.

Finally, the Commission would consider the requirements of Section 11(d)(2)[8] to be met by a written authorization under a "periodic plan" which will disclose that a broker-dealer will act as an agent in effecting transactions under the plan. In an "investment company plan" an appropriate prospectus disclosure of capacity would also satisfy the requirements of Section 11(d)(2).

3. *Agency crosses.* It has been suggested that, as a consequence of the use of varying commission rate schedules by brokers, brokers have experienced practical difficulties in reporting on a confirmation to a customer the source and amount of any remuneration to be paid by another person for whom the broker is also acting in the transaction. Those reported compliance difficulties, including in some cases substantial reprogramming of computer systems and restructuring of order handling procedures, are said to arise in connection with agency crosses in the over-the-counter market where the broker acts as agent for both the buyer and the seller.

Brokers have often represented both parties to a transaction but such dual representation presents a potential for abuse since there is a prima facie problem in representing fairly the interests of parties having conflicting interests, particularly if the broker is given substantial discretion. Equally important, it may be difficult, long after the fact, to reach firm conclusions about the broker's resolution of conflicts in such situations. While disclosure of source and amount of remuneration is one means of alerting customers to possible conflicts of interest, the likelihood of problems may be lessened for securities transactions which are made in relation to prices established in an independent market and are widely reported. As a format for interested persons to provide views and arguments as to the circumstances, if any, under which current requirements might be appropriately altered, the proposed rule has been drafted to permit a broker to disclose that the source and amount of remuneration paid by the other party to a cross transaction will be made available upon request[9] (rather than set forth in the first instance on the confirmation) provided that the broker did not exercise investment discretion[10] on behalf of the customer in effecting the transaction, and, in the case of a purchase by a customer, the broker was not participating in any distribution of that security,[11] or, in the case of a sale by a customer, he was not participating in a tender offer.[12]

4. *Dealer disclosures.* Rule 15c1–4 and Section 11(d)(2) of the Act do not require a broker-dealer acting in the capacity of a dealer to disclose on the confirmation any particular facts other than the capacity in which it has acted. It may be appropriate, particularly in view of current uncertainties as to the future structure of securities markets, to provide a better regulatory balance, between those who act as principals and those who act as agents, in requiring disclosures to their customers.

Accordingly, in the case of principal transactions, paragraph (a)(3)(ii) of proposed Rule 10b–10 would require certain disclosures. Clause (A) of that paragraph would require a dealer to disclose the amount and source of any special remuneration paid or to be paid to him in connection with a particular transaction. That clause would relate to situations where payments were made to the dealer to induce transactions in securities;[13] the clause is not intended to require any disclosure with respect to the price at which a dealer purchases or sells securities from or to others or the inventory profit on particular transactions. In the case of so-called "riskless principal" transactions, however, clause (C) would require such disclosure. Clause (B) would require a person acting as a market maker[14] in the security to disclose

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[7] It may, of course, be useful business practice to list transactions, which are not effected pursuant to a "periodic plan," on a monthly statement to customers; nonetheless, those kinds of transactions would at the same time remain subject to the rule's immediate confirmation disclosure and delivery requirements contained in paragraph (a).

[8] Section 11(d)(2) requires broker-dealers to disclose whether they are acting as principal or agent in effecting transactions in securities for customers.

[9] As is currently the case for information covered by a similar clause in Rule 15c1–4, that disclosure of information upon request would be required to be furnished without separate charge.

[10] See Section 3(a)(35) of the Act (15 U.S.C. 78c(a)(35)).

[11] See, e.g., In the Matter of Collins Securities Corporation, Securities Exchange Act Release No. 11766 (Oct. 23, 1975), and Weiss, "Registration and Regulation of Brokers and Dealers," 113 (BNA 1965).

[12] See Section 14(d) of the Act (15 U.S.C. 78n(d)).

[13] See *U.S.* v. *Light*, 394 F. 2d 908 (2d Cir. 1968) for the circumstances intended to be covered by this disclosure requirement.

[14] Section 3(a)(38) of the Act (15 U.S.C. 78c(a)(38)) defines the term "market maker." Of course, whether a broker-dealer is a market maker in a particular security is ultimately a question of fact. On the one hand, a broker-dealer would be a market-maker with respect to securities for which quotations are submitted to any inter-dealer quotation system, such as NASDAQ. A block positioner is defined to be a market maker. With respect to high quality debt securities, the structure of the market and the role of market makers are quite different. Thus, a dealer may, depending on the facts, be able appropriately to consider itself to be a market maker in a particular security even though there is not any mechanism for or practice of regularly publishing quotations with respect to that security.

that fact to his customer,[15] and, if he is not a market maker and, with knowledge of the customer's order, has purchased the security from the customer for immediate resale to a market maker, clause (C) would require disclosure of mark-up, mark-down or other remuneration to be received. Disclosure of mark-up or mark-down would cause dealers effecting so-called "riskless principal" transactions, as so defined, to be subject to essentially the same disclosure requirements as brokers.

The Commission recognizes that proposed Rule 10b–10, as drafted, would not require all dealers effecting "riskless principal" transactions to disclose their remuneration; consequently, the Commission requests the views of interested persons as to whether the disclosure requirements embodied in paragraph (a)(3)(ii) of the proposed rule should be extended to other circumstances under which dealers may effect "riskless principal" transactions.

5. *Miscellaneous changes*—(A) *Title, quantity and price of the security.* Proposed Rule 10b–10 would require disclosure of the title, price and quantity (or principal amount) of the security. Although not previously specifically required, those categories of information appear to be the kinds of information which would be included as a matter of good business practice and should always be made available.

The Commission understands that, from time to time, persons exercising investment discretion with respect to several different accounts may make a determination to purchase or sell a particular security for one or more of such accounts. Because a substantial block may be involved, the purchase or sale of the security for all such accounts may be effected in several transactions over a reasonable period of time and, therefore, at varying prices. Questions have arisen as to whether the person exercising investment discretion should seek some basis for allocating particular purchases and sales to particular accounts, even though the investment decision for all such accounts was made simultaneously, or whether all such accounts would be more appropriately treated pari passu by attributing to each account an average price paid or realized for the series of transactions required to effect the overall purchase or sale. It has been suggested that, under the circumstances described, it would not be inappropriate for a broker or dealer to prepare and send confirmations which reflect the average price while making appropriate disclosures as to the overall series of transactions. Similar questions may arise in connection with stock purchase plans, dividend reinvestment plans, or other similar arrangements where one person undertakes to make purchases for a large number of participants. In the context of such transactions, however, disclosure to plan participants of other transactional data such as dates of transactions might present greater problems. The Commission welcomes the views of interested persons as to when the general disclosure requirements might be modified to provide appropriate accommodations.

(B) *Date and time of transaction.* Rule 15c1–4 currently provides that information with respect to the date and time of the transaction need not be included on the confirmation; nevertheless, such information is required to be disclosed on request in the case of agency transactions. Proposed Rule 10b–10 would require confirmation disclosure of the date of the transaction by all brokers, dealers and municipal securities dealers. Time could, however, continue to be omitted routinely and disclosed only on request. The Municipal Securities Rulemaking Board has filed with the Commission a proposed confirmation rule which would not require disclosure, either on a confirmation or on request, of the time of execution of a transaction in municipal securities.[16] In view of that proposal, the Commission welcomes additional data, views and arguments concerning the importance of the availability of time disclosures, particularly in the context of transactions in debt securities.

(C) *Disclosures by municipal securities dealers acting as agents.* Currently Rule 15c1–4 requires that a municipal securities dealer disclose only the capacity in which it acts in effecting a transaction. The rule does not require, for example, a municipal securities dealer, acting as agent, to disclose the source and amount of its remuneration. The Commission is reconsidering, however, the disclosures required to be made by municipal securities dealers, particularly in view of the proposed confirmation rule of the Municipal Securities Rulemaking Board.[17] That proposed rule would require municipal securities dealers, acting as agents, to make the standard agency disclosures.

(D) *U.S. Savings Bonds.* Proposed Rule 10b–10 would delete archaic references to "U.S. Tax Savings Notes and U.S. Defense Saving Stamps."

The text of proposed § 240.10b–10 is as follows:

§ 240.10b–10 Confirmation of transactions.

(a) It shall be unlawful for any broker, dealer, or municipal securities dealer to effect for or with the account of a customer any transaction in, or to induce the purchase or sale by such customer of, any security (other than U.S. Savings Bonds) unless such broker, dealer, or municipal securities dealer, at or before completion of such transaction, gives or sends to such customer written notification disclosing:

(1) Whether he is acting as agent for such customer, as agent for both such customer and some other person, or as principal for his account; and

(2) The date and time of the transaction (or the fact that the time of the transaction will be furnished within five business days upon request of such customer) and the title, price and number of shares or units (or principal amount) of such security purchased or sold to or for such customer; and

(3) If he is acting:

(i) As agent for such customer, or for both such customer and some other person,

(A) The name of the person from whom the security was purchased, or to whom it was sold, for such customer or the fact that such information will be furnished within five business days upon request of such customer, and

(B) The source and amount of any remuneration received or to be received by him in connection with the transaction (unless remuneration paid by such customer is determined, pursuant to a written agreement with such customer, otherwise than on a transaction basis, and remuneration is not received from any other source in connection with such transaction); *Provided, however,* That if the broker did not exercise investment discretion on behalf of such customer in effecting the transaction and if, in the case of a purchase, he was not participating in a distribution or, in the case of a sale, was not participating in a tender offer, the confirmation may instead disclose the remuneration paid or to be paid by such customer and state whether any other remuneration has been or will be received and that the source and amount of such other remuneration will be furnished within five business days upon request of such customer;

(ii) As principal in a transaction:

(A) The amount and source of any special remuneration paid or to be paid to him in connection with such transaction;

(B) Whether he is a market maker in that security; and

(C) If he is not a market maker and, with knowledge of such customer's order, purchased the security from a market maker for resale to such customer, or purchased the security from such customer for resale to a market maker, the mark-up, mark-down, or other remuneration thereby received.

(b) A broker may effect transactions for the account of a customer without giving or sending to such customer the written notification described in paragraph (a) of this section if:

(1) Such transactions are effected pursuant to a periodic plan; and

(2) Such broker gives or sends to such customer within five business days after the end of each monthly period a written statement disclosing each purchase or sale, effected for or with, and each dividend or distribution credited to, or reinvested for, the account of such customer (pursuant to the plan) during the period; the date of each such transaction; the title, number and price of any securities purchased or sold by such customer in each such transaction; the total number of shares of such securities in such customer's account; and remuneration received or to be received by the broker in connection therewith; and

[15] The requirement that a broker-dealer disclose to a customer that the customer has dealt with a market maker would in substantial part codify existing case law. See *Chasins* v. *Smith Barney & Co., Inc.*, 483 F. 2d 1167 (2d Cir. 1971).

[16] See Securities and Exchange Commission File No. SR–MSRB–76–9.

[17] See note 16 supra.

that any other information required by paragraph (a) of this section will be furnished within five business days upon request.

(c) A broker or a dealer may effect transactions for or with the account of a customer without giving or sending to such customer the written notification described in paragraph (a) of this section if

(1) Such transactions are effected pursuant to an investment company plan; and

(2) Payments for the purchase of securities by such customer (or by such customer's designated agent, or labor union or employer by means of a payroll deduction) are made directly to, or made payable to, the registered investment company, or the principal underwriter, custodian, trustee, or other designated agent of the registered investment company; and

(3) Such broker or dealer or his agent gives or sends to such customer

(i) At or before the completion of each transaction a prospectus which complies with Section 10 of the Securities Act of 1933; and

(ii) Within five business days after the end of each quarterly period a written statement disclosing the information described in paragraph (b)(2) of this section: *Provided, however,* That (A) The quarterly written statement and prospectus may be delivered to some other person, designated by the customer, for distribution to the customer, and (B) The broker or dealer shall not be required to give or send such quarterly written statement to such customer if such customer has not purchased securities pursuant to the plan for two consecutive quarterly periods, other than through the automatic reinvestment of dividends or capital gains distributions, and the broker or dealer, or an agent of the broker or dealer, gives or sends a written notification to such customer that such customer will not receive such written statements after the expiration of such two consecutive quarterly periods; and

(4) The intention to give or send to the customer the written statement referred to in paragraph (c)(3) of this section, in lieu of the written notification required by paragraph (a) of this section is disclosed in the prospectus given to such customer pursuant to Section 5 of the Securities Act of 1933.

(d) For the purposes of this rule,

(1) "Completion of the transaction" and "customer" shall have the meanings provided in Rule 15c1–1 under the Act;

(2) "Periodic plan" means any written authorization for a broker to purchase or sell for a customer a specific security or securities (other than securities issued by an investment company), in specific amounts (calculated in security units or dollars), at specific time intervals and setting forth the commissions or charges to be paid by the customer in connection therewith (or the manner of calculating them); and

(3) "Investment company plan" means any plan under which securities issued by an open-end investment company or unit investment trust registered under the Investment Company Act of 1940 are purchased or sold by a customer pursuant to:

(i) An individual retirement or pension plan qualified under the Internal Revenue Code; or

(ii) A contractual or systematic purchase agreement under which the customer purchases at the applicable public offering price, such securities in specified amounts (calculated in security units or dollars) at specific time intervals and setting forth the commissions or charges to be paid by such customer in connection therewith (or the manner of calculating them); or

(iii) Any other arrangement involving a group of two or more purchasers and contemplating periodic purchases of such securities by each member of the group through a person designated by the group:

(A) To collect payments for such securities, and

(B) To remit such payments to the registered investment company or its agent as soon as practicable but not later than 35 days after each payments have been collected, and

(C) To receive from the registered investment company or its agent a written notification of the receipt of the amount paid at or before the completion of the transaction for the purchase of such securities.

* * * * *

All interested persons are invited to submit three copies of written views, data and arguments on proposed Rule 10b–10 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than November 15, 1976. Reference should be made to file No. S7–654. All submissions will be made available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 16, 1976.

[FR Doc.76–27683 Filed 9–21–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

[Docket No. 76F–0362]

FOOD ADDITIVES

Deletion of a Tolerance for a Modified Starch Used in the Manufacture of Paper and Paperboard

The Food and Drug Administration (FDA) is proposing to amend the food additive regulations by deleting a provision for use of a modified industrial starch; comments by November 22, 1976.

Specifically, FDA is proposing to amend § 121.2506 *Industrial starch-modified* (21 CFR 121.2506) in paragraph (a)(2)(ii) to delete a limitation permitting the use of a starch irradiated to produce free radicals for subsequent graft polymerization with acrylamide and [2 - methacryloyloxy)ethyl] trimethylammonium methyl sulfate in the manufacture of paper and paperboard intended to contact only dry food at a level not to exceed 0.40 percent by weight of the finished dry paper and paperboard fibers.

An amendment to § 121.2506 was published in the FEDERAL REGISTER of November 22, 1974 (39 FR 40945). It provided for the above-referenced food additive as a retention aid and dry strength agent employed before the sheet-forming operations in the manufacture of paper and paperboard intended to contact only dry food and used at a level not to exceed 0.40 percent by weight of the finished dry paper and paperboard fibers.

Another amendment to the section was published in the FEDERAL REGISTER of April 19, 1976 (41 FR 16458). It provided for the subject food additive's use as a retention aid and dry strength agent employed before sheet-forming operations in the manufacture of paper and paperboard intended to contact all foods and used at a level not to exceed 0.25 percent by weight of the finished dry paper and paperboard fibers.

The Commissioner of Food and Drugs has been informed by the petitioner responsible for the amendments of the regulation for this modified industrial starch that the additive had been found to be effective at the 0.25-percent use level, but no data supporting increased effectiveness at the 0.40-percent use level are available. Consequently, the Commissioner, lacking data to justify retention of this higher level for use with dry foods, proposes to delete the 0.40-percent limitation from the regulation.

The Commissioner has reviewed the potential environmental effects of the proposed regulation and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also considered the inflation impact of the proposed regulation, and has found that the proposed action would not cause a major inflation impact as defined in OMB Circular A–107 and the Guidelines issued by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787 (21 U.S.C. 348(d))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), it is proposed that § 121.2506 be amended in paragraph (a)(2)(ii) by revising the "Limitations" column to read as follows:

§ 121.2506 Industrial starch-modified.

* * * * *

(a) * * *

(2) * * *

(ii) * * *

List of reactants:	*Limitations*
* * *	For use only as a retention aid and try strength agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended to contact food, and used at a level not to exceed 0.25 percent by weight of the finished dry paper and paperboard fibers.

* * * * *

Interested persons may, on or before November 22, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the hearing of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 15, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76–27665 Filed 9–21–76;8:45 am]

Food and Drug Administration

[21 CFR Part 90]

[Docket No. 75N–0332]

PICKLED, FERMENTED, AND ACIDIFIED FOODS

Emergency Permit Control; Extension of Comment Period

The Food and Drug Administration is extending to November 20, 1976 the period for comments on the proposed emergency permit control regulation for pickled, fermented, and acidified foods.

In the FEDERAL REGISTER of July 23, 1976 (41 FR 30442), the Commissioner of Food and Drugs issued a proposal to establish an emergency permit control regulation for pickled, fermented, and acidified foods. Comments were to be filed on or before September 21, 1976.

The Commissioner has received requests for an extension of the comment period from the Pickle Packers International, the National Canners Association, the Spanish Ministry of Trade, and the National Bakery Suppliers Association. All requests were based on the need for more time to sufficiently study the document and to allow the submission of more meaningful comments.

The Commissioner hereby extends the period for filing comments on the subject proposal to close of business, November 20, 1976.

Interested persons may submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

This action is taken under the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (3) and (4), 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 342(a) (3) and (4), 371 (a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: September 20, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–27970 Filed 9–21–76;10:48 am]

[21 CFR Part 128b]

[Docket No. 75N–0333]

THERMALLY PROCESSED LOW-ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS

Good Manufacturing Practice Regulations; Extension of Comment Period

The Food and Drug Administration is extending to November 20, 1976 the period for comments on the proposed good manufacturing practice regulations for thermally processed low-acid foods packaged in hermetically sealed containers.

In the FEDERAL REGISTER of July 23, 1976 (41 FR 30444), the Commissioner of Food and Drugs issued a proposal to revise the good manufacturing practice regulations for thermally processed low-acid foods packaged in hermetically sealed containers. Comments were to be filed on or before September 21, 1976.

The Commissioner has received requests for an extension of the comment period from the Pickle Packers International and the National Canners Association. Requests were based on the need for more time to sufficiently study the documents and to allow the submission of more meaningful comments.

The Commissioner hereby extends the period for filing comments on the subject proposal to close of business, November 20, 1976.

Interested persons may submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding the proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

This action is taken under the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (3) and (4), 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 342(a) (3) and (4), 371 (a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: September 20, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–27971 Filed 9–21–76;10:48 am]

[21 CFR Part 128g]

[Docket No. 75P–0334]

PICKLED, FERMENTED, AND ACIDIFIED FOODS

Good Manufacturing Practice Regulations; Extension of Comment Period

The Food and Drug Administration is extending to November 20, 1976 the period for comments on the proposed good manufacturing practice regulations for pickled, fermented, and acidified foods.

In the FEDERAL REGISTER of July 23, 1976 (41 FR 30457), the Commissioner of Food and Drugs issued a proposal to establish good manufacturing practice regulations for pickled, fermented, and acidified foods. Comments were to be filed on or before September 21, 1976.

The Commissioner has received requests for an extension of the comment period from the Pickle Packers International, the National Canners Association, the Spanish Ministry of Trade, and the National Bakery Suppliers Association. All requests were based on the need for more time to sufficiently study the document and to allow the submission of more meaningful comments.

The Commissioner hereby extends the period for filing comments on the subject proposal to close of business, November 20, 1976.

Interested persons may submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding the proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

This action is taken under the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (3) and (4), 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 342(a) (3) and (4), 371 (a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: September 20, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–27972 Filed 9–21–76;10:48 am]

Social and Rehabilitation Service

[45 CFR Part 233]

HOUSING PAYMENTS OF PUBLIC ASSISTANCE RECIPIENTS

Need and Amount of Assistance

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary, Health, Education, and Welfare. The purpose of the amendments to the regulation is to revoke § 233.20(a)(2)(vii), except as it applies to the disregard of Experimental Housing Allowance Program (EHAP) payments made under contracts entered into prior to January 1, 1975, under section 23 of the U.S. Housing Act. Section 233.20(a)(2)(vii) prohibits State welfare agencies from reducing the assistance payment of public assistance recipients living in public housing because of any rent reduction resulting from application of the 25-percent-of-income maximum limitation on rent under section 2(1) of the U.S. Housing Act.

The bases for the amendments to the regulation are sections 201 and 804 of the Housing and Community Development Act of 1974, enacted on August 22, 1974. Section 201 of the Act repealed section 2(1) of the U.S. Housing Act, as amended by section 9 of Pub. L. 92-213, which provided that the rent paid by public assistance recipients residing in public housing be reduced to 25 percent of their adjusted income but prohibited welfare agencies from reducing the amount of the assistance payment designated for shelter (rent). Section 9 of Pub. L. 92-213 was also the basis in some States for the disregard of EHAP payments made under annual contributions contracts under section 23 of the U.S. Housing Act, in determining need and amount of the assistance of public assistance applicants and recipients. Section 804 of the Housing and Community Development Act prohibits the awarding of annual contributions contracts for EHAP projects under section 23 of the U.S. Housing Act after December 31, 1975.

The Office of the General Counsel of the Department of Housing and Urban Development has determined that existing EHAP projects entered into prior to January 1, 1975, continue to be subject to the same rules as were applicable at the time the contracts were executed. Therefore, the Department of Health, Education, and Welfare has concluded that the disregard provision for EHAP payments under such projects remains in effect as long as the annual contribution of funds for the projects is not increased.

Prior to the adoption of the proposed regulation, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitati Service, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013, on or before November 8, 1976. Comments received will be available for public inspection in Room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-245-0950).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance—Maintenance Assistance (State Aid).)

NOTE: It is hereby certified that the economic and inflationary affects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Answers to specific questions may be obtained by calling Miss Alice Stewart, 202-245-3194.

Dated: September 2, 1976.

ROBERT FULTON,
Administrator,
Social and Rehabilitation Service.

Approved: September 16, 1976.

DAVID MATHEWS,
Secretary.

Part 233, Chapter II, Title 45 of the Code of Federal Regulations is amended by revoking paragraph (a)(2)(vii) and by adding a new paragraph (a)(4)(ii)(*1*) to read as set forth below:

§ 233.20 Need and amount of assistance.

(a) *Requirements for State Plans.* A State Plan for OAA, AFDC, AB, APTD or AABD must, as specified below:

* * * * *

(2) *Standards of assistance.*

* * * * *

(vii) [Revoked.]

* * * * *

(4) *Disregard of income common to OAA, AFDC, AB, APTD, or AABD.*

(i) * * *

(ii) Provide that, in determining need and the amount of the assistance payment, the following will be disregarded as income and resources:

* * * * *

(*1*) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under section 23 of the U.S. Housing Act of 1937, as amended.

* * * * *

[FR Doc.76-27766 Filed 9-21-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Notice of Meetings

Notice is hereby given, pursuant to Section 10 of Public Law 92–463, that meetings will be held in Washington on October 26 and 27, 1976, of the following debt management advisory committees:

American Bankers Association
Government Borrowing Committee
Securities Industry Association
Government Securities and Federal Agencies Committee

The agenda for the meetings provides for working sessions by two commitees on October 26, a report to the Secretary of the Treasury and Treasury staff by, the American Bankers Association Government Borrowing Committee on October 26 and a report to the Secretary of the Treasury and Treasury staff by the Securities Industry Association Government Securities and Federal Agencies Committee on October 27.

Pursuant to the authority placed in Heads of Departments by Section 10(d) of Public Law 92–463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under Section 552(b)(4) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of this office. When so utilized they are recognized to be advisory committees under Public Law 92–463. The advice provided consists of commercial and financial information given and received in confidence in order to avoid adverse effects of premature disclosure on the financial markets and the economy. As such these debt management advisory committee activities concern matters which fall within the exemption covered by Section 552(b)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

The Assistant Secretary (Capital Markets and Debt Management) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the provisions of 5 U.S.C. 552(b)(4).

Date: September 16, 1976.

EDWIN H. YEO, III,
Under Secretary for Monetary Affairs.

[FR Doc.76-27662 Filed 9-21-76;8:45 am]

[Public Debt Series No. 24–76; Dated and bearing interest from Oct. 12, 1976; Due Nov. 15, 1981]

TREASURY NOTES OF SERIES G–1981

Invitation for Tenders

SEPTEMBER 17, 1976.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series G–1981 (CUSIP No. 912827 GA 4). The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, September 28, 1976, under competitive and noncompetitive bidding, as set forth in Section III hereof.

I. DESCRIPTION OF NOTES

1. The notes will be dated October 12, 1976, and will bear interest from that date, payable on a semiannual basis on May 15 and November 15, 1977, and thereaftre on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1981, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

II. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Tuesday, September 28, 1976. Noncompetitive tenders will be considered timely if postmarked no later than Monday, September 27. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of

5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After a determination is made as to which tenders are accepted, a coupon rate will be determined at a ⅛ of one percent increment that translates into an average accepted price close to 100.000 and a lowest accepted price above 98.750. That rate of interest will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $2,500,000,000 of notes offered, and his action in any such respect shall be final. Subject to these reservation, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price [1] (in three decimals) of accepted competitive tenders.

4. If the interest rate determined in accordance with this circular is identical to the rate on an outstanding issue of United States notes and the terms and conditions of such outstanding issue are otherwise identical to terms and conditions of the securities offered herein, this invitation shall be deemed to be an invitation for an additional amount of the outstanding securities and this circular will be amended accordingly. Payment for the securities in that event will be calculated on the basis of the auction price determined in accordance with this circular plus accrued interest from the last preceding interest payment date on the outstanding securities.

III. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before October 12, 1976, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by October 12, 1976, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Thursday, October 7, 1976, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Wednesday, October 6, 1976, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registerd notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

IV. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending relivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

GEORGE H. DIXON,
Acting Secretary of the Treasury.

[FR Doc.76-27782 Filed 9-21-76;8:45 am]

[1] Average price may be at, or more or less than 100.000.

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Meeting

SEPTEMBER 15, 1976.

The USAF Scientific Advisory Board Aeronautical Systems Division Advisory Group, AFSC, will hold meetings on October 12 and 13, 1976 at Randolph Air Force Base, Texas from 8:30 a.m. to 5:00 p.m. both days.

The Group will receive unclassified briefings and hold unclassified discussions on October 12 concerning the T-38 engine health monitoring systems and will be open to the public.

The Group will conduct an executive session on October 13 to evaluate the information received in the earlier presentations, discuss preliminary findings and write initial draft inputs for possible inclusion in a final report. This session will concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (5), and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8845.

FRANKIE S. ESTEP,
Directorate of Administration.

[FR Doc.76-27704 Filed 9-21-76;8:45 am]

Office of the Secretary

BOARD OF VISITORS OF DEFENSE SYSTEMS MANAGEMENT COLLEGE

Meeting

A meeting of the Board of Visitors of the Defense Systems Management College will be held in Building 202, Fort Belvoir, VA, on Wednesday, October 27, 1976, from 8:30 a.m. until 5:00 p.m. The agenda will include a review of the Executive Management Courses and discussion of DSMC operations, educational policies, and plans. The meeting is open to the public; however, because of limitations on space available, allocation of seating will be made on a first-come, first-served basis. Persons desiring to attend should call the DSMC Secretary (703-664-1314) to reserve a seat as far in advance as possible.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

SEPTEMBER 17, 1976.

[FR Doc.76-27768 Filed 9-21-76;8:45 am]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, November 2, 1976; Tuesday, November 9, 1976; Tuesday, November 16, 1976; Tuesday, November 23, 1976; and Tuesday, November 30, 1976 at 9:45 a.m. in Room 1E801, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552(b) of Title 5, United States Code." Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency, (5 USC 552(b)(2)), and those involving trade secrets and commercial or financial in-

formation obtained from a person and privileged or confidential (5 USC 552 (b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552(b)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 17, 1976.

[FR Doc.76-27767 Filed 9-21-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 3242]

CALIFORNIA

Application

SEPTEMBER 10, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), the Sohio Transportation Company has applied for a 42-inch crude oil pipeline right-of-way across the following described public lands:

SAN BERNARDINO BASE AND MERIDIAN

CALIFORNIA

T. 6 S., R. 18 E.,
Sec. 23, SE¼SE¼;
Sec. 26, NE¼NE¼.
T. 6 S., R. 19 E.,
Sec. 29, SW¼SW¼;
Sec. 30, N½ Lot 1 & 2 of SW¼, NW¼SE¼, S½SE¼;
Sec. 32, N½NE¼, SE¼NE¼, N½NW¼;
Sec. 33, SW¼NE¼, S½NW¼;
Sec. 34, N½SW¼, SE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 35, S½SW¼.
T. 7 S., R. 19 E.,
Sec. 1, Lot 2 of NW¼;
Sec. 2, NW¼NE¼, NE¼NW¼.
T. 7 S., R. 20 E.,
Sec. 1, S½N½;
Sec. 2, S½N½;
Sec. 3, S½N½;
Sec. 4, S½N½;
Sec. 5, W½NW¼;
Sec. 6, E½NE¼, N½NW¼.
T. 7 S., R. 21 E.,
Sec. 3, S½S½;
Sec. 4, S½S½;
Sec. 5, S½S½;
Sec. 6, S½SE¼;
Sec. 10, NE¼NE¼;
Sec. 11, N½N½;
Sec. 12, N½NW¼.
T. 7 S., R. 22 E.,
Sec. 7, N½ Tr. 62, N½ Tr. 63;
Sec. 8, N½ Tr. 63.

This pipeline will carry crude oil across approximately 88,604 feet of national resource lands in Riverside County, California. The proposed pipeline will be used in conjunction with an existing pipeline.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the State Office, Bureau of Land Management, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-27706 Filed 9-21-76;8:45 am]

[M 34990]

MONTANA

Order Providing for Opening of Public Lands

SEPTEMBER 10, 1976.

In an exchange made under the provisions of Section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. 315g, the following-described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 27 N., R. 20 E.
Sec. 32; NW¼NE¼, SE¼NE¼, E½SE¼
Sec. 33: S½N½, S½.

The area described contains 640 acres in Blaine County, Montana.

They are located about 38 air miles south of Chinook. Topography varies from nearly level to hilly. Soils are lismus clays and vary from shallow on the slopes to a fair depth on the level areas; vegetation consists mainly of sagebrush—grassland vegetative types with some areas of conifers along the heads of deeply cut drainages.

Surface water is limited to two small reservoirs containing water suitable for livestock or wildlife.

The land, which is considered high-value crucial habitat for pronghorn antelope and mule deer, forms part of the border of a large block of national resource lands. It will be managed for multiple resource use with these adjoining lands.

At 10 a.m., October 20, 1976, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will be open to the operation of the public land laws.

The mineral rights in the lands were not exchanged; therefore, the mineral status of the lands is not affected by this order.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-27705 Filed 9-21-76;8:45 am]

[Wyoming 56436]

WYOMING

Application

SEPTEMBER 4, 1976.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Kansas-Nebraska Natural Gas Company, Inc. of Hastings, Nebraska filed an application for a right-of-way to construct a 4 inch pipeline for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN

WYOMING

T. 33 N., R. 84 W.,
Sec. 1, lot 5.
T. 34 N., R. 84 W.,
Sec. 26, E½SE¼;
Sec. 35, E½E½.

The pipeline will transport natural gas from a well located in T. 34 N., R. 84 W. for delivery into an existing line located in T 33 N., R. 84 W., in Natrone County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 100 East "b" Street, P.O. Box 2834, Casper, Wyoming 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-27650 Filed 9-21-76;8:45 am]

Bureau of Mines

LEAD AND ZINC PRODUCTION AND CONSUMPTION

Informal Open Meeting

The Department of the Interior will chair an informal meeting to discuss the outlook for U.S. lead and zinc production and consumption for use at the twentieth session of the International Lead and Zinc Study Group to be held this November. The meeting, to be attended by representatives of the lead and zinc producing industires, will be held on October 19, 1976, at 10 a.m., in Room 1425 of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20241. The meeting will be open to public observation. A limited number of seats will be available to the public.

Further information concerning this meeting may be obtained from Mr. J.

Patrick Ryan, Bureau of Mines, Department of the Interior, Columbia Plaza Office Building, Room 7068, 2401 E Street, NW., Washington, D.C. 20241, telephone number (202) 634–1083.

Dated: September 16, 1976.

NOTE: For a document issued by the Department of Commerce announcing the meeting on lead and zinc consumption, see FR Doc. 76-27710 in the Notices section of this issue.

THOMAS V. FALKIE,
Director, Bureau of Mines.

[FR Doc.76-27830 Filed 9-21-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, Maryland 20811, Lucille F. Stickel, Director.

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR *(Indicate only one)*
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Importation (from Canada) of the contents of three whooping crane (endangered species) eggs that failed to hatch in Wood Buffalo National Park. Egg contents will be analyzed for organochlorine pollutants.

3. APPLICANT. *(Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)*
Patuxent Wildlife Research Center
U. S. Fish and Wildlife Service
Laurel, Maryland 20811

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: WEIGHT:
DATE OF BIRTH: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Wildlife research to enhance the status of endangered and threatened species; also to determine the effects of environmental pollutants on wildlife and their habitat.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Lucille F. Stickel, Director, 301-776-4880
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Shipment from Ottawa, Ontario, Canada to Baltimore, Maryland or Washington, D. C.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)
PRT 8-85-C, PRT 8-169-C, PRT 2-913-BA, PRT 8-86-B-C

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Not yet received, but Canadian Wildlife Service (Dr. L. Choquette or Dr. J. A. Keith) will handle

9. CERTIFIED CHECK OR MONEY ORDER *(if applicable)* PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE: As soon as possible

11. DURATION NEEDED: 60 days

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE *(In ink)*: Lucille F. Stickel — DATE: 9/1/76.

3-200
(6/74)

Lucille F. Stickel

PATUXENT WILDLIFE RESEARCH CENTER—ENDANGERED SPECIES PERMIT APPLICATION

ATTACHMENT

Additional information, per Part 17.22:

1.a. Common and scientific names of the species sought to be covered: Whooping crane (*Grus americana*).

b. Number, age, and sex: Contents of three unhatched eggs (already removed from the shell by Canadian Wildlife Service personnel).

c. Activity sought to be authorized: Import from Canada and analyze for organochlorine pollutants.

2. Eggs that failed to hatch in Wood Buffalo National Park were collected in 1976. Egg contents were removed from the shell and have been tested by the Canadian Wildlife Service [Dr. Laurent Choquette, Pa-

thology Division, Wildlife Management Branch, Telephone (613) 993-9975] for pathogenic bacteria.

3. N/A.

4. See 2, above.

5. Specimens will be sent by air to the Patuxent Wildlife Research Center, Laurel, Maryland 20811 (See Form 3-200) for chemical analysis. Only the contents of the eggs are to be shipped and subsequently analyzed.

6. N/A.

7. Permit application is based upon a telephone call from Dr. J. A. Keith, Director, Wildlife Management Branch, Canadian Wildlife Service, Ottawa, Ontario K1A OH3 to Dr. Ohlendorf, Assistant Director, Patuxent Center. Dr. Keith requested that we apply for the necessary United States permits and that we perform chemical analyses.

8. The U.S. Fish and Wildlife Service and the Canadian Wildlife Service are continuing cooperative efforts to enhance the status of the whooping crane. The agreement includes behavioral, nutritional, and physiological research as well as captive propagation at the Patuxent Center. In addition, eggs that fail to hatch in the field are analyzed for environmental pollutants. Other details of how the activities will be carried out are included in other items above.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-364-07; please refer to this number when submitting comments. All relevant comments received on or before October 22, 1976, will be considered.

Dated: September 17, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement
U.S. Fish and Wildlife Service.

[FR Doc.76-27697 Filed 9-21-76;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: City of St. Paul, St. Paul's COMO ZOO, Hamline and Midway Parkway, St. Paul, Minnesota 55103, John A. Fletcher, Zoo Director.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Purchase 1 male, 2 female zoo bred subspecies cross leopards for zoo exhibit and breeding in a municipal zoo.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
CITY OF ST. PAUL
ST. PAUL'S COMO ZOO
HAMLINE & MIDWAY PARKWAY
ST. PAUL, MN 55103
Phone (612) 488 3221

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Municipal public zoo, supported by tax revenues.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
John A. Fletcher, Zoo Dir. (612) 488 3221

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Minnesota

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
PRT 2-979-TH

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents) NA

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ no fee

10. DESIRED EFFECTIVE DATE
15 ~~Jun~~ SEPT 1976

11. DURATION NEEDED
Permanent exhibit

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
answer questions in 17.22 (numbered) 1,8-6 ATTACHMENTS

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) John A. Fletcher, Director, Como Zoo. DATE 30 July 1976

3-200 (6/74)

John A. Fletcher

ST. PAUL'S COMO ZOO, MN 55103

ATTACHMENT TO APPLICATION FORM, USDI, F&WL: 3-200 (6/74), DATED: 30 JULY 1976

Title 50, Chap. I, Subchap. B, Part 17, Par. 17:22; permits for scientific purposes or for the enhancement of propagation or survival. Attached information for division (1) and following pertinent divisions:

(1) Permission to purchase sought for 1 male, 2 female leopards, zoo bred, chinese/amur crosses presently owned by the Tennessee Game Farm, Joelton, TN and on breeding loan to Como Zoo. Latin name *Panthera pardus japonensis/ orientalis*. Age 2½ years.

(2) iii. The three leopards were born and raised in captivity (see information above) and are presently on breeding loan to Como Zoo.

(3) The purchase of zoo bred wildlife by public or private zoos for display and propagation in no manner endangers the species in

the wild. On the contrary, the husbandry of endangered species in captivity has been amply proven to be the major promise of endangered species preservation and propagation.

(4) The three leopards were born and raised in captivity, and are presently in captivity on a breeding loan to Como Zoo.

(5) St. Paul's Como Zoo is an urban municipal zoo serving the core cities areas of Minneapolis and St. Paul, supported wholly by the tax revenues levied upon St. Paul citizens. It is open year around, and has approximately 1,000,000 visitors yearly. It has an active volunteer docent program supervised by a professionally qualified Education Officer. Programs on the zoo and exotic animals are presented thruout the year to the citizens of the Metro area. The zoo consists of 10 fenced acres, with one major building and 4 supporting structures. The zoo staff has 2 professional and 11 technical permanent members. In addition the staff supervises the training of 10 federally funded CETA trainees. The animal collection consists of 350 specimens of 86 species of mammals, birds and reptiles. Como Zoo has been an early participant in cooperative breeding programs for endangered species, and presently has animals on loan to Omaha, Oklahoma City, St. Louis, Brownsville, Albuquerque, and Los Angeles. In addition we have received the loan of a female orangutan from the Brookfield, Chicago Zoo, which is successfully producing offspring, with the cooperation of the male owned by St. Paul. Como Zoo is under the inspection provisions of the Humane Animal Act, administered by the US Dept. of Agriculture, from which it has USDA Permit No. 41-10-22. The address of Como Zoo is Como Park, St. Paul, MN 55103.

(6) (i) Attached description and photos of breeding and display areas for leopards at Como Zoo.

(ii) The present zoo director, John Fletcher, is a graduate biologist (University of Washington, 1946) who has been employed by zoos since 1947. He has been director of Como Zoo since 1957. Veterinary care of Como Zoo's animals, as well as technical advice on husbandry has been furnished by the University of Minnesota, College of Veterinary Medicine and the Veterinary Hospital Staff associated with this teaching facility. Dr. Ralph Farnsworth, a member of the faculty, furnishes clinical services on a routine basis.

(iii) Attached statement of the City of St. Paul's willingness to participate in a cooperative breeding program and to maintain a studbook record.

INFORMATION ATTACHMENT, APPLICATION FORM, COMO ZOO, ST. PAUL

Part 17:22, Division (6)

(iv) The leopards are on breeding loan to Como Zoo from the Tennessee Game Farm, and are presently at Como Zoo. No temporary or permanent moves are contemplated. Como Zoo uses the standards published by the International Air Transport Association for cage construction and animal shipping.

(v) Attached records of death in genus pantheridae at Como Zoo since June 1971. Also attached report of successful rearings of pantheridae in same period.

(7) Attached copies of the conditional sales invoice from Tennessee Game Farm.

(8) (i) The activity contemplated is the usual and traditional use of exotic animals in a zoo display: display of a living, breathing, breeding and eating species illustrating shape, form and relationships thru evolution and genetics, as well as inherited and acquired behavior patterns. These examples are to acquaint the urban public with animal life while teaching children and adults conservation and wildlife studies. Further recognized accomplishments of zoos in the propagation of species are indicated and demonstrated.

(ii) This activity will be carried out by zoo animal husbandry in the facilities of Como Zoo by the trained zoo staff.

(iii) The purported intention of the Endangered Species Act is the protection and propagation of endangered species by whatever method proves effective. Zoo husbandry of endangered species is a proven effective method of propagation.

(iv) The planned disposition of leopards propagated would be to other zoos and/or reintroduction to the wild in such regions as indicated by the stated needs of international commissions. Leopards completing their life spans, or meeting with disease or accidental death would be, by Zoo policy, turned over to recognized museums, educational and research institutions. The University of Minnesota has been a major recipient.

PERMIT APPLICATION, COMO ZOO ATTACHMENT (6) (i)

A section of the main zoo building, northwest cages, is reserved for cold weather exhibits (those carnivores capable of withstanding Minnesota winter weather) The cages consist of 12' x 20' outside cages, and 12' x 10' interior cages, with a glass partition between the cages and the public space. The cages are concrete floored, ceramic walled inside, and stone on the outside. Metal bars form the fronts and partitions, and chainlink tops. Water fountains supply the cages. Cleaning is accomplished by hosing down the floor once daily, and a weekly cleaning of walls and benches and cage bars. Partition doors permit emptying of a cage for cleaning, and isolation for cubbing.

AGREEMENT

The City of St. Paul, Minnesota, agrees, through its agents, to participate in such cooperative breeding arrangements mutually advantageous to Como Zoo, other participating zoos, and the U.S. Department of the Interior, Fish and Wildlife Service as may perpetuate and propagate Endangered Species on this Earth. It further agrees to make available to other zoos and the Department of the Interior necessary data to maintain a studbook registry on the animals propagated.

Signed for the City of St. Paul on the 30th day of July, 1976.

JOHN A. FLETCHER,
Director, Como Zoo.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-328-07; please refer to this number when submitting comments. All relevant comments received on or before October 22, 1976 will be considered.

Dated: September 17, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement U.S. Fish and Wildlife Service.

[FR Doc.76-27698 Filed 9-21-76;8:45 am]

National Park Service

GATEWAY NATIONAL RECREATION AREA

Public Meetings on Draft of General Management Plan

Notice is hereby given that the National Park Service, U.S. Department of the Interior, will hold thirteen public meetings on the draft General Management Plan for Gateway National Recreation Area, New York-New Jersey.

The purpose of the meetings is to obtain public reaction to and comments on the proposed General Management Plan that will be helpful in shaping the final form of these documents.

Tuesday, October 26, 7:30 p.m., Municipal Council Chambers, City Hall, 155 Market Street, Paterson, NJ 07505.

Thursday, October 28, 7:30 p.m., Municipal Council Chambers, City Hall, 920 Broad Street, Newark, NJ 07102.

Thursday, October 28, 8:00 p.m., Commons Conference Room, Brookdale Community College, 755 Newman Springs Road, Lincroft, NJ 07738.

Saturday, October 30, 1:00 p.m., Queensboro Public Library, 8911 Merrick Blvd., Jamaica, NY 11432.

Wednesday, November 3, 7:00 p.m., Christopher Columbus High School, 925 Astor Avenue, Bronx, NY 10469.

Thursday, November 4, 7:00 p.m., State Office Building, Art Gallery, 163 West 125th Street, New York, NY 10027.

Saturday, November 6, 1:00 p.m., Brooklyn College, 1310 Boylan Hall, Brooklyn, NY 11210.

Monday, November 8, 7:00 p.m., Beach Channel High School, 100-00 Beach Channel Drive, Rockaway Park, NY 11694.

Wednesday, November 10, 7:30 p.m., City Hall Chambers, First and Washington Streets, Hoboken, NJ 07030.

Wednesday, November 10, 7:00 p.m., Long Island University, Library Learning Center, 385 Flatbush Avenue Extension, Brooklyn, NY 11201.

Saturday, November 13, 1:00 p.m., New School for Social Research, 66 W 12th Street, New York, NY 10011.

Friday, November 19, 7:00 p.m., Staten Island Community College, B146, 715 Ocean Terrace, Staten Island, NY 10301.

Saturday, November 20, 1:00 p.m., New York Public Library, Hunts Point Regional Branch, 877 Southern Blvd., New York, NY 10459.

Written statements will be accepted for the record at the meetings. Persons wishing to make an oral presentation are asked to send written notice to the Superintendent, Gateway National Recreation Area.

Single copies of the draft General Management Plan are available from September 23rd through November 8th at Gateway National Recreation Area, Floyd Bennett Field, Brooklyn, New York 11234 (212 252-9150) or at the North Atlantic Region, National Park Service, 150 Causeway, Boston, Massachusetts 02114 (617-223-3777). Bulk requests cannot be filled. Copies can be inspected at either site.

Following the last scheduled public meeting, the public will have 30 days to submit written comments on the draft document. Further information can be

obtained by calling Gateway National Recreation Area at (212) 252-9150.

Dated: September 14, 1976.

DENIS P. GALVIN,
Acting Director,
North Atlantic Region.

[FR Doc.76-27714 Filed 9-21-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

RICE DEFICIENCY PAYMENTS

Procedure for Calculating the National Average Market Price Received by Rice Farmers for the First Five Months of the Marketing Year

Pursuant to the authority contained in Section 102 of the Rice Production Act of 1975, the Secretary of Agriculture has prepared a procedure to calculate "the national average market price received by farmers during the first five months of the marketing year for each of the 1976 and 1977 crops of rice. These prices will be used by the Department of Agriculture in computing deficiency payments to producers on each crop. For each crop, this price will be computed by the Statistical Reporting Service (SRS) of the Department based on data reported by purchasers of rice and rice cooperatives. The data reported by purchasers and cooperatives and used by SRS in developing the monthly prices may be subject to an audit to be conducted by the Department at the discretion of the Secretary of Agriculture.

Under the new procedure, SRS will compute a monthly average price received by farmers for rough rice, weighted by actual sales and/or purchases. The monthly price will be computed by weighting together the following:

(1) Rough rice prices that would be paid to members of organizations settling with growers on the basis of mill returns, computed as if that month were the total marketing period; and

(2) Rough rice prices received by farmers as reported by mills making cash purchases.

The price reported by each firm will be weighted by the quantity of rough rice purchased or the quantity of rough rice used in milled rice sold, depending on type of settlement used.

SRS will publish at the end of each month the following:

(1) A preliminary monthly price received by farmers for the current month covering the first 15 days of that month; and

(2) A revised monthly price received by farmers for the previous month, based on that month's activity.

A weighted average price received by farmers during the first five full months of the marketing year (August through December) will then be calculated by SRS. Weights will be quantities of rice sold or used in milling each month. This weighted average price, which will be published about January 31, 1977 and 1978, will be used to determine the deficiency payment rate should the weighted average price fall below the target price.

Since the 1976 five month period began on August 1, 1976, it was not practicable to give prior notice and opportunity to comment. However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit recommendations, views and comments in writing to the Director, Estimates Division, Statistical Reporting Services, USDA, Washington, D.C. 20250. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, this procedure shall remain in effect.

Done at Washington, D.C. this 17th day of September 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76-27684 Filed 9-21-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CARNEGIE INSTITUTION OF WASH., ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 12, 1976.

Amended regulations issued under cited Act (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00523. Applicant: Carnegie Institution of Washington, Department of Embryology, 115 W. University Parkway, Baltimore, Md. 21210. ARTICLE: Electron Microscope, Model JEM-100S and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of DNA molecules, artificial membranes, membranes of cultured cells, and ultrastructure of nerve and muscle cells. The experiments to be conducted will include measuring the length of single- and double-stranded regions of DNA molecules that have been enzymatically digested, observing the fusion of artificial and natural membranes, locating and quantifying specific proteins in nerve and muscle cells, and characterizing the distribution and structure of synapses in the nervous system. The article will also be used for training graduate students and postdoctoral trainees who are working on the research described above. Application received by Commissioner of Customs: September 3, 1976.

Docket number: 76-00524. Applicant: Washington University, Physics Department, St. Louis, Mo. 63130. Article: High Field Superconducting Magnet System. Manufacturer: Oxford Instrument Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used for investigations of single crystals of elemental metals, alloys, insulators, and semiconductors employing principally Nuclear Acoustic Resonance, (NAR). Examples of the types of experiments using NAR with the 8.5 T superconducting magnet system are:

1. NAR studies of the Transition Metal System with known Hydrogen Impurity Concentrations.

2. NAR Studies of Pure Elemental Metal Single Crystals.

3. NAR Studies of Single Crystals of Semimetals.

Application received by Commission of Customs: September 3, 1976.

Docket number: 76-00525. Applicant: Colorado School of Mines, Golden, Colorado 80401. Article: Electron Microscope, Model EM 400, with High Tilt (±60°) Goniometer Stage. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to evaluate changes in the micro and fine structure produced by corrosion experiments, mechanical testing and heat treatment of thin metal foils. Sections will be removed from various test specimens and electrolytically polished to render them suitable for transmission electron microscopy. Correlations relating mechanical properties and/or material deformation behavior to the observed fine structures will be made. The article will also be used in a course for advanced undergraduates to introduce students to the techniques of specimen preparation electron optics and the contrast mechanisms operating during the examination of thin foils by transmission electron microscopy. Application received by Commissioner of Customs: September 3, 1976.

Docket number: 76-00526. Applicant: University of Massachusetts Medical School, Department of Pathology, 55 Lake Avenue North, Worcester, MA 01605. Article: Electron Microscope, Model JEM 100S and Haskris recirculating water chiller. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for examination of biological tissues which will include the heart and great vessels of animals with experimental cardiovascular disease, the pancreas, kidneys and skeletal muscle of animals with experimental diabetes, the brain and other tissues after the induction of inflammation. In addition, bone marrow speci-

mens, biopsies of human tumors, kidney and liver biopsies and other tissue specimens obtained for diagnostic and educational purposes will be examined. Experiments to be conducted will be aimed at determining the pathophysiology of inflammation, atherosclerosis, diabetes mellitus and leukemia. Studies of a variety of human tumors will assist in the understanding and treatment of cancer. The article will also be used to teach and train post doctoral fellows, pathology residents and staff as well as to teach microscopy to medical students who elect to do research in pathology. Application received by Commissioner of Customs: September 3, 1976.

Docket number: 76–00527. Applicant: Deborah Heart and Lung Center, Clinical Laboratory, Department of Pathology, Trenton Road, Browns Mills, New Jersey 08015. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigations that will include ultrastructural studies on normal and pathologic plant and animal tissues, developmental studies on fungal systems, cyto and histochemical studies on fungal systems, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. In addition, the article will be used in the courses Ultrastructure and Cytochemistry which involve a study of general principles on techniques and the use of the electron miscroscope to study the fine structure of cells and various subcellular organelles and the employment of cytochemical staining methods to localize various enzymes. Application received by commissioner of customs: September 3, 1976.

Docket number: 76–00528. Applicant: Adelphi University, South Avenue, Garden City, New York 11530. Article: Flow Jet Mixer. Manufacturer: Funken and Co., Ltd., Japan. Intended use of article: The article is intended to be used for the study of the emulsification of water in fuel oils, Nos. 2, 4, and 6. The stability of these emulsions, as well as their micro structure will be studied. Experiments will also be conducted on the viscosity of these emulsions. In addition, the article will be used for the training of Ph.D. candidates on the use of these emulsions, as well as the participation of undergraduate students. Application received by commissioner of customs: September 3, 1976.

Docket number: 76–00529. Applicant: University of Texas System Cancer Center, Department of Laboratory Medicine, 6723 Bertner Drive, Houston, Texas 77025. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of human hematopoietic tissues including bone marrow and peripheral blood specimens. Investigations will include ultrastructural studies on normal and pathologic hematopoietic tissue for the purpose of diagnostic studies. Application received by Commissioner of Customs: September 3, 1976.

Docket number: 76–00530. Applicant: Southern Illinois University School of Medicine, P.O. Box 3926, Springfield, Ill. 62708. Article: Cryokit, Model LKB 14800–1 for use with LKB Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of immune complex localization in kidney disease as well as other biological materials and for microanalysis of biological specimens in the future. Conjugation with various antigens will be carried out on frozen sectioned material for both immunofluorescence and electron microscope studies. Application received by Commissioner of Customs: September 3, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–27711 Filed 9–21–76;8:45 am]

ENGLER & CO. AND MAAG-FETSCHERIN, JACOB

[Case No. 255]

United States Export Privileges Restored

In the matter of Engler & Co., Engler Ltd., Engler, Werner, Stadthasquai 7 (previously shown as Raenestrasse 26 Zurich, Switzerland, 8700 Kuenacht) and Maag-Fetscherin, Jacob—related party, Witikonerstrasse 317, 8054 Zurich, Switzerland, Respondents.

By order published in 24 FR 1573, (March 3, 1959), the above-named respondents were denied all United States export privileges because of failure to comply with the Export Administration Regulations, 15 CFR Part 368 et seq. Engler petitions to be permitted full access to U.S. commodities and that it be restored to full export privileges.

Advice available to this Department reflects that Engler is a respected member of the business community in Switzerland. The Director, Compliance Division, reports that respondents' activities are not suspect concerning violation of the Export Administration Regulations. After review of the record, the Hearing Commissioner recommends that respondents be afforded access to all U.S. commodities and restored to full export privileges.

I have examined the report and recommendations of the Commissioner. The record fails to report any recent derogatory information against respondents and they are not presently suspect in connection with any violations of the United States export laws. It is fitting and proper that respondents who have so manifested their intentions to comply and are in compliance with the export regulations, be restored to full export privileges. Restoration is in accordance with the purpose and intent of the Export Administration Act of 1969 as amended, 50 U.S.C. 2401 et seq., the regulations and the policies of this Department. Therefore, it is *Ordered*, The above-named parties are hereby unconditionally restored to all United States export privileges.

Date: September 10, 1976.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.76–27699 Filed 9–21–76;8:45 am]

National Oceanic and Atmospheric Administration

MID-ATLANTIC REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Mid-Atlantic Regional Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (P.L. 94–265).

The Mid-Atlantic Regional Fishery Management Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of New York, New Jersey, Delaware, Pennsylvania, Maryland, and Virginia. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary.

This meeting of the Council will be held October 19, 20, and 21 at the Holiday Inn, 6500 Elkridge Landing Road, Linthicum, Maryland; and is scheduled to convene at 9 a.m. and adjourn at approximately 5 p.m.

Proposed Agenda:

(1) Organizational and operational practices and procedures;

(2) Review of preliminary fishery management plans for Atlantic herring, red and silver hake, Atlantic mackerel, squid, and other finfish;

(3) Other management activities.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-serve basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact Mr. Donald G. Birkholz; National Oceanic and Atmospheric Administration; National Marine Fisheries Service; State Fish Pier; Gloucester, Massachusetts 01930 on or about 10 days before the meeting to receive information on changes in the agenda, if any.

At the discretion of the Council, interested members of the public may be permited to speak at times which will allow the orderly conduct of Council

business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Birkholz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: September 17, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-27751 Filed 9-21-76;8:45 am]

NEW ENGLAND REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the New England Regional Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (P.L. 94-265).

The New England Regional Fishery Management Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary.

This meeting of the Council will be held on October 12 and 13 at the Hilton Inn, Logan International Airport, East Boston, Massachusetts; and is scheduled to convene at 9 a.m. and adjourn at approximately 5 p.m.

Proposed Agenda:

(1) Organizational and operational practices and procedures;

(2) Review of preliminary fishery management plans for Atlantic herring, red and silver hake, Atlantic mackerel, squid, and other finfish;

(3) Other management activities.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-serve basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact Mr. Donald G. Birkholz; National Oceanic and Atmospheric Administration; National Marine Fisheries Service; State Fish Pier; Gloucester, Massachusetts 01930 on or about 10 days before the meeting to receive information on changes in the agenda, if any.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Birkholz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: September 17, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-27752 Filed 9-21-76;8:45 am]

NEW ENGLAND REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the New England Regional Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (P.L. 94-265).

The New England Regional Fishery Management Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary.

This meeting of the Council will be held on October 26, 27, and 28 at the Ramada Inn, 225 McClellan Highway, East Boston, Massachusetts; and is scheduled to convene at 9 a.m. and adjourn at approximately 5 p.m.

Proposed Agenda:

(1) Organizational and operational practices and procedures;

(2) Review of ongoing State and Federal fishery research and management activities;

(3) Other management activities.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-serve basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact Mr. Donald G. Birkholz; National Oceanic and Atmospheric Administration; National Marine Fisheries Service; State Fish Pier; Gloucester, Massachusetts 01930 on or about 10 days before the meeting to receive information on changes in the agenda, if any.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Birkholz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: September 17, 1976.

JACK W. GEHRINGER,
Deputy Director, National
Marine Fisheries Service.

[FR Doc.76-27753 Filed 9-21-76;8:45 am]

PURSE SEINING FOR GIANT BLUEFIN TUNA

Season Closed

On September 17, 1976, the Director, National Marine Fisheries Service determined that the 1976 annual quota of 180 short tons of Atlantic bluefin tuna that weigh in excess of 300 pounds taken by purse seine, as established in § 285.12(a)(2), has been reached.

I hereby announce, in accordance with § 285.11, that the season for taking Atlantic bluefin tuna that weigh in excess of 300 pounds round weight taken by purse seine will terminate at 2400 hours local time, in the regulatory area on the date of publication of this notice.

The 1976 season for taking Atlantic bluefin tuna between 14 pounds and 115 pounds by purse seining was closed on June 29, 1976.

Issued at Washington, D.C., and dated September 17, 1976.

JACK W. GEHRINGER,
Deputy Director, National
Marine Fisheries Service.

[FR Doc.76-27696 Filed 9-21-76;8:45 am]

Office of the Secretary

LEAD AND ZINC CONSUMPTION

Open Meeting

The Department of Commerce will chair an informal meeting to discuss the outlook for U.S. lead and zinc consumption for use at the annual meeting of the International Lead and Zinc Study Group to be held this November. The Department of Commerce meeting, to be attended by representatives of the lead and zinc consuming industries, will be held October 19, 1976 at 10:30 a.m., in Room 4833, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The meeting will be open to public observation. A limited number of seats will be available to the public on a first-come, first-served basis.

Dated: September 16, 1976.

NOTE: For a document issued by the Department of the Interior announcing a meeting on lead and zinc production and consumption, see FR Doc. 76-27830 in the Notices section of this issue.

P. S. M. HODSOLL,
Deputy Assistant Secretary, Energy & Strategic Resources Policy.

[FR Doc.76-27710 Filed 9-21-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76G-0318]

TETROID CO., INC.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), notice is given that a petition (GRASP 6G0078) has been filed by Tetroid Co., Inc., Hamilton, NY 13346 and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that demineralized, delactosed soluble whey protein and edible lactalbumin are generally recognized as safe (GRAS) for use in human food.

Any petition which meets the format requirements outlined in 21 CFR § 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before November 22, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: September 14, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.76-27667 Filed 9-21-76;8:45 am]

Health Services Administration

CALIFORNIA PSRO AREA XX: RESULTS OF NOTIFICATION

Notice to Physicians Regarding Agreement To Designate Professional Standards Review Organization

On July 30, 1976, the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the California Area XX PSRO designating it as the Professional Standards Review Organization for PSRO Area XX of the State of California, which area is designated a Professional Standards Review Organization Area in 42 CFR § 101.7.

Such notice was also published in three consecutive issues of the Los Angeles Times on July 30, 31, and August 2, 1976. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area XX of the State of California of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area XX of the State of California who objects to the Secretary entering into an agreement with the California Area XX PSRO on the grounds that such organization is not representative of doctors in PSRO Area XX of the State of California, mail such objection in writing to the Secretary, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022, on or before August 30, 1976.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area XX of the State of California, the Secretary has determined, pursuant to 42 CFR 101.105, that not more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area XX of the State of California have expressed timely objection to the Secretary entering into an agreement with the California Area XX PSRO. Therefore, the Secretary will proceed to enter into an agreement with the California Area XX PSRO designating it as the Professional Standards Review Organization for PSRO Area XX of the State of California.

Dated: September 13, 1976.

JOHN H. KELSO,
Deputy Administrator,
Health Services Administration.

[FR Doc.76-27656 Filed 9-21-76;8:45 am]

NEW YORK PSRO AREA III: RESULTS OF NOTIFICATION

Notice to Physicians Regarding Agreement To Designate Professional Standards Review Organization

On July 30, 1976, the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Professional Standards Review Organization of Central New York, Inc., designating it as the Professional Standards Review Organization for PSRO Area III of the State of New York, which area is designated a Professional Standards Review Organization Area in 42 CFR § 101.36.

Such notice was also published in three consecutive issues of the Syracuse Post-Standard, Syracuse Herald-Journal, Ithaca Journal, Elmira Star Gazette, Watertown Daily Times, and the Binghamton Press on July 30, 31, and August 2, 1976. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area III of the State of New York of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area III of the State of New York who objects to the Secretary entering into an agreement with the Professional Standards Review Organization of Central New York, Inc., on the grounds that such organization is not representative of doctors in PSRO Area III of the State of New York, mail such objection in writing to the Secretary, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022, on or before August 30, 1976.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area III of the State of New York, the Secretary has determined, pursuant to 42 CFR § 101.105, that not more than 10 per centum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area III of the State of New York have expressed timely objection to the Secretary entering into an agreement with the Professional Standards Review Organization of Central New York, Inc. Therefore, the Secretary will proceed to enter into an agreement with the Professional Standards Review Organization of Central New York, Inc., designating it as the Professional Standards Review Organization for PSRO Area III of the State of New York.

Dated: September 13, 1976.

JOHN H. KELSO,
Deputy Administrator,
Health Services Administration.

[FR Doc.76-27657 Filed 9-21-76;8:45 am]

NEW YORK PSRO AREA XII: RESULTS OF NOTIFICATION

Notice to Physicians Regarding Agreement To Designate Professional Standards Review Organization

On July 30, 1976, the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Richmond County, New York, Professional Standards Review Organization, Inc., designating it as the Professional Standards Review Organization for PSRO Area XII of the State of New York, which area is designated a Professional Standards Review Organization Area in 42 CFR § 101.36.

Such notice was also published in three consecutive issues of The New York Times and the Staten Island Advance on July 30, 31, and August 2, 1976. In addition, copies of the notice were mailed

to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area XII of the State of New York of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area XII of the State of New York who objects to the Secretary entering into an agreement with the Richmond County, New York, Professional Standards Review Organization, Inc., on the grounds that such organization is not representative of doctors in PSRO Area XII of the State of New York, mail such objection in writing to the Secertary, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022, on or before August 30, 1976.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area XII of the State of New York, the Secretary has determined, pursuant to 42 CFR § 101.-105, that not more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in PRSO Area XII of the State of New York have expressed timely objection to the Secretary entering into an agreement with the Richmond County, New York, Professional Standards Review Organization, Inc. Therefore, the Secretary will proceed to enter into an agreement with the Richmond County, New York, Professional Standards Review Organization, Inc., designating it as the Professional Standards Review Organization for PSRO Area XII of the State of New York.

Dated: September 13, 1976.

JOHN H. KELSO,
Deputy Administrator,
Health Services Administration.

[FR Doc.76-27658 Filed 9-21-76;8:45 am]

NEW JERSEY PSRO AREA VIII: RESULTS OF NOTIFICATION

Notice to Physicians Regarding Agreement To Designate Professional Standards Review Organization

On July 30, 1976, the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Southern New Jersey Professional Standards Review Organization designating it as the Professional Standards Review Organization for PSRO Area VIII of the State of New Jersey, which area is designated a Professional Standards Review Organization Area in 42 CFR § 101.34.

Such notice was also published in three consecutive issues of the Trenton Times, Philadelphia Inquirer, Philadelphia Bulletin, Atlantic City Press, Burlington County Times, and the Vineland Time-Journal on July 30, 31, and August 2, 1976. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area VIII of the State of New Jersey of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area VIII of the State of New Jersey who objects to the Secretary entering into an agreement with the Southern New Jersey Professional Standards Review Organization on the grounds that such organization is not representative of doctors in PSRO Area VIII of the State of New Jersey, mail such objection in writing to the Secretary, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022, on or before August 30, 1976.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area VIII of the State of New Jersey, the Secretary has determined, pursuant to 42 CFR § 101.-105, that not more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area VIII of the State of New Jersey have expressed timely objection to the Secretary entering into an agreement with the Southern New Jersey Professional Standards Review Organization. Therefore, the Secretary will proceed to enter into an agreement with the Southern New Jersey Professional Standards Review Organization designating it as the Professional Standards Review Organization for PSRO Area VIII of the State of New Jersey.

Dated: September 13, 1976.

JOHN H. KELSO,
Deputy Administrator,
Health Services Administration.

[FR Doc.76-27659 Filed 9-21-76;8:45 am]

OHIO PSRO AREA X: RESULTS OF NOTIFICATION

Notice to Physicians Regarding Agreement To Designate Professional Standards Review Organization

On June 28, 1976, the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Region Ten Peer Review Systems, Inc., designating it as the Professional Standards Review Organization for PSRO Area X of the State of Ohio, which area is designated a Professional Standards Review Organization Area in 42 CFR § 101.39.

Such notice was also published in three consecutive issues of The Columbus Dispatch, Columbus Citizen-Journal, and Chillicothe Gazette on June 28, 29, and 30, 1976. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area X of the State of Ohio of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area X of the State of Ohio who objects to the Secretary entering into an agreement with the Region Ten Peer Review Systems, Inc., on the grounds that such organization is not representative of doctors in PSRO Area X of the State of Ohio, mail such objection in writing to the Secretary, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022, on or before July 28, 1976.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area X of the State of Ohio, the Secretary has determined, pursuant to 42 CFR § 101.105, that not more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area X of the State of Ohio have expressed timely objection to the Secretary entering into an agreement with the Region Ten Peer Review Systems, Inc. Therefore, the Secretary will proceed to enter into an agreement with the Region Ten Peer Review Systems, Inc., designating it as the Professional Standards Review Organization for PSRO Area X of the State of Ohio.

Dated: September 13, 1976.

JOHN H. KELSO,
Deputy Administrator,
Health Services Administration.

[FR Doc.76-27660 Filed 9-21-76;8:45 am]

STATE OF KENTUCKY PSRO AREA

Announcement of Result of Poll of Physicians

On May 4, 1976, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Kentucky Peer Review Organization, Inc., designating it as the Professional Standards Review Organization for the State of Kentucky PSRO Area, which area is designated a Professional Standards Review Organization Area in 42 CFR § 101.21.

Such notice was also published in three consecutive issues of the Bowling Green News, The Covington Kentucky Post, The Kentucky New Era, The Lexington Hearald-Leader, Owensboro Messenger-Inquirier, The Paducah Sun-Democrat, The Cincinnati Enquirer, The Louisville Courier-Journal & Times, and The Ashland Independent on May 4, 5, and 6, 1976. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or

osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in the State of Kentucky PSRO Area of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in the State of Kentucky who objects to the Secretary entering into an agreement with the Kentucky Peer Review Organization, Inc. on the grounds that such organization is not representative of doctors in the State of Kentucky, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022, on or before June 3, 1976.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in the State of Kentucky the Secretary determined, pursuant to 42 CFR § 101.105, that more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in the State of Kentucky had expressed timely objection to entering into an agreement with the Kentucky Peer Review Organization, Inc.

Therefore, on June 28, 1976, in accordance with 42 CFR § 101.106, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER a notice announcing a poll to be conducted of all doctors of medicine or osteopathy engaged in active practice in the State of Kentucky to determine whether the Kentucky Peer Review Organization, Inc., was representative of such doctors in the area.

Such notice was also published in the Bowling Green News, The Covington Kentucky Post, The Kentucky New Era, The Lexington Herald-Leader, Owensboro Messenger-Inquirer, The Paducah Sun-Democrat, The Cincinnati Enquirer, The Louisville Courier-Journal & Times, and The Ashland Independent on June 28, 1976. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and County medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in the State of Kentucky of the contents of the notice.

The notice stated that a ballot was to be mailed to each such doctor on which he was to indicate whether in his opinion the Kentucky Peer Review Organization, Inc., was or was not representative of the doctors of medicine or osteopathy engaged in active practice in the State of Kentucky. The notice also requested that any licensed doctor of medicine or osteopathy engaged in active practice in the State of Kentucky who had not received a ballot by July 3, 1976, might request in writing a ballot from the Secretary of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. According to the notice, only those ballots postmarked no later than July 28, 1976 and returned in the stamped self-addressed envelope provided to each individual doctor would be considered valid.

A ballot and envelope together with a letter of explanation was mailed to each individual doctor of medicine or osteopathy whom the Secretary determined, pursuant to 42 CFR § 101.103, to be engaged in the active practice of medicine or osteopathy in the PSRO area.

The counting of the ballots took place in a proceeding open to the public at the City of Frankfort Municipal Building, 315 West Second Street, Frankfort, Kentucky, on August 19, 1976.

After reviewing the final tabulation of valid ballots received from doctors of medicine or osteopathy in the State of Kentucky, the Secretary has determined, pursuant to 42 CFR § 101.107, that more than 50% of the doctors responding to the poll indicated that the Kentucky Peer Review Organization, Inc., was representative of the doctors in the area. Therefore the Secretary intends to enter into an agreement designating the Kentucky Peer Review Organization, Inc., as a conditional Professional Standards Review Organization for the State of Kentucky.

This count will be final except that the Secretary will conduct a recount if at least five doctors in the area so request in writing, postmarked on or before October 4, 1976. Such recount will be conducted in a public proceeding and the result of the recount will be final.

Dated: September 13, 1976.

JOHN H. KELSO,
Deputy Administrator,
Health Services Administration.

[FR Doc.76-27661 Filed 9-21-76;8:45 am]

National Institutes of Health

NATIONAL HEART, LUNG, AND BLOOD ADVISORY COUNCIL, MANPOWER SUBCOMMITTEE AND RESEARCH SUBCOMMITTEE

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, October 7-9, 1976, from 9:00 a.m. to 5:00 p.m. in Building 1, Wilson Hall, Bethesda, Maryland. The meeting will be open to the public on October 7 from 9:00 a.m. to 5:00 p.m., and on October 8 from 9:00 a.m. to 10:30 a.m. to discuss program policies and issues, as well as the Council's annual report. Attendance by the public will be limited to space available. In addition, meeting of the Manpower Subcommittee and the Research Subcommittee of the above Council will be held on October 6, 1976; the Manpower Subcommittee at 9:00 p.m. in Board Room #7, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland, and the Research Subcommittee at 9:00 p.m. in Wilson Hall, Building 1, National Institutes of Health.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on October 8 from 10:30 a.m. to 5:00 p.m., and on October 9 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 9:00 p.m. to 10:30 p.m. on October 6, 1976, also for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries, and personal information concerning individuals associated with the applications.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, (301) 496-4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Director of Extramural Affairs, NHLBI, Westwood Building, Room 7A18 (301) 496-7416, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, 13.839, National Institutes of Health.)

Dated: September 16, 1976.

SUZANNE L. FRÉMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-27849 Filed 9-21-76;8:45 am]

Office of the Secretary

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Meeting

Notice is hereby given that the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on October 8, 9 and 10, 1976, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. The meeting will convene at 9:00 a.m. each day and will be open to the public, subject to the limitations of available space. The meeting will be held on October 10 only if it is determined to be necessary at the session on October 9.

The agenda will include discussion of issues identified in the legislative mandate to the Commission under Public Laws 93-348 and 94-278, including the Commission's report and recommenda-

tions on psychosurgery, deliberations on research involving children and the institutionalized mentally infirm, and a final report and deliberations on institutional review boards.

In accordance with the provisions of 5 U.S.C. 552(b)(6) and Section 10(d) of Public Law 92-463, the meeting will be closed to the public from 4 p.m. to 5 p.m. on October 8, 1976 for the discussion of internal personnel matters, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Requests for information should be directed to Ms. Anne Ballard, (301-496-7776), Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

Dated: September 16, 1976.

CHARLES U. LOWE, M.D.
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.76-27692 Filed 9-21-76;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON COMPLIANCE AND ENFORCEMENT PROCEEDINGS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Compliance and Enforcement Proceedings of the Administrative Conference of the United States, to be held at 10:00 a.m., October 7, 1976 in the library of the Administrative Conference, the Gelman Building, 2120 L Street, NW., Suite 500, Washington, D.C.

The Committee will meet to consider agency and public comments on proposed recommendations concerning consent decree settlement procedures of the Antitrust Division of the Department of Justice and the Equal Employment Opportunity Commission. (See 41 F.R. 36830, September 1, 1976).

The recommendations are based on a report prepared for the Committee by Professor Michael J. Zimmer, Wayne State University School of Law, and Professor Charles A. Sullivan, University of Arkansas School of Law.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Stephen Klitzman (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

SEPTEMBER 15, 1976.

[FR Doc.76-27648 Filed 9-21-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 29789, etc.; Order 76-9-80]

HOUSTON/NEW ORLEANS—YUCATAN ROUTE PROCEEDING, ET AL.

Order Instituting Investigations

In the matter of Houston/New Orleans-Yucatan Route Proceeding, Docket 29789; Dallas/Fort Worth-Western Mexico Route Proceeding, Docket 29790. Application of American Airlines, Inc., Docket 22487; Braniff Airways, Inc., Dockets 22414, 22418; Continental Air Lines, Inc., Dockets 27707, 27710; Delta Air Lines, Inc., Docket 22365; Eastern Air Lines, Inc., Docket 24766; Hughes Airwest, Docket 25799; National Airlines, Inc., Docket 27601; Ozark Air Lines, Inc., Docket 26649; Texas International Airlines, Inc., Dockets 21011, 22436, 27542; United Air Lines, Inc., Dockets 27603, 28326, 28327; Western Air Lines, Inc., Docket 25776.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of September, 1976.

As a result of the suspension of negotiations between the United States and Mexico in March 1976, the Air Transport Agreement between those countries has been extended until April 30, 1977.[1] Under the Agreement, U.S. Routes D, R, and S have never been awarded to U.S. carriers.

Route D authorizes U.S.-flag service between the U.S. terminal point New Orleans, Louisiana, and the coterminal points Cozumel and Punta Cancun, Mexico. Route R authorizes U.S.-flag service between the terminal point Houston, Texas, and the coterminal point Merida, Cozumel, and Punta Cancun, Mexico. Route S authorizes U.S.-flag service between the terminal point Dallas, Texas, and the coterminal points Mazatlan, La Paz, San Jose del Cabo, Puerto Vallarta, and Guadalajara, Mexico.

Applications and motions for immediate hearing to operate over Routes D, F,[2] R and S have been filed by serveral U.S. air carriers.[3] An application to amend its certificate of public convenience and necessity and a motion for immediate hearing on its application for authority to serve Route D in combination with Route F was filed by United Air Lines (Docket 27603). Texas International Airlines (TXI) filed an application and a motion for immediate hearing of its application for authority between Houston and New Orleans, on the one hand, and Merida, Mexico, on the other (Docket 27542). Route R applications and motions for immediate hearing have been filed by Braniff Airways (Docket 22414), Continental Air Lines (Docket 27710) and TXI (Docket 22466). Those U.S. carriers that filed motions for immediate hearing of their applications to operate over Route S are American Airlines (Docket 22487), Braniff (Docket 22418), Ozark Air Lines, (Docket 26649) and TXI (Docket 21011).

Modern Air Transport filed a petition for leave to intervene in Docket 27603 (United's application for Route D in combination with Route F authority). An answer was filed by Braniff to TXI's application for Route F authority (Docket 27542) urging consolidation of all applications for New Orleans/Houston-Merida authority.[4] TXI's motion for immediate hearing in Docket 27542 was opposed in Pan American's answer and supported in the answer of the City of New Orleans, Louisiana, and the Chamber of Commerce of the New Orleans Area (New Orleans Parties).

Braniff's motion for immediate hearing on its applications in Dockets 22414 (Route R) and 22418 (Route S) was supported in answers filed by the City of Houston, Texas, and the Houston Chamber of Commerce (the Houston Parties), and by Eastern Air Lines, which urged that any proceeding investigating the possibility of Route R service include applications for Route D authority, and that any proceeding investigating the possibility of Route S service include applications for Route P authority.[5] Pan American filed an answer in opposition to Braniff's motion. TXI filed a motion for leave to file an otherwise unauthorized document and included a reply to the answers of Eastern and Pan American.[6] The Dallas/Fort Worth Parties[7] filed a motion in Docket 22418 for immediate hearing of Braniff's application.[8] Petitions for leave to intervene in Docket 22414 were filed by the Houston Parties and the City of Kansas City, Missouri, and the Chamber of Commerce of Greater Kansas City (the Kansas City Parties). The Kansas City Parties also filed a petition to intervene in Docket 22418, Braniff's Route S application.

[1] The Air Transport Agreement between the United States and Mexico of August 15, 1960, as extended and amended.

[2] Route F authorizes U.S.-flag service between New Orleans, Louisiana, and Merida, Mexico, and beyond to Central America and Panama and beyond. Pan American is the U.S. designated carrier under the U.S.-Mexico Air Transport Agreement with authority to operate over this route. Pan American is temporarily suspended from serving Route F until December 15, 1976, by Order 75-4-16, April 2, 1975.

[3] Delta Air Lines, Eastern Air Lines, and National Airlines have filed applications without motions for immediate hearing in Dockets 22365 (Route S points), 24766 (Route D, F, and R points), and 27601 (Routes F and R points), respectively. Their applications include U.S. and Mexican points on the routes specified in the Agreement, and their applications will be incorporated in the two investigations instituted by this order to the extent they conform to the scope of the proceedings.

[4] Braniff's answer also contained a renewed motion for immediate hearing on its application in Docket 22414. Since this motion was incorporated in an answer it is inappropriate under Rule 18 of the Board's Procedural Regulations and it will be dismissed. Pan American's answer to Braniff's motion is thus moot.

[5] Route P differs from Route S by the addition of Atlanta, Georgia, as a U.S. gateway along with New Orleans.

[6] We shall grant TXI's motion.

[7] The Cities and Chamber of Commece of Dallas and Fort Worth.

[8] The Dall s/Fort Worth Parties' motion for expedited consideration included Dockets 21011, 22365, 22415, 22467, and 22487 which all involve applications for Texas-Mexico route authority.

Answers in support of Continental's motion for immediate hearing in Docket 27710 (Route R) were filed by Eastern Air Lines, which urged contemporaneous consideration of applications for Routes R and D if a proceeding involving Route R applications was instituted, and by TXI. Pan American filed an answer in opposition to Continental's motion.

One answer, by National Air Lines, was filed in support of TXI's motion for immediate hearing in Docket 22436 (Route R). Answers in support of TXI's second motion for immediate hearing in Docket 22436 were filed by Eastern, which again requested that applications for Route R be considered in the same proceeding with Route D applications, National, and the Houston Parties. Braniff filed an answer in opposition to TXI's motion.

American's motion for immediate hearing in Docket 22487 (Route S) received answers in support from Eastern which again urged contemporaneous consideration of Route S and Route P applications, and TXI. Pan American filed an answer in opposition to American's motion. The Dallas/Fort Worth Parties filed a motion for an immediate hearing in Docket 22487.

Ozark's motion for immediate hearing of its application in Docket 26649 (Route S) was supported in answers by Eastern, again urging that applications for Routes S and P be considered in the same proceeding, and TXI.

No answers have been filed to TXI's motion for immediate consideration of its application in Docket 21011 (Route S).

Hughes Airwest and Western Air Lines filed applications for similar authority in Docket 25799 and Docket 25776, respectively. Airwest's application requests the addition of new U.S. coterminal points, Los Angeles and San Francisco, California, and the addition of four new Mexican coterminal points, Acapulco, Manzanillo, Mexico City, and Zihuatanejo. Airwest filed a motion for immediate hearing of its application in Docket 25799 and Pan American filed an answer in opposition to Airwest's motion. Airwest filed a second motion for immediate hearing of its application in Docket 25799 but only to the extent that the application seeks to add Los Angeles and San Francisco, and Manzanillo and Zihuatanejo, as coterminal points on segment 2 of Route 76 F. Western filed an answer in opposition or, in the alternative, requesting that Western's motion for immediate hearing in Docket 25776 be granted.

Western's application and contemporaneously filed motion for immediate hearing in Docket 25776 requests authority between the U.S. coterminal points Los Angeles and San Francisco and the coterminal points La Paz, Mazatlan, Puerto Vallarta, Guadalajara, Manzanillo, Zihuatanejo, Mexico City, and Acapulco. Airwest filed an answer in support of Western's motion for immediate hearing and Pan American filed an answer in opposition to Western's motion. Petitions for leave to intervene were filed by the Washington Parties,[9] the San Diego Parties,[10] the Los Angeles Parties,[11] and the San Francisco Parties.[12]

Upon consideration of the foregoing and all the relevant facts, we have decided to institute two investigations: one investigation to determine the need for service on U.S. Routes D (New Orleans-Cancun/Cozumel), F (which will be limited to New Orleans-Merida service without consideration of service beyond Merida), and R (Houston-Merida/Cancun/Cozumel), and a separate investigation to determine the need for service on U.S. Route S (Dallas/Fort Worth-Guadalajara/Puerto Vallarta/Mazatlan/La Paz/San Jose del Cabo). The route authority in the Yucatan points investigation (Routes D, F, and R) will be framed in the issues as involving six segments, but the Board will retain its authority to award the routes in the manner it finds most appropriate. Included within this proceeding will be the issue of whether Pan American's authority over Route F should be suspended or deleted. The Board reserves the right to award the authority in issue in both investigations in the manner best suited to promote the economic operations of the U.S. airline applicants and will not be bound to award the route authority in question in the same form as provided in the Agreement.[13]

Finally, American, Braniff, Continental, Delta, Eastern, National, Ozark, TXI and United have not submitted sufficient information for us to determine the environmental consequences of their requested certificate amendments at this time. Therefore, we will require those carriers to file the information set forth in Part 312 of the Board's Procedural Regulations. We will allow these carriers and all other carriers filing applications in the proceeding 30 days from the date of service of this order to file their environmental evaluations.

Accordingly, it is ordered that: 1. An investigation of the need for the authorization of U.S.–flag service between Merida, Cozumel, and Cancun, Mexico, on the one hand, and between Houston and New Orleans, on the other, to be known as the Houston/New Orleans-Yucatan Route Proceeding, Docket 29789, be and it hereby is instituted and shall be set down for hearing before an administrative law judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits;

2. An investigation of the need for authorization of U.S.–flag service between the terminal point Dallas/Fort Worth, Texas, and the coterminal points Guadalajara, Puerto Vallarta, Mazatlan, La Paz, and San Jose del Cabo, Mexico, to be known as the Dallas/Fort Worth-Western Mexico Route Proceeding, Docket 29790, be and it hereby is instituted and shall be set down for hearing before an administrative law judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits;

3. The investigation instituted by paragraph 1, above, shall include consideration of the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers on a subsidy-ineligible basis to engage in air transportation:

(1) between Houston, Texas, and Merida, Mexico;

(2) between Houston, Texas, and Cozumel, Mexico;

(3) between Houston, Texas, and Punta Cancun, Mexico;

(4) between New Orleans, Louisiana, and Merida, Mexico;

(5) between New Orleans, Louisiana, and Cozumel, Mexico; and

(6) between New Orleans, Louisiana, and Punta Cancun, Mexico?

(b) If the answer to (a) is in the affirmative in whole or in part, which air carrier(s) should be authorized to engage in such service?

(c) What conditions, if any, should be placed on the operation of such carrier(s)?

(d) Should Pan American's Route F operations be suspended or deleted?

4. The investigation instituted by paragraph 2, above, shall include consideration of the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers on a subsidy-ineligible basis to engage in air transportation between the terminal point Dallas/Fort Worth, Texas, and the coterminal points Guadalajara, Puerto Vallarta, Mazatlan, La Paz, and San Jose del Cabo, Mexico?

(b) If the answer to (a) is in the affirmative in whole or in part which air carrier(s) should be authorized to engage in such service?

(c) What conditions, if any, should be placed on the operation of such carrier(s)?

5. The applications of Braniff Airways (Dockets 22414), Continental Air Lines (Dockets 27707, 27710), Eastern Air Lines (Docket 24766), National Air Lines (Docket 27601), Texas International Airlines (Dockets 22436, 27542), and United Air Lines (Dockets 27603, 28326, 28327), to the extent they conform[14] with the in-

[9] State of Washington Utilities and Transportation Commission, the Port of Seattle Commission, the City of Seattle, the County of King, the Seattle Chamber of Commerce, City of Tacoma, Tacoma Chamber of Commerce, Puget Sound Traffic Association.

[10] San Diego Unified Port District, City of San Diego, San Diego Chamber of Commerce. The petition includes a request for immediate hearing of Western's application.

[11] City of Los Angeles, Department of Airports, the Los Angeles Chamber of Commerce.

[12] City and County of San Francisco, the San Francisco Chamber of Commerce.

[13] We have decided to deny the immediate hearing motions of Airwest in Docket 25799 and Western in Docket 25776. These involve Mexican points which are not covered in the outstanding bilateral agreement.

[14] To the extent that the applications in the above-mentioned dockets do not conform to the scope of the investigation, they shall be dismissed without prejudice.

vestigation in the proceeding instituted in paragraph 1, above, be and they hereby are consolidated in the Houston/New Orleans-Yucatan Route Proceeding, Docket 29789;

6. The applications of American Airlines (Docket 22487), Braniff Airways (Docket 22418), Delta Air Lines (Docket 22365), Ozark Air Lines, (Docket 26649), and Texas International Airlines (Docket 21011), to the extent they conform [12] with the investigation in the proceeding instituted in paragraph 2, above, be and they hereby are consolidated in the Dallas/Fort Worth-Western Mexico Route Proceeding, Docket 29790;

7. The motion for a hearing filed by American Airlines (Docket 22487), Braniff Airways (Dockets 22414, 22418), Continental Air Lines (Docket 27710), Ozark Air Lines (Docket 26649), Texas International Airlines (Dockets 21011, 22436, 27542), and United Air Lines (Docket 27603) be and they hereby are granted;

8. The motions of Hughes Airwest in Docket 25799 and Western Air Lines in Dockt 25776 for immediate hearing be and they hereby are denied;

9. The motion of Texas International Airlines for leave to file an otherwise unauthorized document in Dockets 22414 and 22418, be and it hereby is granted;

10. The petitions of the Kansas City Parties for leave to intervene in Dockets 22414 and 22418, be and they hereby are granted;

11. The petition of Modern Air Transport for leave to intervene in Docket 27603 be and it hereby is granted;

12. The motion of the Dallas/Fort Worth parties for immediate consideration of Dockets 21011, 22365, 22415, 22418, 22467 and 22487 to the extent not granted be and it hereby is denied;

13. Braniff Airways, Continental Air Lines, Eastern Air Lines, National Airlines, Pan American Airways, Texas International Airlines, United Air Lines, Modern Air Transport, the Dallas/Fort Worth Parties, the Houston Parties, the Kansas City Parties, and the New Orleans Parties, be and they hereby are made parties to the Houston/New Orleans-Yucatan Route Proceeding;

14. American Airlines, Braniff Airways, Delta Air Lines, Ozark Air Lines, Texas International Airlines, the Dallas/Fort Worth Parties, the Houston Parties, the Kansas City Parties, and the New Orleans Parties be and they hereby are made parties to the Dallas/Fort Worth-Western Mexico Route Proceeding;

15. American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, Eastern Air Lines, National Airlines, Ozark Air Lines, Texas International Airlines, United Air Lines, and all other carriers filing applications in the proceedings instituted in paragraphs 1 and 2, above, shall file environmental evaluations pursuant to section 312 of the Board's Procedural Regulations, 14 CFR § 312.12 (1975), within 30 days of the service date of this order;

16. Applications and motions to consolidate in the proceedings instituted in paragraphs 1 and 2, above, and petitions for reconsideration of this order shall be filed within 20 days of the service date of this order and answers thereto shall be filed within 15 days thereafter; and

17. This order shall be served on American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, Eastern Air Lines, Hughes Airwest, National Airlines, Ozark Air Lines, Pan American Airways, Texas International Airlines, United Air Lines, Western Air Lines, Modern Air Transport, the Cities and Chambers of Commerce of Dallas, Fort Worth, and Houston, Texas, the City of Kansas City, Missouri, and the Chamber of Commerce of Greater Kansas City, and the City of New Orleans, Louisiana, and the Chamber of Commerce of the New Orleans Area, the Los Angeles Parties, the San Diego Parties, the San Francisco Parties, and the Washington Parties.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-27764 Filed 9-21-76;8:45 am]

[12] To the extent that the applications in the above-mentioned dockets do not conform to the scope of the investigation, they shall be dismissed without prejudice.

CIVIL RIGHTS COMMISSION

NORTH DAKOTA ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Dakota Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. and end at 4:00 p.m. on October 8, 1976, at the Holiday Inn, Highway I-29 and 13th Avenue South, Fargo, North Dakota 50101.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to discuss the Committee's project, Criminal Justice for Native Americans in the Dakotas.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 16, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-27651 Filed 9-21-76;8:45 am]

SOUTH DAKOTA ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the South Dakota Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 4:00 p.m. on October 5, 1976, at Room 464, State Capital Building, Pierre, South Dakota 57509.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to discuss the Committee's project, Criminal Justice for Native Americans in the Dakotas.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 16, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-27652 Filed 9-21-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

CLOSED MEETING ACTIVITIES OF ADVISORY COMMITTEES

Public Availability of Reports

Pursuant to Section 10(d) of the Federal Advisory Committee Act, Public Law 92-463, October 6, 1972, and Office of Management and Budget Circular No. A-63, Revised, March 27, 1974, the ERDA advisory committees which held closed or partially closed meetings in 1975, consistent with the policy of 5 U.S.C. 552(b), have prepared reports on the activities of these meetings. Copies of the reports have been filed and are available for public inspection at the Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk and ERDA Headquarters, Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545.

The names of the advisory committees are listed below:

General Advisory Committee
Committee of Senior Reviewers
High Energy Physics Advisory Panel
Historical Advisory Committee
Field and Laboratory Utilization Study Group

Date: September 17, 1976.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.76-27771 Filed 9-21-76;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

STATE AND LOCAL GOVERNMENT INFORMATION RECORDS AND REPORTS (EEO-4)

Extension of Deadline for Filing

Notice is hereby given that the deadline for filing the 1976 State and Local Government Information (EEO-4) report required by 29 CFR 1602.32 is extended from September 30, 1976 to November 30, 1976. The payroll reporting

period for the 1976 EEO–4 remains unchanged as June 30, 1976.

Signed at Washington, D.C. this 14th day of September 1976.

ETHEL BENT WALSH,
Vice Chairman, Equal Employment Opportunity Commission.

[FR Doc.76-27892 Filed 9-21-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76R-242; Docket Nos. 20740 and 20741; File Nos. BP-19635 and BP-19730]

COMMUNICO OCEANIC CORPORATION (KPOI) AND KHVH, INC. (KHVH)

Applications for Construction Permits

Adopted September 13, 1976.
Released September 21, 1976.

1. This proceeding involves the mutually exclusive applications of Communico Oceanic Corporation (KPOI) (Communico) and KHVH, Inc. (KHVH) for construction permits to change frequency and increase power for their respective existing standard broadcast stations in Honolulu, Hawaii.[1] Presently before the Review Board is a motion to enlarge issues, filed April 19, 1976, by Communico, seeking the addition of financial, technical, and frequency spectrum utilization issues against KHVH.[2]

FINANCIAL ISSUE

2. In support of its request for a financial issue, Communico initially asserts that although KHVH plans to rely on funds from its two stockholders to meet estimated construction costs of $35,500, the actual liquidity of the assets of KHVH's two stockholders cannot be determined from the information provided in the KHVH application.[3] Movant contends that none of the assets listed on the balance sheets of those stockholders can be relied upon to support their loan commitments. Specifically, Communico takes exception to the way in which both balance sheets categorize assets as either "Residence-approximate value" or "Cash-marketable securities," arguing that KHVH's failure either to submit evidence of the fair market value of the residences, or to identify the marketable securities (including trading market and current value), contravenes Commission requirements.[4] Movant cites Chicagoland TV Co., 11 FCC 2d 96, 11 RR 2d 1118 (1967), and FCC Form 301, Section III, Page 3, para. 4(b), as support. Next, Communico avers that KHVH has failed to include in its proposal the costs for: (a) the replacement of its tower facility; (b) the replacement of the filter system at that facility; and (c) a revised estimate by KHVH's counsel of its legal fees. In support, movant submits a report by Trans-Pacific Laboratories, dated July 1975, in which it is recommended that, based upon ultrasonic thickness gauge and visual inspections, KHVH's tower facility should be replaced.[5] Communico estimates KHVH's pro rata replacement cost to be $13,625.[6] In addition, Communico's consulting engineer submits an analysis of KHVH's tower filter system,[7] and concludes that its overall design and layout are "extremely poor." He maintains that under existing conditions, no station on the tower can be expected to operate with full modulation capabilities, and that the facilities proposed in KHVH's present application, if granted, would only compound this problem. The only solution, he opines, is to completely replace the filter system. Communico estimates that KHVH will need $25,000 for this additional expense.[8] Finally, movant submits an affidavit from Frederic W. Constant, President of Communico, in which he states that on or about March 10, 1976, the President of KHVH (Mr. Berger) indicated to him that KHVH's current estimate of its legal fees is $60,000, $43,000 more than the figure shown in KHVH's application. In total, Communico concludes that KHVH has underestimated its construction costs by at least $81,625 and will need an additional $72,125 in order to effectuate its proposal.[9]

3. In opposition, KHVH initially maintains that the budgeting of $17,000 for its legal fees still represents a reasonable estimate in view of the uncertainty as to the ultimate course and complexity of this proceeding. KHVH further states that its counsel has not provided a $60,000 estimate to it.[10] As to movant's allegations concerning its tower and filter system, KHVH argues that the costs of their potential replacement need not be included in its present applictaion since its proposals to increase power and change frequency did not cause those problems. In any event, KHVH claims that the requested issue is mooted by the contemporaneous amendment to its application, a copy of which is submitted with its opposition and erratum thereto,[11] in which it now proposes to borrow $81,000 from Mr. Berger alone.[12] KHVH also submits a current financial statement for Mr. Berger, listing marketable securities (by name, market, amount and value), bonds, and cash, in excess of current liabilities of $104,756. Thus, KHVH concludes that it will have sufficient funds available with which to meet its estimated first year construction costs of $35,500, plus the additional $38,625 allegedly needed for the replacement of its tower and filter system.

4. In reply, Communico asserts that its request has not been mooted by KHVH's amendment of its financial proposal, maintaining that Mr. Berger's balance sheet still does not give reasonable assurance that he will have adequate funds available to meet his present loan commitment. Specifically, movant contends that the $40,000 in bonds listed under liquid assets cannot be relied upon since no evidence has been presented concerning their marketability or liquidity. Communico concludes that Mr. Berger's reliable liquid assets in excess of current liabilities are $64,756, $16,244 short of his loan commitment.

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[1] By Memorandum Opinion and Order, 41 FR 14216, published April 2, 1976, the Commission found that the above-captioned applications were mutually exclusive in that grant of both would result in mutually destructive interference.

[2] Also before the Board are the following related pleadings: (a) opposition, filed June 4, 1976, by KHVH; (b) comments, filed June 4, 1976, by the Broadcast Bureau; (c) erratum to (b), filed June 7, 1976, by the Broadcast Bureau; (d) erratum to (a), filed June 11, 1976, by KHVH; (e) reply to (a), filed June 16, 1976, by Communico; (f) reply to (b), filed June 16, 1976, by Communico; and (g) request for leave to file and supplement to (a), filed June 29, 1976, by KHVH. We will grant KHVH's request for leave to file supplement and accept the supplement. Although the supplement is an unauthorized pleading, it contains information relevant to the requested financial issue and was made the subject of an amendment which was accepted by the Judge; accordingly, its consideration will not prejudice any party or unduly delay the disposition of the motion at hand. See note 13, infra.

[3] Lawrence S. Berger, KHVH's President and 90 percent stockholder, proposes to loan KHVH $40,500, while Marcus Loew, II, Vice President and 10 percent stockholder has agreed to loan KHVH $4,500.

[4] Communico also points out that Berger has failed to report a change in his financial position reflecting an obligation to make a $15,000 loan to Radio Samoa, Ltd.

[5] An affidavit by J. B. Walthall, co-owner and general manager of Aloha Communication Tower Service, is also submitted with Communico's motion. Affiant states that, based upon his company's inspection of the tower, he feels that the only safe remedy would be its replacement. He further states that a bid of $54,500 was submitted by his company to the owner of the tower for the dismantling of the present tower and the building of a new one.

[6] Communico presumes that the cost will ultimately be passed on to the four occupants of the tower (Stations KHVH, KIKI, KORL, and KZOO), with each station contributing 25% of the $54,500 bid.

[7] See paragraph 6, *infra*.

[8] A pro rata proportionment of Communico's consulting engineer's $100,000 estimate. See footnote 6, *supra*.

[9] These figures are calculated as follows:

KHVH's construction cost estimate	$35,500
Additional construction costs (new tower=$13,625; new filter system=$25,000; added legal fees=$43,000)	81,625
Total	117,125
Loans from stockholders	−45,000
	72,125

[10] In an attached affidavit, Mr. Berger states that he did make a high guess estimate in the presence of Mr. Constant but explains that it related to the combined legal costs for both KHVH and Communico and was made in the hope of encouraging a settlement between the parties.

[11] This amendment was accepted, by Order, FCC 76M-866, released July 7, 1976.

[12] Out of this $81,000 loan, KHVH will have $74,520 available after interest is deducted for first year construction costs.

5. The Review Board will deny the requested financial issue. Although we agree with Communico that KHVH must have an adequate tower facility and filter system in order to effectuate its proposal (see para. 8, infra), movant has failed to raise a substantial question concerning either the sufficiency of Mr. Berger's liquid assets, or the adequacy of his proposed $81,000 loan to meet these added construction costs. Berger's updated financial statement, along with the notarized letter from the brokerage firm attached to KHVH's supplement,[13] adequately refute Communico's allegations concerning the marketability of his liquid assets.[14] Thus, Mr. Berger lists $104,756 in current and liquid assets in excess of current liabilities,[15] enabling him to meet his $81,000 loan commitment. Furthermore, with respect to counsel fees, KHVH has satisfactorily responded to Constant's affidavit by explaining Berger's statement regarding the $60,000 estimate for legal fees. Moreover, movant has failed to raise a substantial question as to the reasonableness of KHVH's $17,000 estimate and we do not believe the figure is unreasonable on its face. Hence, even assuming that KHVH will have to replace its filter system as well as its tower facility, it appears that KHVH's available funds ($74,520) would still exceed its estimated costs ($74,125) by $395. Thus, we conclude that a financial issue is not warranted.

TECHNICAL ISSUE

6. Communico requests that an issue be added in this proceeding to determine whether KHVH can effectuate its proposed modifications. In support, movant's consulting engineer submits an analysis of the effect of KHVH's filter system on its present and proposed operations. Based upon information submitted by Communico's chief engineer for standard broadcast Station KPOI,[16] and an examination of Commission files, he contends that KHVH's present filter system is causing bandwidth limitation which in turn is resulting in both poor isolation between, and poor modulation quality of, the four stations located on KHVH's tower.[17] Furthermore, Communico's consultant maintains that these technical problems will be compounded by KHVH's proposed change in frequency and increase in power.[18] Thus, Communico concludes, KHVH is "not now operating within the Commission's Rules," and that a substantial question is raised concerning KHVH's ability to effectively implement its proposal.

7. In opposition, KHVH again maintains that the replacement of its filter system is not necessitated by its proposed change of frequency and power, and that, therefore, the question raised need not be resolved in this proceeding. Furthermore, KHVH contests the findings of Communico's consulting engineer, asserting that both the factual basis for his affidavit, as well as the reasoning behind it, are incorrect. Specifically, KHVH points out that the drawings relied upon by Communico's consultant depict a filter system containing six stations, while at present only four stations are connected.[19] In this regard, KHVH also states that there is no indication that Communico's consultant ever visited the tower site in order to determine whether the drawings accurately reflect the present filter system, and concludes that he lacks the personal knowledge of relevant facts required by Section 1.229(c) of the Rules. Moreover, KHVH submits a special supplementary audio proof-of-performance dated April 28, 1976, in which it is concluded that the transmitter performance of Station KHVH complies with all applicable Commission Rules as to frequency response, distortion, modulation capability, carrier shift, and noise. In its reply pleading, Communico takes exception to the way in which KHVH's supplementary proof-of-performance was made, contending that it does not depict information under normal operating conditions.[20]

8. Initially, it must be noted that although the replacement of KHVH's filter system may not be necessitated by its proposed change in frequency and power, Section 73.24(e) of the Commission's Rules requires an applicant for an increase in facilities to make a satisfactory showing as to the adequacy of its technical operation.[21] Clearly, KHVH's filter system is a major part of its present technical proposal, and therefore it must be found adequate before a grant to the applicant can be made. In this regard, we are of the view that movant has raised serious questions concerning KHVH's present filter system design and layout and that these questions have not been satisfactorily resolved by the allegations contained in KHVH's opposition.[22] Thus, while KHVH is correct that movant's consulting engineer did not personally inspect the site in question, nevertheless, his detailed affidavit is based upon photographs of the site and an affidavit supplied by Station KPOI's chief engineer, as well as information in the Commission's files, and KHVH has not shown that this information is insufficient to support his analysis. Moreover, the factual allegations indicate that KHVH cannot operate with its present filter system even if KHVH is correct that only four stations are presently connected to the filter system. Therefore, the Board will add an issue to determine whether, in view of its existing filter system, the applicant can effectuate its proposal.

SPECTRUM UTILIZATION ISSUE

9. Communico requests that an issue be added to determine whether a grant of KHVH's application which proposes to increase power as well as change frequency, would provide for the most efficient and equitable utilization of the radio broadcast spectrum as contemplated by Section 307(b) of the Communications Act of 1934, as amended. In support, movant submits an affidavit from its engineer which states that he has determined from a frequency search of the standard broadcast spectrum that only two frequencies (990 kHz and 1000 kHz) in the Honolulu area would presently allow for an improvement in coverage area by a corresponding increase in transmitter power. Thus, movant contends that KHVH's proposed charge in frequency from 1040 kHz to 1010 kHz would be wasteful in light of the fact that such a proposal would necessarily

[13] This notorized statement, dated June 24, 1976, lists the identity, interest rate, market, and present value of the $40,000 in bonds relied upon by Mr. Berger as liquid assets. It further stated that they are "readily marketable." By Order, FCC 76M-902, released July 14, 1976, the Presiding Judge allowed KHVH to amend its application to reflect this information.

[14] See Phil D. Jackson, 33 FCC 2d 928, 23 RR 2d 1023 (Rev. Bd. 1972); and FCC Form 301, Section III, Page 3, para. 4(b).

[15] In this regard, we also note that Mr. Berger lists in his financial statement as "other assets" a loan to Radio Samoa for $13,333 (see note 4, supra).

[16] In this regard, an affidavit from KPOI's chief engineer, is submitted, in which he states that the furnished data and photographs of the tower facility are true and accurate representations of the system as constructed.

[17] Communico's consulting engineer's analysis includes a tabulation of base impedances for two of the stations on the tower, a study of a schematic diagram and photographs of the present filter system, and the running of a computer model for typical pass-reject filters.

[18] Communico also notes that a new FM station (KEKI, BPH-9298) has been authorized by the Commission to construct its antenna on KHVH's tower, and contends that, if installed, this would further add to the existing difficulties.

[19] In an attached affidavit by Gary M. Flynn, a broadcast engineer, it is stated that Station KGMB's filters were disconnected and removed on December 13, 1975, while the Station KPOI filters were disconnected on February 10, 1976.

[20] In particular, movant notes that KHVH's supplementary proof-of-performance was conducted without the other stations common to the site operating, and that the method of sampling the output of the system for noise and distortion was done by using a pick-up loop mounted near the antenna rather than measuring the output of the transmitter into the transmission line.

[21] In pertinent part, Rule 73.24 states: An authorization for . . . [an] increase in facilities of an existing station will be issued only after a satisfactory showing has been made . . . :

(e) That the technical equipment proposed * * * and *other technical phases of operation* comply with the regulations * * * and the requirements of good engineering practice. (Emphasis added)

[22] In light of the questions raised by movant, we cannot accept, absent evidentiary exploration, the conclusory statements made in KHVH's special supplementary audio proof-of-performance.

preclude operation on two frequencies (1040 kHz and either 990 kHz or 1000 kHz), while at the same time utilizing only one allocation.[2] Communico further maintains that KHVH could accomplish its desired power increase without making such a frequency move. In this regard, Communico asserts that KHVH's stated reasons for changing its frequency—i.e., spurious and cross modulation interference with Station KIOE—are inadequate, noting that external cross modulation is not frequency selective and that internal cross modulation can be corrected by either adjusting KHVH's transmitter plant or "cleaning up" KIOE's transmitter site. Moreover, Communico argues that the proposed power increase would only aggravate these cross modulation difficulties.

10. KHVH, in opposition, contends that although its proposal might reduce by one the number of available AM frequencies in Honolulu, it would in turn make another frequency usable in other cities in the Hawaiian Islands. Thus, KHVH concludes that a grant of its application would provide for a fair, equitable, and efficient use of the broadcast spectrum since, at present, only 10 of Hawaii's 25 AM stations are licensed outside Honolulu.

11. Movant's request for an issue will be denied. Initially, we note that Communico has not presented any engineering data to support its allegation that KHVH could increase its power without changing its frequency. Thus, Communico has failed to meet the support requirements of Section 1.229(c) of the Commission's Rules, and for this reason alone, further inquiry would be unwarranted. Moreover, we note that, in effect, movant is arguing that KHVH's proposal is not in the public interest because the applicant could have achieved its desired objectives in a better way. However, the Commission's consistent policy has been that "an application which is otherwise in the public interest, and meets the requirements of the rules, should be granted without regard to possible superior proposals which might have been advanced." WKYR, Inc., FCC 63-893, 1 RR 2d 314, 317, affirmed sub nom. Alleghany County Broadcasting Corp. v. F.C.C., U.S. App. D.C. , 348 F.2d 788, 5 RR 2d 2067 (1965); Television Broadcasters, Inc, FCC 65-15, 4 RR 2d 119 (1965). Since Communico has made no showing that the KHVH application contravenes any Commission rule or is otherwise inherently deficient, the addition of the requested issue would be inappropriate. Compare Black Hawk Broadcasting Co., (KWWL-TV), 4 FCC 2d 282, 8 RR 2d 238 (1966).

12. *Accordingly, it is ordered,* That the request for leave to file supplement, filed June 29, 1976, by KHVH, Inc. (KHVH), is granted; and that the supplement is accepted; and

13. *It is further ordered,* That the motion to enlarge issues, filed April 19, 1976, by Communico Oceanic Corporation (KPOI), is granted to the extent indicated herein and is denied in all other respects; and

14. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether the present filter system attached to KHVH, Inc.'s tower facility is sufficient and suitable for its proposed operation, and, if not, the effect thereof upon the applicant's technical qualifications.

15. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and of proof under the issue added herein SHALL BE on KHVH, Inc. (KHVH).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-27757 Filed 9-21-76;8:45 am]

[FCC 76R-243; Docket No. 20740 and 20741; File Nos. BP-19635 and BP-19730]

COMMUNICO OCEANIC CORPORATION (KPOI) AND KHVH, INC. (KHVH)

Applications for Construction Permits

Adopted September 13, 1976.

Released September 21, 1976.

1. This proceeding involves the mutually exclusive applications of Communico Oceanic Corporation (Communico) and KHVH, Inc. (KHVH) for construction permits to change the frequency and increase the power of their standard broadcast stations located in Honolulu, Hawaii.[1] The Review Board now has before it a motion to enlarge issues, filed April 19, 1976, by KHVH, requesting the addition of financial, Rules 1.65,[2] 1.514[3] and misrepresentation issues against Communico and a specialized programming issue.[4]

SPECIALIZED PROGRAMMING ISSUE

2. Movant contends that since it will devote a minimum of 113 hours or 69.7% of its total time on the air each week to news programming, whereas Communico programs primarily "middle-of-the-road" music, a specialized programming issue is required. We agree that in this situation the programming proposals of the applicants may be compared under the standard comparative issue. See *Commercial Radio Institute, Inc.*, 48 FCC 2d 323, 31 RR 2d 12 (Rev. Bd. 1974); *Jimmie H. Howell*, 46 FCC 2d 1150, 30 RR 2d 365 (Rev. Bd. 1974); *WVOC, Inc.*, FCC 71-670, 36 RR 12642, published July 2, 1971; *Harrison Radio, Inc.*, 18 FCC 2d 906, 16 RR 2d 1123 (1969); *KZNG Broadcasting Co.*, FCC 68-1145, 14 RR 2d 960; and *Ward L. Jones*, FCC 67-82, 32 FR 1062, published January 28, 1967. See also *Policy Statement on Comparative Broadcast Hearings*, 1 FCC 2d 393, 397 n.9, 5 RR 2d 1901, 1911 n. 9 (1965). Where a specialized format is involved, this comparison is warranted without an initial demonstration of superior devotion to public service, although such a demonstration is required when parties seek a comparative programming issue based upon less broad differences in the amounts of time to be devoted to particular program elements.[5] Thus, since KHVH proposes predominantly news programming, while Communico proposes general market programming, evidence may be adduced relating to a comparison of the need in the gain area for the particular type of format proposed. Although in the past the Board has sometimes provided for the comparison of a specialized format by adding a new issue, we note that the Commission generally provides for the comparison under the standard comparative issue, and we are following that procedure here.

FINANCIAL, MISREPRESENTATION AND RULES 1.65 AND 1.514 ISSUES

3. KHVH alleges in its motion to enlarge that an availability of funds issue should be added against Communico since the latter's balance sheet, dated January 31, 1974, and submitted with the instant application, although indicating available cash in the amount of $238,069, shows only $1,000 actually on deposit, an amount which is insufficient to meet the estimated $76,000 cost of financing its proposal. Movant contends that since Communico was only formed in November of 1973,[6] and thus could not have had

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[2] Movant's contention is apparently predicated on Section 73.37(a) of the Commission's Rules which specifies minimum frequency separations in order to prevent prohibited overlap of signal strength contours.

[1] Communico also seeks to change its transmitter location.

[2] Rule 1.65 requires an applicant to amend its pending application whenever the information furnished therein "is no longer substantially accurate and complete in all significant respects" or whenever there is a "substantial change as to any other matters which may be of decisional significance in a Commission proceeding involving the pending application." The rule further provides that such amendment shall be made "as promptly as possible and in any event within 30 days, unless good cause in shown."

[3] Section 1.514 of the Commission's Rules requires that an applicant include all the information called for by the particular form on which the application is required to be filed.

[4] The Board also has before it the following related pleadings: (a) opposition, filed June 4, 1976, by Communico; (b) comments, filed June 4, 1976, by the Broadcast Bureau; and (c) reply, filed June 16, 1976, by KHVH.

[5] As the Commission stated in Chapman Radio and Television Co., 7 FCC 2d 213, 9 RR 2d 635 (1967), a proponent of the comparative programming issue is required to make a prima facie showing that there are significant differences in the programming proposed which go beyond ordinary differences in judgment and relate his substantial superiority in program planning to his ascertainment of community needs, thus showing a superior devotion to public service.

[6] Communico, a wholly owned subsidiary of Communico, Inc., was formed in November of 1973 to purchase Stations KPOI and KPOI-FM. Communico planned to finance the purchase with a loan from the Connecticut Bank and Trust Company. A capital contribution of $1,000 was made by its parent.

such items as "accounts receivable" and "retained earnings from prior years" on its January 31, 1974 balance sheet,[7] the cash represented as belonging to Communico on January 31, 1974 was not its own.[8] Thus, KHVH submits that not only is a financial issue necessary, but a misrepresentation issue is also required. Movant also asserts that if the cash relied upon by Communico belongs to its parent corporation, Communico, Inc., and the latter plans to finance Station KPOI's proposal, addition of a Rule 1.514 issue would also be warranted to determine whether Communico filed an incomplete application since there is nothing in the instant application to indicate that Communico, Inc., is either able or willing to finance KPOI's proposal. KHVH further submits that a Rule 1.65 issue should be specified against Communico because the applicant failed to amend its application to reflect a reduction of $13,469 in the funds on which it was relying to effectuate its proposal. Movant asserts that a consolidated balance sheet dated July 31, 1974 of Communico and Communico, Inc., indicates that the amount of cash presently available to fund the proposal is $224,600, rather than $238,069 as originally appeared in Communico's balance sheet filed on March 14, 1974.

4. In opposition, Communico explains that at the time the instant application was prepared, only seven days after Communico had assumed control of Station KPOI, no material income had been generated from the operation of the station. According to opponent, the $1,000 on deposit was that which remained subsequent to closing to permit interim station operations until sales revenues were generated and the $238,069 in cash reflected on the balance sheet dated January 31, 1974, which was a combined statement for the parent and subsidiary, was an asset of the parent. Further, it was intended, contends Communico, that whatever funds were necessary to effect the proposal would be transferred from the parent to the subsidiary. However, with its opposition pleading Communico now submits a balance sheet dated May 31, 1976, reflecting its own, as opposed to a combined, current financial accounting.[9] This balance sheet reflects that Communico has the sum of $117,300 (consisting of $67,300 in cash and $50,000 in commercial paper)[10] and $37,950 in uncertified accounts receivable with which to finance its proposal which it estimates will cost $76,000.

5. In response to the request for a misrepresentation issue, Communico argues that had it intended to mislead the Commission, it would not have represented that only $1,000 was on deposit, but rather would have represented the bank deposit to be something it was not, *i.e.*, a substantially higher figure than the $1,000 shown. Moreover, Communico contends that considering the proximate timing of the filing of the instant application and the acquisition of the license for Station KPOI, the figures represented in the application "can only bespeak their own validity." Opponent submits an affidavit of Frederic W. Constant, President of both Communico and Communico, Inc., in which he states that it has always been the intent of both the subsidiary and its parent to pay for the proposal from existing capital and it has never been the intention of Communico to deceive or mislead the Commission as to the manner in which the modification of facilities would be financed. Turning to movant's request for a Rule 1.65 issue, opponent submits that a capital reduction of approximately six percent is not of such decisional significance as would require a reporting pursuant to Rule 1.65. Moreover, argues opponent, the nominal capital reduction was wholly allocable to the subsidiary corporation since the cash position of the subsidiary itself has improved with the operation of the station.

6. Movant contends, in reply, that Communico's financial amendment does not resolve the issue of whether the applicant has adequate funds to effectuate its proposal. Rather, KHVH asserts that while Communico has $117,300 in cash or existing capital and $37,950 in accounts receivable for a total of $155,250 in current assets, it must also pay $79,200 in current obligations and $76,000 in proposed construction costs for a total of $155,200 in current debts, leaving only $50, to fund what has been a deficit operation of Station KPOI.[11] Furthermore, movant argues that Communico has not shown the collectability of $50,000 in commercial paper, which, along with $67,300 in cash dollars, comprises the item entitled "cash" on the applicant's May 31, 1976 balance sheet.[12] Although $25,000 of Communico's capital was contributed by its parent corporation, KHVH contends that the applicant submitted nothing to indicate that Communico, Inc., is willing or able to make further advances.

7. In its reply, KHVH further asserts that if the financial plan was to have Communico's parent finance the proposal as now claimed, it would have been a simple matter for the applicant to submit the requisite corporate resolutions and financial statements indicating the parent's willingness and ability to do so. Although failure to do so could conceivably be attributed to gross carelessness, argues movant, Communico has not claimed that representation of its parent company's assets as its own was due to inadvertence or other innocent error and, thus, a misrepresentation issue is required.[13] In support of specifying a Rule 1.65 issue, KHVH now contends that with Communico's most recent amendment there has been more than a 50% reduction in cash available to effectuate applicant's proposal, thus forcing a change in Communico's financial plan which should have been voluntarily reported to the Commission. KHVH alleges that even considering the $50,000 in commercial paper as an asset, the amount now available to meet the anticipated costs of construction and current liabilities has been cut by more than half from $238,069, the amount appearing on the consolidated balance sheet, to $117,300, the amount of cash Communico now has in its own right. With $238,069 in available cash, submits movant, Communico would have been able to pay its anticipated construction costs and current liabilities without reliance on any other sources, whereas with only $117,300 in available cash the applicant must also rely on the collection of its accounts receivable to meet these expenses.

8. Under Communico's new financial plan,[14] it proposes to meet costs of $155,200 ($79,200 in current liabilities and $76,000 in construction costs) with assets of $67,300 in cash, $50,000 in commercial paper and $37,950 in accounts receivable for a total of $155,250. Since the liquidity of the commercial paper and accounts receivable has not been shown, the Board cannot accept that the applicant has sufficient available funds to meet its estimated costs. It is well established that absent a specific showing of marketability or liquidity, receivables cannot be relied upon to establish financial qualifications. *Cf. WAVV Communications, Inc.*, 48 FCC 2d 1113, 31 RR 2d 749 (Rev. Bd. 1974); *David Ortiz Radio Corp.*, 47 FCC 2d 28, 30 RR 2d 475 (Rev.

[7] The January 31, 1974 balance sheet indicates as "Assets" the following items: cash, accounts receivable, prepaid expenses, escrow accounts receivable, fixed assets and other assets. Further, as "Equity and Retained Earnings," the balance sheet shows the categories of common stock, retained earnings—prior years and retained earnings—current years.

[8] KHVH further alleges that a consolidated balance sheet of Communico and its parent corporation, Communico, Inc., dated July 31, 1974, which was filed with Station KPOI's renewal application (BR–1285), indicates that the cash listed on the balance sheet does not belong to Communico.

[9] This balance sheet was part of an amendment filed June 11, 1976, proposing a new financial plan which was accepted by the presiding Judge by Order, FCC 76M–867, released July 7, 1976. See para. 8, infra.

[10] There is a discrepancy between the $117,300 in "cash" indicated on the May 31, 1976 balance sheet and Communico's explanation that this amount consists of $67,000 in cash dollars and $50,000 in commercial paper which would total $117,000. Since the $300 difference is of no decisional significance, we will assume that the applicant actually has $67,300 in cash.

[11] Communico indicates in its amendment that during the periods from March 1974 to February 1975, and from March 1975 to February 1976, it had losses of $205,700 and $233,400, respectively.

[12] It is stated in Communico's amendment that the $50,000 in commercial paper is in Communico's name, is drawn on CBT Corporation with an interest rate of return of 5⅝% and will mature of July 15, 1976.

[13] The Bureau contended, in its opposition, that even if it proved to be true that Communico was relying on its parent corporation to finance its proposal, only a comparative Rule 1.514 issue, rather than a misrepresentation issue, should be specified, since there had been no indication of an intent to deceive the Commission.

[14] Communico's financial amendment has been accepted by the presiding Judge. See n. 9, *supra*.

Bd. 1974); and *Vista Broadcasting Company, Inc.*, 18 FCC 2d 636, 16 RR 2d 838 (Rev. Bd. 1969) Yet, all that Communico has indicated about the $50,000 in commercial paper [15] is that it was drawn on CBT Corporation and carries an interest rate of return of 5⅝ due to mature on July 15, 1976. No submission, *e.g.*, a statement from a CBT executive, has been forthcoming, as it was in *Ken Stephens*, 53 FCC 2d 383 (Rev. Bd. 1975), indicating the likelihood of payment. Nor has the Commission been informed whether the $50,000 due on July 15th has yet been received by Communico. We also note that although the assistant treasurer of Communico, Inc., states that the net accounts receivable figure of $37,950 is of fair value and fully collectible, he has failed to certify them collectible within 90 days, as required by item 4(b) Sec. III, FCC Form 301. Additionally, we do not know whether the assistant treasurer who made the certification is a Certified Public Accountant as required. Furthermore, while indicating in its amendment that its substantial annual losses [16] are regularly absorbed by its parent, Communico failed to submit financial information demonstrating Communico, Inc.'s current financial situation; [17] therefore, the Board is unable to realistically determine the financial capability of the parent corporation to sustain the losses of its subsidiary. *Cf. WMGS, Inc.*, 13 FCC 2d 230, 13 RR 2d 327 (Rev. Bd. 1968). Thus, the applicant has shown the availability of only $67,300 to meet estimated expenses of $155,200 and an appropriate issue will be added.

9. With respect to the alleged failure of Communico to clearly indicate in its application that the January 31, 1974 balance sheet was a consolidated statement for itself and its parent corporation and that Communico, Inc., was originally to finance the proposal, the Board is of the view that such failure does not appear to have been with the intention of deliberately misleading the Commission. Since the funds of the parent corporation were available at that time to effectuate Communico's proposal, we perceive no significance in this omission, nor any motive for deliberately concealing these facts from the Commission. Thus, we will deny movant's request for misrepresentation and Rule 1.514 issues. Cf. Jimmie H. Howell, 46 FCC 2d 50; 29 RR 2d 1317 (Rev. Bd. 1974). Nor will the Board specify a Rule 1.65 issue. The rule does not envision the reporting of minor, insignificant changes in an applicant's financial position. Although, six months after the application was filed there was a capital reduction of approximately six percent, which was reflected in a consolidated balance sheet dated July 31, 1974, movant has failed to demonstrate the materiality or significance of this fact. There is no indication that Communico's ability to meet its estimated costs from the resources at its disposal was impaired by the decline of $13,469 (from $238,069 to $224,600) in cash. Therefore, this is not an adequate basis for the requested issue. Cf. Mace Broadcasting Co., 25 FCC 2d 621, 19 RR 2d 1135 (Rev. Bd. 1970). Finally, we do not find any merit in KHVH's contention that a Rule 1.65 issue should be specified because Communico failed to voluntarily amend its application to reflect its new financial proposal which indicated a 50% reduction in cash available to effectuate its proposal.[18] The applicant did, in fact, voluntarily amend and no showing has been made that it was untimely. Since movant has not met the specificity and support requirements of Section 1.229(c) of the Commission's Rules, the issue will not be added.

10. Accordingly, it is ordered, That the motion to enlarge issues, filed April 19, 1976, by KHVH, Inc., is granted to the extent indicated herein, and is denied in all other respects; and

11. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether Communico Oceanic Corporation has sufficient funds available to effectuate its proposal, and whether, in light of the evidence adduced, Communico Oceanic Corporation is financially qualified.

12. It is further ordered, That the burdens of proceeding with the introduction of evidence and proof under the above issue shall be on Communico Oceanic Corporation.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-27758 Filed 9-21-76;8:45 am]

[FCC 76R-245; Docket Nos. 20572; 20573; 20574; File Nos. BPH-8855; BPH-9063; BPH-9174]

FLINT FAMILY RADIO, INC., ET AL.

Applications for Construction Permits

Adopted September 14, 1976.

Released September 22, 1976.

1. The above-captioned mutually exclusive applications were designated for hearing by Commission Order, 40 FR 40199, published September 2, 1975. Now before the Review Board is a petition to enlarge issues, filed April 13, 1976, by Flint Family Radio, Inc. (Family),[1] seeking the addition of the following issues against Flint Metro Mass Media, Inc. (Metro):

(a) To determine the facts and circumstances relating to and surrounding the contacts by Flint Metro Mass Media, Inc. of the Flint Family Radio, Inc. witnesses.

(b) To determine whether Flint Metro Mass Media, Inc. solicited and encouraged others to make presentations which the applicant itself was prohibited from making under the provisions of Section 1.1225 of the Commission's Rules.

(c) To determine the effect of the evidence adduced under Issues (a) and (b) upon the basic and/or comparative qualifications of Flint Metro Mass Media, Inc. to be a Commission licensee.

ABUSE OF PROCESS ISSUE

2. With regard to its request for an abuse of process issue, Family argues that prior to a March 4, 1976 hearing session in this proceeding, Vernon Merritt, Jr., president, a director, 28.5% stockholder and proposed general manager of Metro, contacted three of Family's proposed rebuttal witnesses, Reverends J. C. Curry, B. T. Anderson and L. W. Pryor,[2] in an attempt to dissuade them from testifying at the hearing. In support of this allegation, movant relies on affidavits from each of the above three men describing the contacts in question. Specifically, Rev. Curry avers that prior to the March 4 hearing, Merritt phoned him twice "to encourage me not to attend as a witness on behalf of * * * Family," and that on March 3, 1976, Merritt brought him the testimony of prior witnesses in this proceeding. Rev. Curry further explains that he "believe[s] this material was brought to me to read for the purpose of encouraging me not to attend as a witness * * * for Family" at the March 4 hearing. Similarly, Rev. Anderson states that "Merritt called me several times concerning my appearing as a witness," that on February 28, 1976, Merritt met with him for the purpose of "urg[ing] me not to go to Washington, D.C. and testify at the hearing on March 4," and that "[Merritt] gave me some materials to read to achieve his stated purpose." Finally, Rev. Pryor avers that Merritt gave him the prior testimony of a witness in this proceeding to read. In light of the above, petitioner asserts that Metro has abused the Commission's processes by going beyond the limits of a permissible investigation of a competing applicant, citing in support, WICO, Inc., 54 FCC 2d 692,

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[15] "Commercial paper" is the term used to designate negotiable instruments such as drafts, checks, certificates of deposit and notes. See Comment to Uniform Commercial Code, § 3-104. Also see 11 Am Jur 2d, Bills and Notes § 8.

[16] See n. 11, *supra*.

[17] By its recent financial amendment, Communico substituted a balance sheet, dated May 31, 1976, of its own financial situation, in lieu of the consolidated balance sheet originally filed with the application which was, in effect, a statement of the parent corporation's financial condition.

[18] The cash originally relied upon was in the amount of $238,069 and belonged to the parent, whereas Communico presently relies on its own cash in the amount of $117,300.

[1] Also before the Board are the following relating pleadings: (a) opposition, filed May 24, 1976, by Metro; (b) comments filed May 24, 1976, by the Broadcast Bureau; and (c) reply, filed June 11, 1976, by Family.

[2] These witnesses had all signed similarly worded affidavits saying that Family's proposed programming was "more greatly needed" than that of Family's competitors.

34 RR 2d 1093 (Rev. Bd. 1975) and Chronicle Broadcasting Co., 19 FCC 2d 240, 6 RR 2d 1014 (Rev. Br. 1969).

3. In opposition, Metro first argues that its purpose in contacting the Revs. Curry, Anderson and Pryor was merely to ascertain the circumstances under which they had agreed to appear as witnesses for Family. According to the affidavit of Vernon Merritt, Jr., submitted with Metro's pleading, Merritt became aware that a prior Metro witness had given affidavits to both Metro and Family because the witness did not understand that the two were competitors. Thus, Merritt argues, he suspected that the Revs. Curry, Anderson and Pryor also might not have been fully informed about Metro's proposal. Consequently, continues affiant, he discussed with counsel the propriety of contacting these ministers and was advised that he could properly talk with them to ask about their statements, inform them of Metro's proposal and provide them with hearing testimony excerpts, so long as he did not advise any of them to decline to appear.[3] As for the meetings themselves, Metro asserts that none of the affidavits submitted by Family demonstrates that Metro intended to or actually did pressure or harass a prospective witness. Rather, according to Metro, the Pryor affidavit offers no speculation whatsoever about Merritt's purpose, and the Curry and Anderson affidavits indicate, at most, that the two men may have "believed" that Merritt was urging them not to go to Washington. In support of this position, Metro provides a new affidavit from Rev. Curry, who first avers that in his prior affidavit he "meant only to indicate that it was my belief that Mr. Merritt phoned for the purpose of encouraging me not to attend as a witness for * * * Family," and then adds that "Mr. Merritt never asked me not to attend as a witness. Nor did he ever threaten or harass me or offer me anything to induce me not to testify for * * * Family." Similarly, with respect to Rev. Anderson's affidavit, Metro submits the sworn statement of James J. Freeman, its counsel, who quotes a telephone conversation between himself and Rev. Anderson in which Rev. Anderson, in response to Freeman's question as to whether he had been threatened or pressured not to go to Washington, replied that he had not.[4] Metro also submits in connection with this matter the affidavit of Rev. Aaron McFadden, who states that he was present at the meeting between Merritt and Rev. Anderson and that Merritt did not in his presence threaten or pressure Rev. Anderson not to testify for Family. In light of the foregoing, Metro maintains that its actions were entirely proper and consistent with the standards set forth in Rocket Radio, Inc., 56 FCC 2d 238, 35 RR 2d 399 (Rev. Bd. 1975). National Broadcasting Co., Inc. (KNBC), 21 FCC 2d 195, 18 RR 2d 74 (Rev. Bd. 1970); and Chronicle Broadcasting Co., *supra*.

4. It is beyond dispute that one party may not attempt to obstruct the prosecution of a competing application, whether by an improper investigation of an opponent or otherwise. Chronicle Broadcasting Co., supra; Rocket Radio, Inc., supra; WIOO, Inc., supra. However, we cannot conclude from the pleadings before us that Merritt's contacts with Family's rebuttal witnesses raise a substantial question of violation of this standard, even if it be accepted that the result of the contacts might have been a decision by the witnesses not to testify on behalf of Family. Thus, we agree with Metro that interviews with an opponent's witnesses concerning their testimony are not per se improper so long as no abusive techniques are employed. And, with respect to Metro's techniques here, we do not believe that Family has provided any concrete allegations of intimidation or coercion. We cannot find Metro's disclosure to the witnesses of hearing testimony concerning its application to have been improper since this material was already a matter of public record. See WIOO, Inc., supra. We see no warrant for an abuse of process issue.

RULE 1.1225 ISSUE

5. Family maintains that at a September 26, 1975 meeting of black community leaders, Vernon Merritt, Jr., solicited ex parte presentations from those in attendance, in violation of Section 1.1225 of the Commission's Rules.[5] In support, movant relies on the affidavit of Neal Mason, president of WAMM, Inc. and general manager of Station WAMM,[6] who avers that he was present at the meeting, and that Merritt "specifically urged all in attendance to write the FCC, to call the FCC, to write and call their local Congressmen and Senators urging a grant of the * * * Metro * * * application."[7] Family also submits the affidavit of Edward S. Kulvander, its president, who states in essence that his efforts to corroborate Mason's allegation were unsuccessful in that he was unable to interview most of the participants in the meeting and those to whom he did speak would neither confirm nor deny Mason's account.

6. In opposition, Metro first raises a question as to the reliability of the Mason affidavit, arguing that Mason is a party with an "obvious bias" in that Metro would compete with WAMM for the same audience if its application were granted.[8] In addition, Metro attaches to its pleading an affidavit from its president who denies Mason's allegation and affidavits from nine persons who attended the September meeting,[9] all of whom state that they either do not recall hearing or did not hear Merritt solicit direct support for the Metro proposal.[10]

7. The Review Board will add the requested *ex parte* solicitation issue. First, although Family has not established good cause for late filing of its request,[11] the Board is convinced that Family has raised a serious public interest question which requires exploration in the context of an evidentiary hearing. *The Edgefield-Saluda Radio Co. (WJES)*, 5 FCC 2d 148, 8 RR 2d 611 (1966). It is uncontested that a request by an applicant that members of the community write or telephone the Commission or their congressmen and senators on its behalf would violate Section 1.1225 of the Commission's Rules. See Voice of Reason, Inc., 22 FCC 2d 931, 18 RR 2d 1049 (Rev. Bd. 1970); Quest for Life, 10 FCC 2d 220, 11 RR 2d 346 (Rev. Bd. 1967). There is a serious conflict in the various affidavits and statements submitted by the parties, which the Board is unable to resolve on the basis of the pleadings before us. Thus, there is a conflict between Mason's statement in his affidavit that Merritt made a prohibited presentation at the September 26, 1975 meeting,[12] and the affidavits of Merritt and others either denying the allegation or stating that they did not hear or do not recall hearing the alleged solicitation.[13] In our view, the conflict in the affidavits is sufficient to require resolution on the basis of an evidentiary record. Rocket Radio, Inc.,

[3] Metro provides a copy of a letter from Washington counsel to Merritt, dated February 27, 1976, which confirms that this advice was given.

[4] According to Freeman, Rev. Anderson stated that he would rather not give an affidavit confirming the conversation because he had previously given an affidavit to Family.

[5] Section 1.1225 provides, in pertinent part, that no person shall solicit or encourage others to make any presentation which he is himself prohibited from making. Under Section 1.1223 of the Commission's Rules no interested person may attempt to make any oral or written ex parte presentation to decision making personnel concerning a restricted proceeding. It is undisputed that this proceeding was a restricted one at the time the event in question took place. See Section 1.1203 of the Commission's Rules.

[6] According to Family, Station WAMM is licensed to WAMM, Inc., which was originally a party to this proceeding but withdrew its application on January 8, 1976.

[7] Family also submits a copy of a February 6, 1976 letter from Mason to counsel for WAMM, Inc. setting forth the same allegations.

[8] In this regard, Metro asserts that Station WAMM caters to the same black audience that Metro proposes to serve.

[9] These persons include a local clergyman, representatives of various civic organizations, several local businessmen, and a newspaper publisher.

[10] A tenth affiant states that he left the meeting early but did not hear Merritt address the group while he was there.

[11] The information upon which this request is based was discovered on February 11, 1976, when petitioner's counsel received Mason's February 6, 1976 letter, see note 7, supra. However, there is no adequate explanation for the subsequent two month delay in filing.

[12] The attacks on Mason's credibility in Metro's opposition do not obviate the conflict, but go primarily to the weight to be given the evidence. The weight it is to be given is a matter initially for the presiding judge, who will have an opportunity to evaluate the relevant testimony and make a determination as to credibility. *Folkways Broadcasting Co., Inc.*, 27 FCC 2d 619, 21 RR 2d 163 (Rev. Bd. 1971).

[13] The Board also notes that Family indicates in its reply that Mason has examined the affidavits submitted in opposition and stands by his affidavit.

56 FCC 2d 245, 35 RR 2d 409 (Rev. Bd. 1975). Rosemore Broadcasting Company, Inc., 46 FCC 2d 1182, 30 RR 2d 360 (Rev. Bd. 1974). An appropriate issue will therefore be specified to inquire into this matter.

8. *Accordingly, it is ordered,* That the petition to enlarge issues filed April 13, 1976 by Flint Family Radio, Inc. IS GRANTED to the extent indicated below, and IS DENIED in all other respects; and

9. *It is further ordered,* That the issues in this proceeding Are Enlarged to include the following issue:

To determine if Flint Metro Mass Media, Inc. solicited ex parte presentations in violation of Section 1.1225 of the Commission's Rules and, if so, to determine whether such conduct reflects adversely upon Flint Metro Mass Media, Inc's basic qualifications to be a licensee.

10. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and of proof under the issue added herein shall be on Flint Family Radio, Inc.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-27759 Filed 9-21-76;8:45 am]

FM BROADCAST APPLICATIONS

Ready and Available for Processing

Adopted: September 15, 1976.

Released: September 17, 1976.

The following applications specify essentially the same facilities as those of former FM broadcast station KEFM, Omaha, Nebraska, which ceased operation on September 2, 1976. The Commission will accept other applications which proposed substantially the same facilities. The Commission will also entertain requests for interim operation.

BPH-10042 (new), Omaha, Nebraska, Viking Omaha, Inc. Req: 96.1 MHz; channel no. 241C. ERP: 100 kW; HAAT: 275 feet.

BPH-10193 (new), Omaha, Nebraska, Webster-Baker Broadcasting Co. Req: 96.1 MHz; channel no. 241C. ERP: 100 kW; HAAT: 420 feet.

Pursuant to the provisions of sections 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with these applications, must be tendered no later than November 11, 1976. Any requests for interim operation must be filed no later than November 1, 1976.

The attention of any party in interest desiring to file pleadings concerning these applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-27761 Filed 9-21-76;8:45 am]

RULE MAKING PROCEEDINGS

Petitions for Reconsideration of Actions

SEPTEMBER 17, 1976.

Docket or RM No.	Rule No.	Subject	Date received
20682		In the matter of: Development of policy re: change in the entertainment formats of broadcast stations.	
		Filed by Frank Kahn (on behalf of himself)	Aug. 26, 1976
		Filed by Dennis Grossman, attorney for the Action Alliance of Senior Citizens of Greater Philadelphia.	Aug. 30, 1976
		Filed by Kristin Booth Glen, attorney for WNCN Listeners Guild	Do.
RM-2652		In the matter of: Amendment of sec. 73.658(k) of the Commission's rules to bar multiple exposure of more than one episode of the same program (except for local news or public affairs programs) in access time on stations owned by or affiliated with a national television network in the 50 largest television markets.	
		Joint petition filed by Samuel Robert for National Conference of Motion Picture & Television Unions; Steve D'Inzillo, chairman, East Coast Council of Motion Picture Productions Union; Walter F. Diehl, international president, IATSE & Moving Picture Machine Operators of the United States & Canada and William Howard, president, Hollywood Film Council.	Sept. 3, 1976
		Filed by Kenneth A. Cox, John Wells King, attorneys and Ashbrook P. Bryant, associate counsel.	Sept. 7, 1976
20665		In the matter of: Amendment of pts. 89, 91, and 93 of the Commission's rules and regulations to eliminate the required annual measurement of transmitter power, frequency and modulation, and to specify transmitter power in terms of output power.	
		Filed by Hunter Bell, president for Bell Communications Inc.	Do.

NOTE.—Oppositions to petitions for reconsideration must be filed on or before Oct. 7, 1976. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-27760 Filed 9-21-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting and Approvals by the Administrator and the Attorney General

In accordance with Section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (P.L. 94-163), notice is hereby provided of a meeting of Subcommittee A of the Advisory Board (IAB) to the International Energy Agency (IEA) to be held on October 4, 1976, at the headquarters of the IEA, 2 Rue Pascal, Paris 16, France, beginning at 9:00 a.m. The purpose of this meeting is to permit representatives of members of Subcommittee A to participate in the Fall 1976 IEA Allocation Systems Test, which is scheduled to begin at 9:00 a.m. on October 4, 1976, and which will continue for a period of six to eight weeks. The agenda for the meeting consists of the conduct of the Allocation Systems Test.

The systems test and the exchange and provision of certain information necessary to implement the test has been approved by the Administrator (Annex A) and the Attorney General (Annex B).

As provided in Section 252(c)(1)(A)(ii) of the Energy Policy and Conserva-

tion Act, this meeting will not be open to the public.

Issued in Washington, D.C., September 17, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

ANNEX A

LETTER OF THE ADMINISTRATOR TO THE REPORTING COMPANIES DATED SEPTEMBER 13, 1976

The International Energy Agency (IEA) is expected shortly to formally request a test of the emergency allocation system. This letter sets out certain guidelines for industry participation in the test and provides certain required approvals for the exchange of confidential and proprietary data.

The test will begin in October 1976 and will continue for up to 8 weeks. The test has two main purposes. First it will assess certain aspects of the data systems, procedures and rules relating to allocation which have been established since the inception of the International Energy Program (IEP) and which are now contained in the Emergency Management Manual. Secondly it will allow an evaluation of the proposed emergency management organizations especially with respect to the role of the Industry Supply Advisory Group (ISAG), the IEA Secretariat and the IEA Allocation Coordinator.

Industry will participate in two ways. Industry representatives will staff and operate the ISAG and Reporting Companies will submit modified Questionnaire "A" and other data with the IEA Secretariat and the ISAG and will propose and carry out certain mock supply reallocation measures. The participation by U S. companies is governed by the Energy Policy and Conservation Act (EPCA), Federal Energy Administration (FEA) regulations and the Voluntary Agreement and Plan of Action to Implement the International Energy Program (IEP).

The ISAG will operate as a single meeting of Subcommittee A of the Industry Advisory Board carried out in accordance with Section 5 of the Voluntary Agreement. Working sessions will include meetings of all ISAG members as well as smaller sessions of ISAG members working on particular problems. Given the length and nature of the test it will not be practicable to keep a verbatim transcript. Instead a full and complete record will be prepared by U.S. Government representatives present at the test. The U.S. Government representatives will attend all sessions of the ISAG. All other contracts between U.S. companies participating in the test will be treated as "communications", subject to FEA regulations. More detailed guidelines including suggested operating procedures are set out in Appendix A. These guidelines were prepared in cooperation with the Department of Justice and the Federal Trade Commission.

The U.S. Government intends to use the test as an opportunity to test its own monitoring procedures, and the U.S. Government representatives at the test will have discretion to allow alternative recordkeeping procedures, subject, of course, to existing FEA regulations and Section 252 of the Energy Policy and Conservation Act.

To carry out the test, it will be necessary for IEA Reporting Companies to provide the IEA Secretariat and the ISAG with certain information necessary to carry out the test. Further, the ISAG members will have to exchange information among themselves and with IEA Reporting Companies. Some of these data may be confidential and proprietary and accordingly approval pursuant to Section 5(b) of the Voluntary Agreement is provided for the exchange or provision of the following types of information:

(1) Unaggregated first half 1975 Questionnarie "A" or "B" data (modified as necessary for the purposes of the test).

(2) Physical capability and operating schedule of a refinery, pipeline, or terminal to receive, store, process, or throughput specific crude oils, and physical capability of installations of all types to receive and store products.

(3) Physical capability of a refinery or installation to receive various sized vessels.

(4) Main characteristics of crude grades/product types.

(5) Historical and forecast country crude/NGL production data, as well information on supply restrictions and embargoes which may occur during an emergency.

(6) Such additional information or data which are necessary to implement the oil allocation procedures of the Emergency Management Manual, including but not limited to:

(a) Limitations to allocations resulting from specific company commercial or marketing practices;

(b) Supply or transportation considerations, but without including calculations or examples of specific costs; or

(c) Affiliate, third-party or concessional contractual arrangements without disclosure or prices or other financial information.

In order to carry out the test these data and information must be provided and exchanged on a disaggregated basis and the finding required by Section 5(b)(2) of the Voluntary Agreement in this regard is hereby made.

This approval does not extend to:

(1) Confidential or proprietary crude oil or product prices;

(2) Costs or market shares of crude oil or products (other than as disclosed by Questionnaire "A" or "B");

(3) Individual company information regarding overall or long-term investment, divestment, refining, operating, transportation or marketing programs.

This approval covers the provision of such data to the ISAG and the IEA Secretariat. Such data may also be exchanged among ISAG members, observers authorized by the IEA while present at the test, and, as necessary to carry out the test, with Reporting Companies. Provision or exchange is approved to the extent necessary to implement the oil allocation procedures of the Emergency Management Manual as described in the Allocation Systems Test Guide, and to meet specific problems as they arise within ISAG.

In no case shall an employee or representative of a U.S. ISAG participant supply to his company any confidential or proprietary information about any other oil company obtained as a consequence of his membership in ISAG, except such data necessary to be supplied in the course of carrying out the test of ISAG's allocation procedures. Except as set out above, this approval does not extend to the provision or exchange of these data with any other entity.

Copies (4) of all Questionnaire "A" data shall be provided to:

Roseann E. Mazaka, International Energy Affairs, Federal Energy Administration, 2000 M Street, NW., Washington, D.C. 20461.

Any other confidential or proprietary data exchanged or furnished pursuant to the test shall be supplied upon request to the U.S. Government representatives attending the test.

This approval of the test and the provision of certain data and information (including the need to provide it in disaggregated form) have been the subject of consultation with the Secretary of State and has been concurred in by the Attorney General, after consultation with the Federal Trade Commission, all as required by the Voluntary Agreement.

We consider the test of the emergency allocation system a vital part of our preparedness activities, and we expect all U.S. Reporting Companies to cooperate fully in this important work.

ANNEX B

LETTER TO THE ADMINISTRATOR FROM THE ATTORNEY GENERAL DATED SEPTEMBER 7, 1976

This is in response to your letter of August 9, 1976, which requests my approval of the provision and exchange of certain confidential and proprietary information and data by U.S. company participants in the Voluntary Agreement and Plan of Action to Implement the International Energy Program. The information would be provided in order to conduct a test by the International Energy Agency (IEA) of its emergency allocation system. My approval is sought pursuant to the provisions of section 5(b) of the Voluntary Agreement.

The test is at present, scheduled to begin in October and run for up to eight weeks and is based to a large extent on historical supply and capacity data. The oil industry will participate in two ways in the exercise. Members of Subcommittee A of the Industry Advisory Board (IAB) will act as a mock Industry Advisory Supply Group (ISAG) working with the IEA Secretariat at its headquarters in Paris to evaluate and balance supply allocations among IEA member countries. In addition, members of the Reporting Company Group will submit IEA Questionnaire A's[1] and other information to the Secretariat and ISAG and will propose and carry out certain mock supply reallocation measures. Thus, approval for furnishing and exchanging confidential information would apply to all present U.S. participants to the Voluntary Agreement who have been approved for membership in IEA's Reporting Company Group, including those also approved for membership on the IAB and its subgroups, whose representatives would be participating as a mock ISAG.

You have enclosed a proposed letter of approval to the companies which outlines the elements of the test; sets forth the types of confidential and proprietary information and data which may be furnished or exchanged as part of the test, and types of information that may not be provided; specifies the persons to whom such data may be furnished and among whom it may be exchanged; and establishes the conditions under which such provision or exchange of data is permitted. Attached to the letter is a paper on recordkeeping guidelines for U.S. companies participating in the test. As you indicate, they were developed in staff consultations with the Federal Trade Commission, the Department of State and this Department. They also reflect discussion with and comments from the oil companies concerned.

Under the guidelines, the record-keeping requirements of section 5(b) of the Voluntary Agreement, the Energy Policy and Conservation Act, and implementing regulations concerning the provision and exchange of confidential and proprietary information are made applicable to the unique features of the emergency test: Group meetings of the mock ISAG; work by ISAG members individually; communications by individual

[1] The data base for the questionnaires will be each company's historical world-wide supply schedules for January–June 1975, as modified by assumed supply disruptions and the mock reallocations.

ISAG members with each other; communications by ISAG with Reporting Companies; actions by Reporting Companies to adjust their data base supply patterns and the submission of questionnaires; and proposals and mock actions by Reporting Companies, either alone or with another company, to correct supply imbalances among IEA member countries. The guidelines also establish procedures for meeting these requirements. To improve the monitoring and development of the allocation plan the guidelines suggest that the companies voluntarily maintain certain records and reports on actions taken in an emergency.

As required by the Voluntary Agreement, the Department of Justice has held staff consultations with the Federal Trade Commission on this matter. Following these consultations, I hereby concur in your approval of the test and give my approval under section 5(b) of the Voluntary Agreement and Plan of Action to Implement the International Energy Program to the provision and exchange of confidential and proprietary information and data as set forth in your proposed letter to the companies.

[FR Doc.76-27781 Filed 9-21-76;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 76-50]

AMERICAN EXPORT LINES, INC., VS. DART CONTAINERLINE, INC.

Filing of Complaint

SEPTEMBER 15, 1976.

Notice is hereby given that a complaint filed by American Export Lines, Inc. against Dart Containerline, Inc. was served September 15, 1976. The complaint alleges that respondent has violated sections 14 Fourth, 16, 16 First, 16 Second, and 17 of the Shipping Act 1916 in connection with an arrangement it has entered into with Ford Motor Company for the carriage of automobile parts for assembly from European ports to United States manufacuring points. The arrangement is alleged to contain rates, charges and conditions which include illegal rebates and tying arrangements.

Hearing in this matter shall commence on or before March 15, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-27762 Filed 9-21-76;8:45 am]

PORT OF NEW ORLEANS, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 50573, on or before October 12, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS, CONTAINER LIFT INTERNATIONAL AND HIBERNIA NATIONAL BANK IN NEW ORLEANS

Notice of Agreement Filed by:

Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, P.O. Box 60046, New Orleans, Louisiana 70160.

Agreement No. T-2728-3, among the Board of Commissioners of the Port of New Orleans (Port), Container Lift International, Inc., (CLI) and Hibernia National Bank in New Orleans (Hibernia), modifies the parties' basic agreement, which is a permit under which CLI will install, maintain and operate at its own cost, a container crane at Berth No. 5 of the Port's France Road Terminal. The purpose of the modification is to provide for a further one-year moratorium on payments of principal on the loan which CLI obtained from Hibernia to finance the acquisition and installation of a container crane.

By order of the Federal Maritime Commission.

Dated: September 16, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-27763 Filed 9-21-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-110; PGA76-10a and PGA76-11a].

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

SEPTEMBER 14, 1976.

Take notice that Algonquin Transmission Company ("Algonquin Gas"), on August 25, 1976, tendered for filing Substitute Eighteenth Revised Sheet No. 10 and Substitute Nineteenth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

These sheets are being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate changes are being filed to reflect revised rates filed by its supplier, Texas Eastern Transmission Corporation, on August 16, 1976.

The proposed effective dates of these tariff sheets are August 2, 1976, and September 1, 1976, respectively.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27730 Filed 9-21-76;8:45 am]

[Docket Nos. E-9364, E-9366 and ER76-96]

BOSTON EDISON CO.

Proposed Settlement Agreements

SEPTEMBER 14, 1976.

Take notice that on September 7, 1976, Boston Edison Company filed with the Presiding Administrative Law Judge proposed Settlement Agreements in the above reference dockets on behalf of Boston Edison Company ("Edison"), Bangor Hydro-Eletric Company ("Bangor"), Cambridge Electric Light Company ("Cambridge") and New England Power Company ("NEP"), requesting that the Agreements, along with the record, be certified to the Commission for approval.

The proposed Agreements would terminate the three consolidated dockets. Each of the dockets involve a contract providing for the sale of unit power from Edison's Mystic 7 unit. The contract in Docket No. E-9364 is between Edison and Bangor; that in Docket No. E-9366 between Edison and Cambridge; and that in Docket No. ER76-96 between Edison and NEP.

Any person desiring to be heard or to protest said Settlement Agreements should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 24, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the Agreements are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27715 Filed 9-21-76;8:45 am]

[Docket Nos. E-8137, E-8217]

BOSTON EDISON COMPANY, ETC.

Order Accepting Settlement Agreement and Terminating Proceedings

SEPTEMBER 7, 1976.

On June 30, 1976, Presiding Administrative Law Judge Michel Levant certified to the Commission a proposed settlement agreement (Agreement) in the captioned dockets, together with the record in these proceedings. The Commission finds that the Agreement is in the public interest and accepts and approves it.

The subject dockets were initiated when Boston Edison Company (Edison) on April 17, 1973, as completed on August 27, 1973, submitted in Docket No. E-8137 an agreement providing for the sale of system capacity by Edison to Fitchburg Gas and Electric Light Company (Fitchburg) in the amount of 40 MW for the period December 9, 1972, through September 30, 1981.[1] By order issued May 9, 1974, the Commission instituted an investigation of the Fitchburg contract under Section 206 of the Federal Power Act.

On May 21, 1973, New England Power Service Company (New England) filed in Docket No. E-8217 a joint application on behalf of itself and Edison requesting the approval of contracts for transmission services by New England and Edison with respect to the contracted system capacity in Docket No. E-8137.[2] By order issued June 17, 1974, the Commission instituted a Section 206 investigation of the transmission contract for the Fitchburg system sale contract and consolidated the Section 206 investigations in Docket Nos. E-8137 and E-8217.

Hearing sessions in the consolidated proceedings were held on February 11, 1975, and March 10, 1975. Briefs were filed on two issues: (1) the proper level of return and (2) the propriety of Edison's method of normalizing tax deductions for ratemaking purposes. Subsequent to the filing of briefs, the parties convened a series of settlement conferences which resulted in the settlement proposal filed herein on June 17, 1976.

Notice of certification of the agreement was issued July 26, 1976, with comments due on or before August 10, 1976. The Commission Staff, on August 10, filed comments stating that the proposed settlement is a proper resolution of the proceedings and is fully supported by the record presently before the Commission. Staff moved that the Commission approve the settlement as filed and terminate the proceedings.

The settlement agreement amends the Edison-Fitchburg contract in two respects: (1) Instead of a single system entitlement which is tied to the operability of a single unit, the agreement creates four separate system entitlements, with each tied to the availability of a separate unit: (2) Under the agreement, the contract would be amended to eliminate the separate method for determining energy charges during periods of scheduled outage and would price energy to Fitchburg during scheduled outages at the same system energy rate as is applied during periods of normal operation. The amendments to the contracts would become effective as of June 1, 1976.

Review of the record in these proceedings, including the settlement agreement itself, the filings, documents and pleadings submitted, demonstrates that the proposed rates are supported by cost evidence and are just and reasonable, and that the settlement agreement represents a reasonable resolution of the issues. Accordingly, approval and adoption of the Agreement are in the public interest.

In conjunction with acceptance and approval of the subject Agreement, the Commission shall require Edison to tender for filing revised tariff sheets reflecting the terms of the settlement agreement.

The Commission finds: The Agreement certified to the Commission by the Presiding Administrative Law Judge in these proceedings is supported by cost evidence and should be accepted and approved as hereinafter conditioned and ordered.

The Commission orders: (A) The Agreement certified to the Commission in these dockets is hereby accepted, incorporated herein by reference and approved effective June 1, 1976, subject to the following condition.

(B) Edison shall file within 30 days of the issuance of this order the amendments to Boston Edison Company, Rate Schedule FPC No. 71, in conformance with the terms of the Agreement approved herein.

(C) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Boston Edison Company, New England Power Service Company, or any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Boston Edison Company, New England Power Service Company, or any other person or party.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Designated as Boston Edison Company, Rate Schedule FPC No. 71.

[2] Designations for the transmission of the Fitchburg system capacity are Boston Edison Company, Rate Schedule FPC No. 74 and New England Power Company, Rate Schedule FPC No. 262.

BRUDER & GENTILE,
Washington, D.C., June 16, 1976.

The Honorable MICHEL LEVANT,
Administrative Law Judge,
Federal Power Commission,
825 North Capitol Street, NE.,
Washington, D.C. 20426.

Re: Boston Edison Company, Docket No. E-8137; New England Power Service Company and Boston Edison Company, Docket No. E-8217.

DEAR JUDGE LEVANT: On behalf of the three parties to this proceeding, Fitchburg Gas and Electric Light Company ("Fitchburg"), New England Power Company ("NEPCO") and Boston Edison Company ("Edison"), I enclose a Settlement Agreement in the captioned proceedings and request that it, along with the record, be certified to the Commission for approval.

The Settlement Agreement would terminate two consolidated proceedings. Docket No. E-8137 involves a contract providing for the sale of a 40 MW entitlement of system capacity and corresponding system energy by Edison to Fitchburg. The sale began on December 9, 1972 and terminates on September 30, 1981. The Commission order initiating a § 206 investigation in Docket No. E-8137 was issued on May 9, 1974. Docket No. E-8217 involves a contract under which Edison and NEPCO provide the necessary transmission service for the delivery of the Fitchburg entitlement to the Fitchburg system. The transmission contract is coterminous with the system capacity contract. The Commission order initiating a § 206 investigation in Docket No. E-8217 and consolidating the two dockets was issued on June 17, 1974. The Docket No. E-8137 system capacity contract is designated Boston Edison Company, Rate Schedule FPC No. 71 and is included in the record as Exhibit 1. The Docket No. E-8217 transmission contract is designated as Boston Edison Company, Rate Schedule FPC No. 74 and New England Power Company, Rate Schedule FPC No. 262 and is included in the record as Exhibit 7.

Appendix A to the Agreement contains estimated 1976 cost data in support of the settlement. Page 1 of Appendix A is a settlement cost of service which develops the system capacity costs associated with Edison's provision of generation and transmission service to Fitchburg.

Page 2 shows the rate of return data used in the page 1 cost of service. The overall return is 9.76 percent and the common equity return is 13.00 percent. Page 3 develops Edison's cost to serve Fitchburg in accordance with contract criteria and shows the Edison recovery dollars per kW per year. The transmission recovery is less than the transmission cost because the transmission contract provides essentially that each company will recover roughly half its transmission costs. Under the page 1 cost of service, the combined system capacity and transmission costs are $66.36 per kW per year. The equivalent revenues pursuant to the contract, shown on page 3, are somewhat less—$65.54. No cost data are submitted in connection with NEPCO transmission charges because neither Staff nor any other party has submitted evidence which would show that such charges are excessive. On the basis of the foregoing, Fitchburg, Edison and NEPCO believe that the contract charges for system capacity and transmission service should not be amended.

Appendix B of the Agreement does amend the Edison-Fitchburg contract in two respects. First, under the contract in its present form, the entire Fitchburg 40 MW system entitlement is tied to the operability

[3] Designations for the transmission of the Fitchburg system capacity are Boston Edison Company, Rate Schedule FPC No. 74 and New England Power Company, Rate Schedule FPC No. 262.

of a single unit, Edison's Pilgrim 1 nuclear unit. When that unit is not operating because of scheduled or unscheduled outage, Fitchburg obtains the energy related to its entitlement at scheduled outage rates (paid to Edison) or unscheduled outage rates (paid to the New England Power Pool) or from other sources of generation. These provisions of the contract have resulted in substantial increased expense to Fitchburg during periods of Pilgrim 1 unscheduled outage. Therefore, Edison and Fitchburg have agreed to amend the contract to create, in effect, four separate system entitlements with each tied to the availability of a separate unit. While the total of the entitlements continues to be 40 MW, the unavailability of any one entitlement due to the outage of a unit would not affect the availability of the other entitlements. The amendment will, during periods of Pilgrim 1 unscheduled outage, significantly reduce Fitchburg's current reliance on non-Edison, more expensive, sources of generation and significantly reduce its costs.

The second change affected by the contract relates to the pricing of scheduled outage energy. That charge as embodied in the contract was questioned by the Staff during the hearing. The effect of the amendment is to eliminate the separate method for determining energy charges during periods of scheduled outage. Instead, the pricing of energy to Fitchburg during scheduled outages would be at the same system energy rate which is applied during periods of normal operation. The propriety of the system energy rates was not contested during the proceeding. (The system capacity charge mentioned above recovers all costs other than fuel costs and the system energy rate recovers fuel costs).

The contract amendment and its proposed June 1, 1976 effective date are essential terms of this Settlement Agreement and the contract amendment will be filed if and when the Settlement Agreement is approved by the Commission. The change in the availability provision can result in substantial savings to Fitchburg (estimated by Fitchburg at about $200,000 for the period June through December 1976) during periods of unscheduled Pilgrim 1 outage. Therefore, the parties have agreed that the amendment should be retroactively effective as of June 1, 1976, and have agreed in the interim to estimated billings, which are permitted under the existing contract, consistent with the Settlement Agreement. This procedure is necessary in order to preserve the substantial savings which may accrue to Fitchburg under the Settlement Agreement. The estimated billings will be revised if the settlement is not ultimately approved, but such revision would entail extensive computations and effort. Therefore, the parties respectfully request expeditious consideration of the Settlement Agreement.

Very truly yours,

CARMEN L. GENTILE.

ATTACHMENTS

UNITED STATES OF AMERICA, BEFORE THE FEDERAL POWER COMMISSION

Boston Edison Company, New England Power Service Company, and Boston Edison Company; Docket No. E-8137, and Docket No. E-8217.

SETTLEMENT AGREEMENT

Whereas, the Federal Power Commission ("the Commission"), by order issued May 9, 1974, accepted for filing as an initial rate schedule a contract (Boston Edison Company, Rate Schedule FPC No. 71) providing for the sale by Boston Edison Company ("Edison") to Fitchburg Gas and Electric Light Company ("Fitchburg") of a 40 NW entitlement of system capacity and related energy for the period commencing with the in-service date of Edison's Pilgrim 1 nuclear unit (December 9, 1972) and terminating on September 30, 1981;

Whereas, the Commission, by order issued June 17, 1974, accepted for filing a contract providing for the transmission by New England Power Company ("NEPCO") and Edison of the Fitchburg entitlement to Fitchburg;

Whereas, the Commission orders provided for an investigation of the two contracts in consolidated proceedings under the provisions of § 206 of the Federal Power Act;

Whereas, Edison, NEPCO and Federal Power Commission Staff ("Staff") have each submitted evidence in the proceedings; and

Whereas, Edison, NEPCO, Fitchburg and Staff have held settlement conferences at various times to discuss resolution of the issues in the captioned dockets;

Now, therefore, the parties to this settlement, Fitchburg, Edison and NEPCO agree as follows:

1. This Settlement Agreement, together with related cost data set forth in Appendix A, are to be submitted to the Presiding Administrative Law Judge for his certification to the Commission for its approval. The cost data pertain only to Edison since no party in the proceeding has taken the position that the NEPCO transmission charges are excessive.

2. Appendix B hereto contains an amendment, which is dated June 16, 1976, to Boston Edison Company, Rate Schedule FPC No. 71. Said amendment, including the June 1, 1976 effective date thereof, is part of and an essential term of this Settlement Agreement. Upon and on the condition of acceptance without change of the Settlement Agreement by the Commission, Edison will file, pursuant to § 35.18 of the Commission's Regulations, Appendix B hereto as an amendment of its Rate Schedule FPC No. 71.

3. This Settlement Agreement disposes of all issues in Docket Nos. E-8137 and E-8217 and, if it is accepted without change by the Commission, Fitchburg and Edison stipuate that the rates set forth in Boston Edison Company, Rate Schedule FPC No. 71, including the availability provisions thereof, for service provided by Edison to Fitchburg under said Rate Schedule are the only rates applicable to such service prior to June 1, 1976 and that, except for any claim as to the accuracy of a bill and except for any adjustment to an estimated bill based on actual costs, (1) the payments made by Fitchburg to Edison for such service were due and owing and are final and irrevocable, and (2) the Settlement Agreement is in accord and satisfaction for any claims Fitchburg may have directly or indirectly related to the service heretofore rendered pursuant to the said Rate Schedule.

4. Other than as stated in the preceding section, the making of this Settlement Agreement (1) shall not be deemed to establish principles, to affect any other cause in any respect or to constitute an admission by either party that any allegation or contention in this proceeding is true or valid, and (2) shall not in any way be precedent or binding on either of the parties or Staff for purposes of any other proceeding, pending or future, or in any way foreclose the parties or Staff from making any contention in any such proceeding.

5. The acceptance of this Settlement Agreement by the Commission shall not in any respect constitute a determination by the Commission as to the merits of any allegations or contentions in this proceeding.

6. This Settlement Agreement is expressly conditioned upon its acceptance by the Commission without modification and failing such acceptance by the Commission it shall be deemed withdrawn and shall not constitute part of the record in this proceeding or be used for any other purposes.

This Settlement Agreement is entered into as of the date it has been signed by the respective attorneys, who represent that they are fully authorized to do so on behalf of their principals.

FITCHBURG GAS AND ELECTRIC LIGHT COMPANY,
By LE BOEUF, LAMB, LEIBY, & MAC RAE,
Its Attorney.

June 16, 1976.

BOSTON EDISON COMPANY,
By CARMEN L. GENTILE,
Its Attorney.

June 16, 1976.

NEW ENGLAND POWER COMPANY,
By LEONARD W. BELTER,
Its Attorney.

June 16, 1976.

APPENDIX A.—*Boston Edison Co., cost of service—1976*

Investment base	Production power supply	Transmission power supply
Depreciable plant	$616,071,242	$176,141,733
Nondepreciable plant	3,969,605	2,618,108
Allocated general	5,616,704	419,888
Subtotal	625,657,551	179,179,729
Less:		
Depreciation reserve	(147,003,171)	(31,516,921)
Deferred taxes	(29,168,130)	(9,655,044)
Subtotal	449,486,250	138,007,764
Plus:		
O. & M. (including fuel)	5,490,785	388,834
M. & S. (including fuel stock)	7,620,385	2,196,854
Nuclear fuel	23,283,678	
Land held for future use	500,275	981,254
R&D	4,424,000	
Subtotal	41,319,123	3,566,942
Total	490,805,373	141,574,706
Investment costs:		
Depreciation	20,286,547	4,461,551
Cost of capital (see p. 2)	47,902,604	13,817,691
Income taxes	20,055,289	5,433,872
Subtotal	88,244,440	23,713,114
Demand costs:		
Operation and maintenance	34,270,760	2,388,860
Local taxes	33,378,422	7,496,895
Other costs	12,059,116	884,793
Subtotal	79,708,298	10,770,548
Support charges:		
Paid		3,460,000
Received		(6,214,537)
Net		(2,754,537)
Total, cost of service	167,952,738	31,729,125
Cost per kilowatt	55.53	10.83

APPENDIX A.—*Boston Edison Co., capitalization*

Class of capital	Capital ratios	Cost factors	Weighted return (percent)
Long-term debt	54.06	7.97	4.31
Preferred stock	7.41	6.66	.49
Preference stock	6.67	12.78	.85
Common equity	31.62	13.00	4.11
Deferred taxes	.24		0
Total	100.00		9.76

APPENDIX A.—Boston Edison Co., *contract costs—1976*

	Production power supply	Transmission power supply
Net investment base	$498,430,129	$132,167,771
Investment costs:		
Depreciation	21,101,632	4,939,234
Return	50,092,227	13,282,861
Income taxes	29,905,807	7,930,066
Total	101,099,666	26,152,161
Demand costs	85,614,103	9,604,320
Support		(2,754,537)
Total, cost of service	181,713,769	33,001,944
Cost per kilowatt	60.09	11.26
BECO charge per kilowatt	60.09	[1] 5.45

[1] Edison share pursuant to art. IV of exhibit 7.

BOSTON EDISON COMPANY,
Boston, Mass., June 16, 1976.

APPENDIX B TO THE SETTLEMENT AGREEMENT

MR. THOMAS W. SHERMAN,
Vice President,
Fitchburg Gas and Electric Light Co.,
125 High Street,
Boston, Mass. 02110

DEAR MR. SHERMAN: By contract dated October 27, 1972, Boston Edison Company ("Seller") agreed to sell Fitchburg Gas and Electric Light Company ("Buyer") 40,000 kW of system capacity and corresponding energy.

The parties hereto agree to amend Appendices A and C of the said contract effective June 1, 1976 as follows:

1. Delete paragraphs A–1.1, A–1.2 and A–1.3 of Appendix A in their entirety and substitute the following paragraphs in their place:

A–1.1 During the term hereof Seller shall make available Contracted Capacity to Buyer; provided however, that at such times as Pilgrim Unit No. 1, New-Boston Unit No. 1, New-Boston Unit No. 2, or Mystic Unit No. 7, collectively "the Units", although operable, is not in the opinion of Seller capable of operating safely at Demonstrated Net Capability (as defined in Paragraph A–1.2), the Contracted Capacity associated with the affected Unit or Units shall be reduced proportionately. The 40,000 kilowatts of system capacity and energy corresponding thereto, to be made available to Buyer when the Units are capable of operating at Demonstrated Net Capability as aforesaid is hereinafter referred to as Contracted Capacity. The Contracted Capacity associated with each of the Units is as follows:

(a) 1.495 percent times Pilgrim Unit No. 1 Demonstrated Net Capability;

(b) 1.6921 percent times Mystic Unit No. 7 Demonstrated Net Capability;

(c) 2.6316 percent times New-Boston Unit No. 1 Demonstrated Net Capability;

(d) 2.6316 percent times New-Boston Unit No. 2 Demonstrated Net Capability.

Whenever the Demonstrated Net Capability of the Units is redetermined by the Seller, the percentages listed in (a), (b), (c) and (d) above shall be deemed revised so that the values of (a), (b), (c) and (d) shall equal 10,000 kW each.

A–1.2 Seller shall determine the net capability of the Units on the basis of continuous operation. Such capability is presently 670,000 kW for Pilgrim Unit No. 1, 380,000 kW for New-Boston Unit No. 1, 380,000 kW for New-Boston Unit No. 2, and 591,000 kW for Mystic Unit No. 7 and shall be referred to in this contract as the "Demonstrated Net Capability" and shall from time to time be redetermined by Seller based on operating experience.

Buyer shall prior to February 1, 1977, have the option to change the amounts available from the above units provided that Buyer purchases a minimum of 6,000 kilowatts of associated capacity from each of the Units and further provided that the total purchase equals 40,000 kilowatts. If Buyer exercises the option hereunder the Contracted Capacity associated with each of the Units, as set forth in paragraph A–1.1 shall be deemed revised accordingly.

A–1.3 For NEPEX scheduling and billing purposes and for Seller's billing purposes whenever any one of the Units is unavailable because of scheduled maintenance, Buyer will be entitled to purchase energy equal to Buyer's proportional share of Contracted Capacity associated with the Unit at the Seller's Monthly Energy Charge Rate, as determined in Exhibit A, Section III.

If, due to unscheduled operating limitations of any of the Units, the output of a Unit is reduced, Buyer shall, so long as it is a member of NEPOOL or any other power pool agreement which may amend or supersede it so long as Seller is a party thereto, be entitled to purchase from NEPEX a portion of Seller's available unscheduled outage power associated with such Unit. The portion of the Unit's unscheduled outage power available to Buyer from NEPEX shall be determined by the following formula:

$$\text{Unscheduled outage power available to buyer} = \text{Unit's unscheduled outage power available to seller} \times \frac{\text{Buyer's contracted capacity associated with the unit}}{\text{Unit's demonstrated net capability}}$$

2. Delete the words "the Pilgram No. 1 Unit" wherever they appear in paragraph A–2.1 of Appendix A and substitute in place thereof "any of the Units".

3. Delete the words "Pilgram No. 1 Unit" from the third sentence of paragraph C–2.1 of Appendix C and substitute in place thereof the words "the Units' ".

Very truly yours,

BOSTON EDISON COMPANY,
By BENJAMIN H. WEINER.

Agreed and Accepted:
FITCHBURG GAS AND ELECTRIC LIGHT CO.,
By THOMAS W. SHERMAN.

[FR Doc.76–26856 Filed 9–21–76;8:45 am]

[Docket No. ER76–888]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Compliance Filing

SEPTEMBER 14, 1976.

Take notice that on September 2, 1976, Central Illinois Public Service Company, submitted an agreement dated August 5, 1975, for the purchase of wholesale electric energy by the City of Bushnell and an agreement dated November 25, 1974, for the purchase of wholesale electric energy by the City of Sullivan, in Compliance with ordering paragraph (c) of the Commission's order in Docket No. E–7512 issued August 12, 1976.

Any person wishing to do so may submit comments in writing concerning the above filing. Comments should be addressed to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should be submitted on or before September 28, 1976. Copies of the company's filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76–27728 Filed 9–21–76;8:45 am]

[Docket No. ER76–881]

CINCINNATI GAS AND ELECTRIC CO.

Filing of Service Agreements

SEPTEMBER 14, 1976.

Take notice that on August 23, 1976, Cincinnati Gas & Electric Company tendered for filing revised service agreements with its wholesale customers pursuant to FPC Electric Tariff, First Revised Volume No. 1.

Cincinnati states that the service agreements are to replace corresponding "unexecuted" service agreements filed on or about August 22, 1974, in Docket No. E–8885 at the Commission's direction.

The requested effective dates are the dates of the execution of the agreements as follows:

Village of Bethel	June 22, 1976.
Village of Blanchester	Apr. 1, 1976.
Village of Hammersville	July 1, 1976.
Village of Ripley	Do.
Western Harrison Gas & Electric Company.	Aug. 11, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–27727 Filed 9–21–76;8:45 am]

[Docket No. RP72–157; PGA76–7]

CONSOLIDATED GAS SUPPLY CORP.

Deferral

SEPTEMBER 14, 1976.

Take notice that on September 1, 1976 Consolidated Gas Supply Corporation (Consolidated) tendered for filing a letter in which it stated it will include the reduced rates from revision of Texas Eastern Transmission Corporation's June 17, 1976 PGA filing in its next PGA filing to be made around October 1, 1976 for effectiveness November 1, 1976. Consolidated states the purpose of the deferral is not to place a burden on its customers who have filed their PGA's with the state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27717 Filed 9-21-76;8:45 am]

[Project No. 2035]

DENVER BOARD OF WATER COMMISSIONERS

Application for Amendment of License

SEPTEMBER 14, 1976.

Public notice is hereby given that an application for an amendment of license was filed on March 30, 1976, under the Federal Power Act (16 U.S.C. §§ 791a–825r) by the Denver Board of Water Commissioners, Applicant (Correspondence to: J.L. Ogilvie, Manager, Denver Board of Water Commissioners, 144 West Colfax Avenue, Denver, Colorado 80202), for the constructed Project No. 2035, known as the Gross Dam Project, located on South Boulder Creek, and on lands of the United States in Boulder County, Colorado.

Applicant seeks Commission approval to change the outlet works at the project because of their poor condition. The construction would include a new outlet control structure to be located downstream from the dam's east abutment on the east bank of South Boulder Creek. The four operating valves would be removed and the four guard valves would be placed in a full open position and encased in concrete. Steel piping would be connected to the existing outlet works and would then continue through the existing outlet tunnel and flume to the new outlet works. The new outlet structure, to be built over the existing box culvert near the discharge point, would house the five discharge lines, each with an appurtenant guard valve and discharge control valve.

Applicant has requested the shortened procedure provided for under Section 1.32 (b) of the Commission's Rules of Practice and Procedure, 18 CFR § 1.32(b) (1976).

Any person desiring to be heard to make any protest with reference to said application should, on or before October 26, 1976, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D. C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1976). 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 in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. § 825g and § 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27718 Filed 9-21-76;8:45 am]

[Docket No. ER76-859]

DETROIT EDISON CO.

Certificate of Concurrence

SEPTEMBER 15, 1976.

Take notice that on September 13, 1976, Consumers Power Company filed a Certificate of Concurrence to the tender of The Detroit Edison Company on August 16, 1976, in the above-captioned docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D. C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 4, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27745 Filed 9-21-76;8:45 am]

[Docket No. RP76-73]

DISTRIGAS OF MASSACHUSETTS CORP.

Rescheduling of Settlement Conference

SEPTEMBER 14, 1976.

Take notice that the settlement conference in the captioned docket previously scheduled for September 13, 1976 has been cancelled. The conference will be held instead on September 24, 1976 at 10:00 a.m. in Room 3200, North Building, Federal Power Commission, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27729 Filed 9-21-76;8:45 am]

[Docket Nos. RP72-155 and RP76-59; PGA 76-4]

EL PASO NATURAL GAS CO.

Proposed Change in Rate Pursuant to Purchased Gas Cost Adjustments

SEPTEMBER 15, 1976.

Take notice that El Paso National Gas Company ("El Paso") on August 23, 1976, tendered for filing a notice of a change in rates for jurisdictional gas service rendered to customers served by its interstate gas system. Such service is rendered under rate schedules affected by and subject to Article 19, Purchased Gas Cost Adjustment Provision ("PGAC") contained in the General Terms and Conditions applicable to El Paso's FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, and under rate schedule affected by and subject to the PGAC—Clean High Pressure Gas Provision ("PGAC-CHPG") contained in El Paso's FPC Gas Tariff, Original Volume No. 2A.

El Paso states the instant notice of change in rates is occasioned solely by, and will compensate El Paso only for, increases in the cost of purchased gas (including gas produced from leases acquired after October 7, 1969) which will become effective on or before September 30, 1976, applied to volumes purchased for the twelve (12) month period ending June 30, 1976.

The annualized increase in purchased gas costs as to the PGAC adjustments applicable to all rate schedules contained in El Paso's Original Volume No. 1 tariff and those special rate schedules contained in El Paso's Third Revised Volume No. 2 and Original Volume No. 2A [1] is $2,235,650 based upon adjusted purchased gas volumes for the twelve (12) month period ending June 30, 1976. When applied to El Paso's interstate system total volumes for the same period, the purchased gas cost increase equates to 0.19¢ per Mcf.

In addition, El Paso states that its Account 191, Unrecovered Purchased Gas Cost, contains a balance of $27,685,101, applicable to increases in purchased gas cost, as of June 30, 1976. Included in said Account 191 balance is an estimated amount of $5,936,873 attributable to increased gas costs which El Paso will recover by means of its special Opinion No. 749 surcharge during the period Au-

[1] The special rate schedules subject as to this PGAC adjustment are Rate Schedules X-7, X-14, X-25, X-30, X-33 and X-35 of El Paso's FPC Gas Tariff, Third Revised Volume No. 2, and Rate Schedules FS-25, FS-26, FS-27, FS-28, FS-30, FS-35 and FS-45 of El Paso's PC Gas Tariff, Original Volume No. 2A.

gust 1, 1976, through September 30, 1976.[2] El Paso states that in order to avoid a double recovery of the $5,966,873 by the proposed surcharge adjustment, El Paso has reduced its June 30, 1976, Account 191 balance of $27,685,101 by said $5,966,873 for purposes of determining the surcharge adjustment to be effective on and after October 1, 1976, by utilizing the net adjusted unrecovered gas cost amount of $21,718,228. Such adjusted cost, when applied to El Paso's jurisdictional sales volumes for the same period, produce an additional adjustment in rates of 4.00¢ per Mcf to be applied as a surcharge to all rate schedules affected by such PGAC. However, El Paso states that as a result of eliminating the currently effective surcharge rate of 3.55¢ per Mcf made effective on April 2, 1976, and the special Opinion Nos. 749 and 749–A surcharge of 5.43¢ per Mcf, the net adjustment to its currently effective rates attributable to this instant PGAC notice of change is a decrease of 4.79¢ per Mcf.

El Paso states that the Account 191 balance includes excess amounts attributable to emergency purchases made during the six month period ending June 30, 1976, at rate levels above the Commission's Opinion No. 699–H rate levels in the amount of $77,555. Further, El Paso states that the portion of emergency purchases above such rate level included in El Paso's PGAC adjustment is $136,898.

El Paso states the current adjustment applicable to those Original Volume No. 2A special rate schedules affected by the PGAC–CHPG [3] is an increase of 5.8773¢ per Mcf. Such current adjustment is comprised of an increase in the weighted average purchased cost of clean, high-pressure gas equating to 1.3860¢ per Mcf and a surcharge adjustment of 4.4913¢ per Mcf, representing the unrecovered purchased gas cost balance contained in Account 191 as of June 30, 1976. Based upon sales volumes under such special rate schedules for the twelve months ended June 30, 1976, said increase of 1.3869¢ per Mcf will increase revenues by $14,434 and based upon the gas sales volumes under the special rate schedules subject to the PGAC–CHPG for the six months period ending June 30, 1976, the surcharge adjustment of 4.4913¢ per Mcf will recover during the six month period subsequent to October 1, 1976, $28,031 of the unrecovered purchased gas cost recorded in Account 191. El Paso states that as a result of eliminating the surcharge adjustments presently included in El Paso's currently effective rates, the net adjustment to the curently effective rates applicable to the affected special rate schedules is a decrease of 3.6356¢ per Mcf attributable to the instant PGAC–CHPG notice of change.

In connection with the instant filing, El Paso has proposed that the regularly scheduled effective date of October 1, 1976, for the tendered PGAC filing be deferred until October 27, 1976. To implement such request, El Paso concurrently filed a motion at Docket No. RP72–155, seeking a one-time deviation from its next regularly scheduled PGAC effective date of October 1, 1976, so that the effectiveness of the instant PGAC filing may be deferred until October 27, 1976, to coincide with the date of El Paso's special Opinion No. 770 PGAC [4] filing and thereby permitting El Paso to have only one adjustment to its rates during the month of October, 1976. Given the grant of said motion and the necessary waivers of the Commission's Rules and Regulations requested by El Paso for the deferred effective date of the instant filing, the tendered tariff sheets will be deemed withdrawn, to be replaced by revised tariff sheets to be included in El Paso's special Opinion No. 770 PGAC filing, which sheets will reflect the appropriate rates to be effective October 27, 1976, superseding El Paso's currently effective rates. If, however, the Commission does not grant El Paso's concurrent motion, El Paso requests that the tendered revised tariff sheets be made effective on October 1 1976. El Paso has requested waiver of all applicable rules and regulations of the Commission, as may be necessary, to permit the requested deferral in the manner described in El Paso's concurrent motion.

El Paso states that copies of the instant tender have been served upon all parties of record in Docket Nos. RP72–155 and RP76–59 and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before September 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-27736 Filed 9-21-76;8:45 am]

[Project No. 2413]

GEORGIA POWER CO.

Extension of Time

SEPTEMBER 15, 1976.

On September 7, 1976, Georgia Power Company filed an application for extension of time to acquire title to the lands necessary for the Wallace Dam Project.

Notice is hereby given that an extension of time is granted to and including December 1, 1978.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27737 Filed 9-21-76;8:45 am]

[Docket No. ER76-883]

ILLINOIS POWER CO.

Filing Second Revised Service Schedule B to Interconnection Agreement

SEPTEMBER 15, 1976.

Take notice that Illinois Power Company ("IP") on August 30, 1976, tendered for filing Second Revised Service Schedule B to the Interconnection Agreement dated February 18, 1972 between Central Illinois Public Service Company ("CIPS"), Union Electric Company ("UE") and IP. The Commission has previously designated the February 18, 1972 Agreement as CIPS Rate Schedule FPC No. 72, IP Rate Schedule FPC No. 50 and UE Rate Schedule FPC No. 81.

The parties state that Second Revised Service Schedule B to the Agreement provides for an increase in the minimum energy charges for Emergency Service, proposed to become effective October 1, 1976. The parties also state that since the use of Emergency Service under the proposed minimum charge cannot be accurately determined or estimated, it is impossible to determine or estimate the increase in revenues resulting from Second Revised Service Schedule B.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 27, 1976. 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

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[2] Such special surcharge rate is 5.43¢ per Mcf and was designed to recover increased gas costs in the amount of $9,512,600 resulting from Opinion Nos. 749 and 749–A increases during the period January 1, 1976, through July 31, 1976, and not reflected in El Paso's rates until August 1, 1976. Such surcharge adjustment was included as a part of the special PGAC filing made by El Paso on July 1, 1976, and made effective August 2, 1976, by order issued July 30, 1976, at Docket Nos. RP72–155 and RP76–59 (PGA76–3).

[3] The special rate schedules subject to PGAC–CHPG are Rate Schedules FS–3, FS–6, FS–7, FS–10 and FS–32.

[4] Opinion No. 770, issued July 27, 1976, at Docket No. RM75–14, established new national rates for gas dedicated to interstate commerce and wells commenced on and after January 1, 1973. Said opinion also permits pipeline companies to file a special PGAC on or before September 27, 1976, to become effective on October 27, 1976, to track the increased producer rates prescribed by said opinion.

become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27738 Filed 9-21-76;8:45 am]

[Docket No. ER76-658]

IOWA POWER AND LIGHT CO.

Revised Filing

SEPTEMBER 14, 1976.

Take notice that on August 25, 1976, Iowa Power & Light Company (IP&L) tendered for filing certain revised tariff sheets to its rate increase filing. IP&L states that the filing is intended to conform to the Commission's order issued herein on July 15, 1976, in that the filing is intended to exclude CWIP from rate base and to conform its fuel cost adjustment clause to the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 30, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27719 Filed 9-21-76;8:45 am]

[Docket No. ES76-38]

IOWA PUBLIC SERVICE CO.

Application

SEPTEMBER 15, 1976.

Take notice that on September 8, 1976, Iowa Public Service Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of securities in connection with arrangements pursuant to which the City of Salix, Iowa is to issue up to $18,000,000 aggregate principal amount of its pollution control revenue bonds (the "Pollution Control Revenue Bonds") and loan the proceeds thereof to Applicant to use to pay part of Applicant's share of the cost of pollution control facilities being constructed at Unit No. 4 at the George Neal Steam Electric Generating Station located near Salix, Iowa. Neal Unit No. 4 is owned by Applicant and others as tenants in common with Applicant having a 43.4% interest.

The securities to be issued by Applicant consist of a note or notes (collectively, the "Note") and a first mortgage bond or bonds (collectively, the "First Mortgage Bond"). To evidence its obligation to repay the loan from the City, the Applicant will issue the Note which will be pledged by the City to the Trustee under the Pollution Control Revenue Bond Indenture. Payments under the Note will be sufficient to pay principal, interest and premium, if any, on the Pollution Control Revenue Bonds and to pay the fees, expenses and other costs of the City and of the Trustee under the Pollution Control Revenue Bond Indenture.

In addition to the Note, Applicant also proposes to issue the First Mortgage Bond which will be pledged by Applicant to the Trustee under the Pollution Control Revenue Bond Indenture. This is expected to allow the Pollution Control Revenue Bonds to receive a higher rating than would otherwise be possible with consequent interest savings. The principal amount of the First Mortgage Bond will be the same as the aggregate principal amount of the Pollution Control Revenue Bonds but interest on the First Mortgage Bond, at the same rate as that borne by the Pollution Control Revenue Bonds, will be payable and accrue only after such time, if any, as the maturity of the Pollution Control Bonds is accelerated pursuant to the provisions of the Pollution Control Revenue Bond Indenture. At the time any of the Pollution Control Revenue Bonds are paid or retired, or provision is made therefor, a like principal amount of the First Mortgage Bond will be surrendered for cancellation. Applicant expects that, having made timely payments under the Note, it will never be called upon to make payments under the First Mortgage Bond.

The Pollution Control Revenue Bonds will have a maturity of between ten and thirty years, depending on market conditions at the time they are issued, and the Note and First Mortgage Bond will have the same maturity. It is not possible to predict the interest rate that will be borne by the Pollution Control Revenue Bonds inasmuch as this rate will also depend on market conditions at the time of issue, but tax-exempt bonds such as these are expected to be (pursuant to Section 103 of the Internal Revenue Code of 1954, as amended) historically carry a lower interest rate than comparable taxable bonds and their use is expected by Applicant to result in interest cost savings to it.

The Pollution Control Revenue Bonds will be sold to the underwriters by the City and a bond purchase agreement will be entered into between the City and the underwriters with respect thereto. Applicant will not be a party to any such bond purchase agreement.

The sale of the Pollution Control Revenue Bonds will be governed by State law and will be accomplished without competitive bidding by the City. Since the Note and the First Mortgage Bond will be issued and delivered by the Applicant for the benefit of the holders of the Pollution Control Revenue Bonds, and as the source of payment therefor (although the City will be the issuer of the Pollution Control Revenue Bonds, the credit of the City will not be pledged to their payment), the terms of each such security must correlate with those of the Pollution Control Revenue Bonds so that competitive bidding with respect to the Note and the First Mortgage Bond is not possible. Consequently, the Note and the First Mortgage Bond are the subject of an Application for Exemption from Competitive Bidding under Section 24.2(f)(2) of the Commission's Rules and Regulations.

Applicant is incorporated under the laws of the State of Iowa, with its principal business office in Sioux City, Iowa, and is engaged in the electric utility business in northwestern, north central and east central Iowa and a few small communities in South Dakota.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 8, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27739 Filed 9-21-76;8:45 am]

[Docket No. RP75-104]

LAWRENCEBURG GAS TRANSMISSION CORP.

Refund Report

SEPTEMBER 14, 1976.

Take notice that on August 25, 1976, Lawrenceburg Gas Transmission Corporation tendered for filing a report of refunds resulting from the settlement in Docket No. RP75-104.

Lawrenceburg states that a copy of the report has been mailed to its two wholesale customers and to the two interested state commissions (Indiana and Ohio).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1976. Protests

will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27733 Filed 9-21-76;8:45 am]

MARSHALL EXPLORATION, INC.

[Docket No. RI76-147]

Petition for Special Relief

SEPTEMBER 15, 1976.

Take notice that on August 26, 1976, Marshall Exploration, Inc., (Marshall), 305 West Rusk St., P.O. Box 729, Marshall, Texas 75670, filed a petition for special relief in Docket No. RI76-147 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Marshall is a small producer currently selling gas to Texas Eastern Transmission Corporation (Texas Eastern) from the Grand Cane Field, Desoto Parish, Louisiana and the Whelan Field, Harrison County, Texas. Marshall seeks reimbursement from Texas Eastern of approximately an additional 22 cents per Mcf above the applicable just and reasonable ceiling for the compression and dehydration services involved in its sale of gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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 party wishing to become a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27740 Filed 9-21-76;8:45 am]

[Docket No. CP76-36]

MID LOUISIANA GAS CO.

Filing of Refund Report

SEPTEMBER 15, 1976.

Take notice that on August 13, 1976, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing a refund report stating that by letter dated August 5, 1976, the Commission accepted Mid Louisiana's refund plan, filed June 21, 1976, in the captioned docket and that pursuant to such acceptance Mid Louisiana refunded $24,878.38 to Transcontinental Gas Pipe Line Corporation on August 11, 1976.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 24, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27741 Filed 9-21-76;8:45 am]

[Docket No. RP72-149; PGA 76-13]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

SEPTEMBER 15, 1976.

Take notice that Mississippi River Transmission Corporation ("Mississippi") on September 1, 1976 tendered for filing six (6) copies of Forty-Sixth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective October 1, 1976.

Mississippi states that the instant tariff sheet is being submitted pursuant to the Purchased Gas Cost Adjustment clause (PGA) of its tariff to provide for the recovery of amounts accumulated in its unrecovered purchased gas cost account and to update the base average unit cost of gas purchased from producers. Additionally the tariff sheet reflects an adjustment to Mississippi's base tariff rates to reflect the appropirate level of transportation costs associated with Mississippi's purchases of gas in the Mills Ranch Field.

Mississippi further states that the base tariff rates included in Forty-Sixth Revised Sheet No. 3A reflect the effect of the general rate increase filing which was made by Mississippi on April 1, 1976 at Docket No. RP76-77 and suspended by the Commission until October 1, 1976 by order dated April 26, 1976. By separate concurrent filing at Docket No. RP76-77, Mississippi has moved to make such rates effective as of October 1, 1976.

Mississippi submitted schedules containing computations supporting the rate changes proposed to become effective October 1, 1976. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commission of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.3, 1.10). All such petitions or protests should be filed on or before September 24, 1976. Protests will be considered by the Commission in determining the appropirate 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 unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27742 Filed 9-21-76;8:45 am]

[Docket No. E-9046]

MONTAUP ELECTRIC CO.

Order Approving Settlement Agreement

By orders issued December 18, 1974, and February 14, 1975, the Commission suspended until May 19, 1975, proposed rate increases filed herein by Montaup Electric Company (Montaup) for service to its wholesale customers[1] seeking increased revenues of $2,682,303 for sales to those customers based on the 12 months ended December 31, 1974. On May 20, 1976, Montaup filed a Settlement Agreement reducing the proposed annual rate increase to $1,279,650, and in purported settlement of all issues raised herein. The Commission believes the proposed Settlement Agreement is in the public interest and will provide for just and reasonable rates. Accordingly, the agreement will be approved.

The proposed settlement, together with testimony and exhibits filed herein, was certified to the Commission on May 25, 1976. Notice of the filing of the Agreement was issued May 24, 1976, with comments due on or before June 4, 1976. The Commission Staff filed timely comments in support of the proposed agreement. On June 21, 1976, the Rhode Island Division of Public Utilities' and Carriers and the Rhode Island Consumers' Council filed untimely comments also in support of the Agreement.

Commission review indicates that the proposed settlement agreement provides for cost based rates and accordingly is just and reasonable and in the public interest.

The Commission finds: The proposed settlement agreement filed herein provides for cost supported rates and should be accepted and approved.

The Commission orders: (A) The Settlement Agreement filed on May 20, 1976 by Montaup, incorporated herein by reference, is hereby accepted and approved.

(B) Within 30 days of the issuance of this order, Montaup shall file the revised rate schedules and service agreement appearing as Appendix A to the Settlement Agreement.

(C) Within 30 days of the filing of the revised rate schedules in accordance with Paragraph (B) supra, Montaup shall refund, with interest at 9 percent per annum, all amounts collected in excess of the proposed settlement rates.

(D) Within 15 days after refunds, are made, Montaup shall file with the Commission a refund report showing

[1] Blackstone Valley Electric Company, Brockton Edison Company, Fall River Electric Light Company, Middleborough Gas & Electric Department, Narragansett Electric Company, Newport Electric Corporation, and Pascoag Fire District.

monthly billing determinants and revenues under its prior, present, and settlement rates, and showing the monthly settlement rate increase, the monthly rate refund, the monthly interest computation, with a summary of all such information for the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Montaup or by any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Montaup or any other person or party.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A

SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into by and among Montaup Electric Company, Blackstone Valley Electric Company, Brockton Edison Company, Fall River Electric Light Company, Middleborough Gas & Electric Department, The Narragansett Electric Company, Newport Electric Corporation, and Pascoag Fire District, the Rhode Island Division of Public Utilities and Carriers and Rhode Island Consumers' Council.

Introduction

The rate change application which is the subject of this proceeding was filed on October 1, 1974. The application proposed a comprehensive revision of the wholesale rate arrangements of the Eastern Utilities Associates system, consisting of Montaup Electric Company ("Montaup") and its three owner companies, Blackstone Valley Electric Company, Brockton Edison Company and Fall River Electric Light Company.

The objective of the proposed revision was to make Montaup the single wholesale power supply utility for the system. Montaup would supply wholesale power at a 115 kV voltage level under uniform rates to its owner companies and to four non-affiliated wholesale customers of the system, Middleborough Gas & Electric Department, The Narragansett Electric Company, Newport Electric Corporation and Pascoag Fire District. The owner companies would be served under a tariff and the non-affiliated customers under their existing contracts with substitution of the tariff rates for existing contract rates. Where needed, the owner companies would supply subtransmission service from the 115 kV transmission system to the delivery points and at the delivery voltages of the non-affiliated customers.

To accomplish this revision of system power supply arrangements, several categories of documents were submitted for filing: (1) By rental agreements, Montaup leased certain 115 kV and 345 kV transmission facilities from its owner companies and thereby assumed the cost of the system bulk power supply transmission facilities. (2) By indentures of assignment, the owner companies transferred to Montaup their power supply responsibilities to the non-affiliated wholesale customers. (3) By a tariff rate schedule and associated service agreements, Montaup proposed new rates for its owner companies. (4) By rate schedule changes to existing rate schedules, Montaup proposed the same rates to non-affiliated wholesale customers as for its owner companies for power supply at the 115 kV voltage level, and the owner companies proposed rates for subtransmission service to the nonaffiliated wholesale customers where needed. (5) Amendment of the basic system contract between Montaup and its owner companies to accommodate this revision of system power supply arrangements was tendered.

Intervention was sought and obtained by the Middleborough Gas and Electric Department, The Narragansett Electric Company, the Rhode Island Division of Public Utilities and Carriers and the Rhode Island Consumers Council. After acceptance and suspension of the filing, settlement discussions were held. These discussions have resulted in a Settlement Agreement that would leave intact the proposed revision of the system power supply arrangements but would modify the proposed rates.

Subject in every particular to the conditions set forth in this Settlement Agreement, including acceptance of this Settlement Agreement in its entirety and without change or condition by the Commission, and with the understanding that each term of the Settlement Agreement is in consideration and support of every other term, the parties have agreed as follows:

ARTICLE 1: REVISIONS OF THE RATE SCHEDULES

1.1 It is agreed that, upon the Commission's approval of this Settlement Agreement, Montaup and its owner companies will file the revisions set out in Appendix A hereto to their filing in this docket. The non-affiliated wholesale customers agree to execute the various agreements submitted in this docket, as thus revised, prior to their filing with the Commission.

1.2 The filing in this docket, as revised in Appendix A hereto, is to be effective as of May 19, 1975, when the filing became effective under Commission suspension order, and Montaup and its owner companies agree to refund all amounts collected under the rates as originally filed in excess of the settlement rates with intersest at 9 percent per annum.

ARTICLE 2: SETTLEMENT COST OF SERVICE

2.1 It is agreed, for settlement purposes only, that the Settlement rate is supported by the cost of service analysis presented in Appendix B hereto.

ARTICLE 3: CONDITIONS

3.1 The making of this Settlement Agreement shall not be deemed in any respect to constitute an admission by any party that an allegation or contention in these proceedings is true or valid.

3.2 The making of this Settlement Agreement establishes no principles and shall not be deemed to foreclose any party from making any contention in any proceeding or investigation.

3.3 The acceptance of this Settlement Agreement by the Commission shall not in any respect constitute a determination by the Commission as to the merits of any allegations or contentions made in this rate proceeding.

3.4 The Settlement Agreement is expressly conditioned upon the Commission's acceptance of all the provisions thereof, without change or condition, and upon the following further Commission actions:

(a) waiver of the requirements of Section 35.13 of its regulations under the Federal Power Act with respect to the filings provided for in Article 1 of this Settlement Agreement, to the extent necessary to effectuate all of the provisions hereof; and

(b) waiver by the Commission of the requirements of Section 35.13 of its regulations under the Federal Power Act with respect to said filings; and

(c) acceptance of said filings without suspension under Section 205 of the Federal Power Act, effective as of the dates specified in said filings.

3.5 The discussions between the parties which have produced this Settlement Agreement have been conducted on the explicit understanding, pursuant to Section 1.18(e) of the Commission's Rules of Practice and Procedure that all offers of settlement and discussions relating thereto are and shall be privileged, shall be without prejudice to the position of any party or participant presenting any such offer or participating in any such discussion, and are not to be used in any manner in connection with this proceeding or otherwise.

3.6 This Settlement Agreement is submitted on the condition that in the event the Commission does not by order accept it in its entirety, this Settlement Agreement shall be deemed withdrawn and shall not constitute any part of the record in this proceeding or be used for any other purpose.

This Settlement Agreement is entered into in Washington, D.C. this 20th day of May, 1976, by and between the undersigned parties.

MONTAUP ELECTRIC COMPANY,
BLACKSTONE VALLEY ELECTRIC COMPANY,
BROCKTON EDISON COMPANY,
FALL RIVER ELECTRIC LIGHT COMPANY,
By GEORGE F. BRUDER,
Their Attorney.

MIDDLEBOROUGH GAS & ELECTRIC DEPARTMENT,
By FRANCES FRANCIS,
Its Attorney.

THE NARRAGANSETT ELECTRIC COMPANY,
By WILLIAM G. HAYES,
Its Attorney.

NEWPORT ELECTRIC COMPANY,
By L. E. RANKIN, Jr.,
Its President.

PASCOAG FIRE DISTRICT,
By DAVID I. SWEETLAND,
Its General Manager.

RHODE ISLAND DIVISION OF PUBLIC UTILITIES AND CARRIERS,
By R. DANIEL PRENTISS,
Its Attorney.

RHODE ISLAND CONSUMERS' COUNCIL,
By DENNIS J. ROBERTS, II,
Its Attorney.

APPENDIX B

COST OF SERVICE ANALYSIS

(Revisions to Rates under Docket E-9046)

MONTAUP ELECTRIC COMPANY

Electric utility—wholesale rate of return analysis for settlement rate—1974 test year

Rate base	$56,374,000
Revenue from proposed rate	99,766,000
Operating expenses	94,253,000
Federal income tax [1]	371,000
State income tax	35,000
Return	5,107,000
Rate of return—pct	9.06

[1] Includes provision for deferred income taxes and investment credit.

Cost of capital [1]	Principal amount (in thousands)	Ratio	Cost (percent)	Weighted cost (percent)
Debt	$89,130	55.78	7.22	4.03
Preferred	16,953	10.61	6.21	0.66
Equity	53,698	33.61	13.00	4.37
Total	159,781	100.00		9.06

[1] Weighted average cost for period May 1 to Dec. 31, 1975.

Montaup Electric Co.[1]

	Principal amount (in thousands)	Ratio	Cost (percent)	Weighted cost (percent)	Return on equity (in thousands)
EUA Consolidated:					
Debt [2]	$89,130	55.78	7.22	4.03	
Preferred	16,953	10.61	6.21	0.66	
Equity	53,698	33.61	13.00	4.37	
Total	159,781	100.00		9.060	
Sum of subsidiary companies:					
Debt	85,641	48.65	7.22	3.512	
Preferred	16,953	9.63	6.21	.598	
Equity	73,421	41.71	11.87	4.950	
Total	176,015	100.00		9.060	$8,715
Blackstone:					
Long-term debt	23,711	50.00	9.05	4.525	
Preferred stock	6,129	12.93	4.85	.627	
Common equity	17,579	37.07	11.25	4.170	1,978
Total	47,419	100.00		9.322	
Brockton:					
Long-term debt	47,130	46.64	6.90	3.218	
Preferred stock	10,824	10.71	6.88	.737	
Common equity	43,101	42.65	11.00	4.692	4,741
Total	101,055	100.00		8.647	
Fall River:					
Long-term debt	14,800	53.74	5.16	2.773	
Preferred stock	0	0	0	0	
Common equity	12,741	46.26	15.66	7.244	1,996
Total	27,541	100.00		10.017	
Total return on equity					8,715

[1] Weighted average cost for period May 1 to Dec. 31, 1975.
[2] Includes $3,489,000 of EUA debt.

BROCKTON EDISON COMPANY

Electric utility—rental of 115 kV Transmission facilities rate of return analysis for settlement rate—1974 test year

Rate base	$2,872,977
Revenues from proposed rate base	831,156
Operating expenses	417,734
Income tax	164,909
Return	248,513
Rate of return pct	8.65

BLACKSTONE VALLEY ELECTRIC COMPANY

Electric utility—rental of 115 kV transmission facilities rate of return analysis for settlement rate—1974 test year

Rate base	$1,466,952
Revenues from proposed rate base	$489,127
Operating expenses	$266,434
Income taxes	$85,826
Return	$136,867
Rate of return pct	9.33

Attachment B, docket No. 9046, exhibit No. (S–1), schedule No. 1—Montaup Electric Co., staff cost of service, test period 12 mo. ended Dec. 31, 1974

[Rate base—beginning and end of year balances; capacity allocation method—average of 12 monthly coin. peaks; all data as adjusted by staff; summary of revenue requirements]

		In	All	Out	Wholesale service at issue: Total electric department (A)	Customer group No. 1 (B)	Wholesale subtotal (C)	All other groups (D)
1	Rate base			RRE1	56,374,448	56,374,448	56,374,448	0
2	Proposed revenues			RRE2	92,449,659	92,449,659	92,449,659	0
3	Operating expenses before taxes			RRE3	86,936,287	86,936,287	86,936,287	0
4	Income taxes:							
5	Federal			RRE4	374,475	374,475	374,475	0
6	State			RRE5	35,751	35,751	35,751	0
7	Total, income taxes			RRE6	410,226	410,226	410,226	0
8	Return			RRE7	5,107,525	5,107,525	5,107,525	0
9	Total revenue requirements			RRE8	92,454,038	92,454,038	92,454,038	0
10	Excess revenues			RRE9	−4,379	−4,379	−4,379	0
11	Return on excess revenues			RRE0	−2,129	−2,129	−2,129	0
12	Total return earned			TRTE	5,105,396	5,105,396	5,105,396	0
13	Rate of return earned			RTRE	9.056	9.056	9.056	0
14	Revenue increase—company versus staff:							
15	Present revenues			RREA	91,170,009	91,170,009	91,170,009	0
16	Revenues proposed by company			RREB	92,449,659	92,449,659	92,449,659	0
17	Increase request by company (dollars)			RREC	1,279,650	1,279,650	1,279,650	0
18	Increase request by company (percent)			RRED	1.404	1.404	1.404	0
19	Increase justification by staff (dollars)			RREE	1,284,029	1,284,029	1,284,029	0
20	Increase justification by staff (percent)			RREF	1.408	1.408	1.408	0
21	Rate of return recommended by staff			RREG	9.060	9.060	9.060	9.060

[FR Doc.76–26857 Filed 9–21–76;8:45 am]

[Docket No. CP76–492]

NATIONAL FUEL GAS SUPPLY CORP.; NATIONAL GAS STORAGE CORP.

Application

SEPTEMBER 15, 1976.

Take notice that on August 20, 1976, National Fuel Gas Supply Corporation (Supply Corporation) and National Gas Storage Corporation (Storage Corporation), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP76–492 an application pursuant to Section 7 of the Natural Gas Act for certificates of public convenience and necessity authorizing the construction, acquisition, and operation of facilities and for permission and approval to abandon certain facilities, all for the development and operation of underground gas storage and related facilities in Allegany County, New York, and adjoining Potter County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Storage Corporation proposes to develop two separate storage pools and acquire an already developed pool for the purpose of rendering underground gas storage service to non-affiliated customer utilities in an aggregate amount expected to reach 22,000,000 Mcf of gas upon completion of construction in June 1979. The three storage pools are the East Independence, West Independence, and Beech Hill pools, each located in Allegany County, New York. It is indicated that

the pools are to be connected by 17.7 miles of new pipeline to interstate transmission facilities near Ellisburg in Potter County, Pennsylvania, and the total estimated cost of development over a three-year period for the three pools is $49,618,051. Applicants state that in order to assure orderly development, application for authorization is made at this time respecting the West Independence pool, improvements at the East Independence pool, and the related new 17.7 miles of pipeline. It is indicated that development of the Beech Hill storage pool would be the subject of a subsequent amendment to the instant application.

[Docket No. CP76-492]

WEST INDEPENDENCE DEVELOPMENT

Applicants propose the following:

Storage Corporation proposes to acquire immediately upon receipt of Commission authorization such rights as Supply Corporation has in the West Independence gas field covering approximately 1,491 acres in the Towns of Independence and Willin, Allegany County, New York. It is indicated that the property would be entered on the books of Storage Corporation at original cost less accumulated amortization and depreciation to the time of transfer. It is asserted that this pool produced gas from the Oriskany sandstone formation and that gas and water pressures remain in the formation which would reduce the amount of base gas otherwise required to develop the facility. It is stated that these deposits of native gas are not economically recoverable due to the presence of excessive water and that Supply Corporation anticipates that it would have no need to develop this pool for service to its existing customers in the foreseeable future. Applicants state that 13 wells presently existing at the West Independence pool which are being reworked by Supply Corporation in order to alleviate existing increased pressure conditions caused by communication with East Independence and in order to utilize 10 of these 13 wells for storage related purposes and that the 3 other existing wells are being replugged. Further, it is proposed that in addition to the existing wells, Applicants would drill 14 new wells and that, of the resulting total, 20 would be used for injection-withdrawal and 4 would be observation wells. Applicants propose to connect the injection-withdrawal wells to the existing compressor station facility serving East Independence by installation of approximately 26,000 feet of 4 and 12-inch gathering lines. Further, it is proposed that the existing East Independence compressor station would be expanded to a total capacity of 5,000 horsepower from its present level of 3,000 horsepower in order to provide required injection and withdrawal capacity to operate both the East and West Independence pools. Applicants state that when completed, the West Independence pool is to have 8,200,000 Mcf annual top gas storage capacity and ability to deliver 55,000 Mcf per day during the 150-day withdrawal cycle, and that together with the East Independence facility, there would be 11,500,000 Mcf top gas capacity available at a rate of 77,000 Mcf per day over a 150-day withdrawal cycle. It is asserted that total base gas requirements for the West Independence pool are estimated at 5,000,000 Mcf, all of which would be sold to Storage Corporation by customer utilities utilizing the storage service. Assuming receipt of appropriate authorization. Applicants propose to begin injection of base gas into the West Independence pool in July 1977 and to begin injection of customers' top storage gas in June 1978.

CONSTRUCTION OF PIPELINE

Applicants proposed to construct 17.7 miles of pipeline in Potter County, Pennsylvania, and Allegany County, New York, which would connect each of the two proposed and one existing storage field to interstate transmission facilities near Supply Corporation's Ellisburg Compressor Station near Ellisburg, Pennsylvania.

CONSTRUCTION AT EAST INDEPENDENCE

Supply Corporation proposes to construct two additional wells for injection and withdrawal of gas at the existing East Independence storage pool. It is asserted that this construction would permit East Independence to achieve its originally designed 3,300,000 Mcf annual top storage capacity with ability to deliver 22,000 Mcf of gas per day during the 150-day withdrawal period.

ABANDONMENT AND ACQUISITION OF EAST INDEPENDENCE

Supply Corporation proposes to abandon and Storage Corporation proposes to acquire and operate the East Independence storage facility as improved by the construction of the two additional wells described above. The abandonment and acquisition are proposed to occur at the beginning of the storage injection cycle on April 1, 1977. It is indicated that the consideration will be cash equal to net book cost at the time of transfer. It is asserted that service by Supply Corporation to its existing customers would not be impaired by abandonment of the East Independence facility and that Supply Corporaiton has adequate storage capacity to permit acquisition of gas at the most advantageous rates available from its suppliers without use of East Independence.

SERVICE TO BE PERFORMED

Storage Corporation proposes to render gas storage service to non-affiliated customer utilities commencing April 1, 1977, pursuant to a proposed Rate Schedule SS-1. It is indicated that for the contract years commencing April 1, 1977, 1978, and 1979, annual top storage capacity available on the basis of a 150-day withdrawal cycle is anticipated at 3,300,000 Mcf, 8,800,000 Mcf, and 11,500,000 Mcf, respectively. It is indicated that service would be rendered in the contract year 1977 through the East Independence facility and that thereafter service would be rendered through the East and West Independence facilities and such other facilities of Storage Corporation as may be hereinafter authorized. Applicants expect that with the inclusion of the Beech Hill pool the annual top storage gas capacity available for contract years commencing April 1, 1977, 1978, 1979, and 1980 would be increased to 3,300,000 Mcf, 8,800,000 Mcf, 20,300,000 and 22,000,000 Mcf, respectively. It is indicated that Supply Corporation has executed precedent agreements with six utility customers, Central Hudson Gas & Electric Co., Delmarva Power & Light Company, Elizabethtown Gas Company, Lowell Gas Company, Orange and Rockland Utilities, Inc., and UGI Corporation, which agreements would be assigned to Storage Corporation.

Applicants state that existing curtailments and anticipated curtailments of firm pipeline gas supplies to the six proposed customers of Storage Corporation require that the proposed storage facilities and service be made available as soon as possible to assure continued service to priority 1 and 2 customers. Further, it is asserted that gas which would otherwise be sold to interruptible customers and used for lower priority purposes during the summer would be made availbale for service to higher priority customers during the winter and that the proposed storage service is required to meet peak demands of customer utilities on the most economical basis available and to permit such customers to obtain volumes of gas which may become available only during the summer season.

In summary, in order to perform the foregoing proposals, Applicants request the following:

1. A certificate of public convenience and necessity authorizing: a. the acquisition and operation by Storage Corporation of the West Independence field and completion of construction at the West Independence field;

b. the acquisition by Storage Corporation on April 1, 1977, of the East Independence storage facility;

c. the construction and operation of 17.7 miles of pipeline connecting the three storage pools to the pipeline systems of interstate transmission companies near Ellisburg, Pennsylvania;

d. the operation by Storage Corporation commencing April 1, 1978, of the combined East and West Independence facilities; and

e. the rendering of storage service by Storage Corporation for up to six proposed customers in amounts reaching a maximum aggregate annual amount of 11,500,000 Mcf of gas commencing April 1, 1977.

2. Permission for and approval of the abandonment by Supply Corporation of: a. each of the foregoing facilities over which the Commission has jurisdiction at the earliest opportunity, excepting only the East Independence gas storage facility, and

b. the East Independence gas storage facilities on April 1, 1977.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in ac-

cordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27743 Filed 9-21-76;8:45 am]

[Docket No. CP76-499]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

SEPTEMBER 15, 1976.

Take notice that on August 25, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-499 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the withdrawal by Applicant from its market storage fields with existing facilities in order to support pipeline deliveries of 10,000,000 Mcf of husbanded gas in addition to presently certificated seasonal pipeline support withdrawal limitations; and (2) an increase in peak day pipeline support withdrawal limitations on its market storage fields to 2,410,000 Mcf per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to husband 10,000,000 Mcf of gas by injection into storage. Applicant states that it would be able to inject the contemplated 10,000,000 Mcf for husbanding because certificated inventory limitations on its reservoirs permit the injection of gas into storage in excess of gas required to make certificated withdrawals. Applicant requests authority to withdraw the 10,000,000 Mcf of husbanded gas annually from market storage to help maintain winter pipeline deliveries. Applicant states that it is presently certificated to withdraw gas for its own account from its market storage fields to help support its winter deliveries, subject to withdrawal limitations of 397,000 Mcf on a peak day and 39,700,000 Mcf over the winter season, in addition to certificated withdrawals to provide Rate Schedules S-1 and LS-1 service, which are customer services provided from the same market storage reservoirs. It is stated that Applicant does not make withdrawals from any specific reservoir for a specific service, nor does it attribute withdrawals from any particular reservoir to any particular service in discrete quantities. Consequently, all storage reservoirs are available on any given day to provide the withdrawals needed to meet Applicant's and its customers' storage requirements on that day.

Applicant further states that existing withdrawal limitations on its market storage fields do not permit adequate operating flexibility and maximum utilization of facilities. It is alleged that husbanding 10,000,000 Mcf of gas by injection into market storage, for withdrawal during the winter heating season, would maintain deliveries at winter entitlement levels developed based on Applicant's anticipated supply exclusive of husbanded gas, to the extent Applicant can withdraw such gas with existing facilities.

Applicant also proposes to increase the peak day withdrawal limitation for market storage to 2,410,000 Mcf. Applicant states that its storage facilities are designed to meet the simultaneous peak day storage withdrawals for its customers and for its own account. Therefore, on days when less than peak day withdrawals are being made for LS-1 and S-1 customers, additional withdrawals can be made by Applicant to support pipeline deliveries. Applicant states that the peak day withdrawal limitation requested of 2,410,000 Mcf per day would increase its flexibility to meet unanticipated supply shortages and outages on its system.

Applicant states that no new facilities would be needed to effectuate its proposal. Because Applicant's facilities are designed to meet the simultaneous, peak day withdrawal to meet customer requirements and Applicant's requirements to support pipeline deliveries, additional capacity and sufficient reservoir pressure, depending upon S-1 usage, would be available to withdraw 10,000,000 Mcf of husbanded gas over the winter season. Similarly up to 2,410,000 Mcf could be withdrawn on a peak day to support pipeline deliveries, depending upon storage inventory and S-1, and LS-1 usage on that day.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27744 Filed 9-21-76;8:45 am]

[Project No. 2292]

NEKOOSA PAPERS INC.

Application for Approval of Use of Project Lands

SEPTEMBER 14, 1976.

Public notice is hereby given that an application was filed on December 2, 1975, and supplemented on June 28, 1976, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by Nekoosa Papers Inc. (Correspondence to: Mr. Robert R. Johnson, Secretary, Nekoosa Papers Inc., Wisconsin River Drive, Port Edwards, Wisconsin 54469) for Commission approval of the use of the lands and waters of the Nekoosa Project, FPC No. 2292, for construction, operation, and maintenance thereon of two sewer lines and appurtenant facilities. The Nekoosa Project is located in Wood County, Wisconsin, on the Wisconsin River.

The sewer lines and related facilities are part of a wastewater treatment system designed to meet the requirements of National Pollutant Discharge Elimination System Permit No. WI 0003620, which was issued for Applicant's pulp and paper operations by the U.S. Environmental Protection Agency pursuant to Section 402 of the Federal Water Pollution Control Act Amendments of 1972. According to Applicant, the system was scheduled for completion by June, 1976.

As described by Applicant, the system includes a buried fiberglass pipeline 36 inches in diameter extending 11,700 feet upstream along the right bank from Applicant's Nekoosa mill, and a second fiberglass pipeline extending 6,900 feet downstream along the right bank from Applicant's Port Edwards mill. The pipelines then traverse the river through the reservoir of Project No. 2292 in a backfilled trench approximately seven feet deep, 50 feet wide, and 1,000 feet long, and extend to a joint primary wastewater treatment facility located on the left bank of the river outside the project boundary.

A nozzle-type diffuser 48 inches in diameter extends from the wastewater treatment plant approximately 840 feet into the river-bottom trench for the pipeline crossing and discharges treated effluent into the river. Five electrical ducts five inches in diameter and 1,075 feet long and a schedule 40 mild steel pipeline are also buried in the trench for the river crossing. Applicant states that the system facilities utilize approximately 6.1 acres of project lands.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Section 308 and 309 of the Federal Power Act, 16 U.S.C. § 825g and § 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b), 18 C.F.R. § 1.32(b) (1976), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein and if Applicant requests that the shortened procedure of Section 1.32(b) be used. If an issue of substance is so raised or Applicant fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27734 Filed 9-21-76;8:45 am]

[Docket No. RP73-48; PGA76-5]

NORTHERN NATURAL GAS CO., PEOPLES NATURAL GAS DIVISION

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

SEPTEMBER 14, 1976.

Take notice that Peoples Natural Gas Division of Northern Natural Gas Company (Northern) on August 27, 1976, tendered for filing Thirteenth Revised Sheet No. 3a of its F.P.C. Gas Tariff, Original Volume No. 4. Northern states that the proposed change to become effective October 1, 1976, would increase the rate per Mcf to jurisdictional customers by 4.89¢ per Mcf. Northern states that this increase reflects an increase in rates by Colorado Interstate Gas Company, resulting from a general rate increase filing at Docket No. RP76-76, and a Purchased Gas Adjustment. Northern states that Colorado Interstate is the pipeline supplier to Peoples for sales made under Volume No. 4.

Northern states that copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 29, 1976. 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 the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27720 Filed 9-21-76;8:45 am]

[Docket No. CP76-491]

NORTHWEST PIPELINE CORP.

Application

SEPTEMBER 14, 1976.

Take notice that on August 19, 1976, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-491 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain gas purchase and gas sales facilities located along Applicant's pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the following facilities:

1. *Rangely Lateral Pipeline and Union Pacific Meter Station.* — Approximately 1.127 miles of 6⅝-inch pipeline and a 6-inch standard orifice meter station located in Rio Blanco County, Colorado, used for the receipt of residue gas which is said no longer to be available.

2. *Harry Royster Well No. 1 Well Tie—Bar X Field.*—Approximately 2.223 miles of 4½-inch pipeline located in Grand County, Utah, connecting the Royster Well to Bar X Field Lateral used for the receipt of gas said no longer to be available.

3. *Uintah Oil Company Sales Meter Station.*—A 2-inch tap and 4-inch standard orifice meter station located in Uintah County, Utah, used for sale of gas to Utah Gas Service Company (Utah) for resale to Uintah Oil Company and other industrial customers, which service is said no longer to be required by Utah.

4. *Escalante Land and Cattle Company Tap.*—A 2-inch tap and valve located in Uintah County, Utah, used for sale of gas to Utah for resale to Escalante Land and Cattle Company, which service is said no longer to be required by Utah.

5. *Dolores Meter Station.*—A 2-inch standard orifice meter station and approximately 100 feet of 2⅜-inch pipeline located in Montezuma County, Colorado, used for sale of gas to Rocky Mountain Natural Gas Company for resale in Dolores, Colorado, which service is said no longer to be required because service for Dolores is now provided by Peoples Natural Gas Division of Northern Natural Gas Company together with distribution service for Cortez, Colorado.

6. *Vernon W. Goldsmith Tap.* — A 2-inch tap and valve assembly located in Elmore County, Idaho, used for sale of gas to Intermountain Gas Company (Intermountain) for resale to Vernon W. Goldsmith, which service is said no longer to be required by Intermountain.

7. *Idaho State Penitentiary Tap and Meter Station.*—A 2-inch tap and valve assembly located in Ada County, Idaho, used for sale and delivery of gas to Intermountain for resale to the Idaho State Penitentiary, which service is said presently to be provided at a new tap.

8. *Grotto Lateral and Grotto Tap.*—Approximately 17.290 miles of 4½-inch pipeline and a 4-inch tap and valve assembly located in King County, Washington, used for sale of gas to Washington Natural Gas Company for resale to Ideal Cement Company, which service is said to be discontinued.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-27735 Filed 9-21-76;8:45 am]

[Docket No. CP76-104]

PACIFIC INTERSTATE TRANSMISSION CO.

Proposed Changes in FPC Gas Tariff Pursuant to Purchased Gas Cost Adjustment Provision

SEPTEMBER 14, 1976.

Take notice that Pacific Interstate Transmission Company (Pacific Interstate) on August 16, 1976, tendered for filing as part of its FPC Gas Tariff, Original Volume No. 2, the following sheets:

Second Revised Sheet No. 4.
First Revised Sheet No. 5.

The proposed effective date of both of these tendered tariff sheets and the rates reflected thereon is October 1, 1976.

Pacific Interstate states that the tariff sheets listed above are filed pursuant to the Purchased Gas Cost Adjustment (PGCA) Provision as set forth in Section 16 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 2. Pacific Interstate states that the change in its rates reflects a Cost of Gas Adjustment (so that Pacific Interstate's rates may reflect its current cost of purchased gas) and a Surcharge Adjustment (so that the balance is Pacific Interstate's Unrecovered Purchased Gas Cost Account may be amortized over a six-month period beginning October 1, 1976).

In addition to the above tendered tariff sheets, Pacific Interstate also tendered for filing as part of its FPC Gas Tariff, Original Volume No. 2, the following sheets:

First Revised Sheet No. 36.
Second Revised Sheet No. 38.

The proposed effective date of both of these tendered tariff sheets is also October 1, 1976.

Pacific Interstate states that First Revised Sheet No. 36 and Second Revised Sheet No. 38 add language to Section 16 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 2 to provide for the inclusion of carrying charges on the debit or credit balance in Account No. 191—Unrecovered Purchased Gas Costs.

Pacific Interstate states that the PGCA rate change reflected on Second Revised Sheet No. 4 and First Revised Sheet No. 5 does not reflect the proposed carrying charge provisions contained in First Revised Sheet No. 36 and Second Revised Sheet No. 38.

Pacific Interstate states that copies of the filing have been served on all authorized purchasers, interested state regulatory commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27721 Filed 9-21-76;8:45 am]

[Docket No. RP73-36; PGA76-3a and DCA76-2]

PANHANDLE EASTERN PIPE LINE CO.

Change in Tariff

SEPTEMBER 14, 1976.

Take notice that on August 26, 1976, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Substitute Alternate Seventeenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, such sheet to be effective August 1, 1976, for one (1) day only.

Panhandle submits that this revised sheet is filed in accordance with provisions of the Commission's order issued July 30, 1976 in the above-referenced docket, and reflects the recomputation of the PGA portion of Panhandle's June 15, 1976 filing in this proceeding to exclude all amounts attributable to purchases at rates above levels established by the Commission. Panhandle states that also, a rate adjustment has been made to reflect a Pipeline Supplier rate change to be effective August 1, 1976.

Panhandle states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 1, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27722 Filed 9-21-76;8:45 am]

[Docket No. RM76-29]

ELECTRIC RATE SCHEDULE FILINGS REQUIREMENT FOR FILING OF COMPARATIVE RATE INFORMATION IN CERTAIN SITUATIONS

Policy Statement

SEPTEMBER 14, 1976.

Take notice that the Honorable Larry J. Wallace, Chairman of the Indiana Public Service Commission will replace the Honorable Alfred E. Kahn, Chairman of the New York Public Service Commission as a member of the Board of Consultants in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27750 Filed 9-21-76;8:45 am]

[Docket No. ER76-884]

SOUTHERN CALIFORNIA EDISON CO.

Tariff Change

SEPTEMBER 14, 1976.

Take notice that on August 30, 1976, Southern California Edison Company (Edison) tendered for filing a February 11, 1974, agreement with the City of Pasadena (Pasadena) representing a change in provisions of Rate Schedule FPC No. 55 where it involves the Pasadena-Edison 220 kV Interchange Agreement.

The proposed change provides for the return of energy in lieu of a cash settlement as an alternate method of payment for energy associated with emergency service.

Service has not been rendered under this proposed amendment since its date of execution.

Copies of this filing were served upon Pasadena and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before September 27, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a

petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27731 Filed 9-21-76;8:45 am]

[Project No. 2016]

CITY OF TACOMA

Application for Amendment of License

SEPTEMBER 14, 1976.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. §§ 791a–825r) by the City of Tacoma (correspondence to: Mr. A. J. Benedetti, Director, Department of Public Utilities, City of Tacoma, P.O. Box 11007, Tacoma, Washington 98411) for amendment of Exhibit R to its license for the constructed Cowlitz River Project No. 2016, located on the Cowlitz River in Lewis County, Washington.

The Commission approved Licensee's Exhibit R by order issued on February 3, 1975, and required the further filing within six months of plans for the scheduled development of two additional public boat launching sites accessible by road at Davisson Lake, one of which was to be developed within one year following Commission approval. After requesting and receiving an extension of time, the current plan was submitted. Licensee now proposes to begin construction of one site within one year of approval of the site and requests that the second ordered boat launch site be deferred pending demonstrable need.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 31, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 CFR 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised, or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27716 Filed 9-21-76;8:45 am]

[Docket No. RP74-41; PGA 76-7]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 14, 1976.

Take notice that Texas Eastern Transmission Corporation (TETCO) on August 26, 1976 tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Twenty-second Revised Sheet No. 14
Twenty-second Revised Sheet No. 14A
Twenty-second Revised Sheet No. 14B
Twenty-second Revised Sheet No. 14C
Twenty-second Revised Sheet No. 14D.

TETCO states that these sheets are being issued pursuant to the Purchased Gas Cost Adjutment provision contained in Section 23 of the General Terms and Conditions of Texas Eastern's FPC Gas Tariff, Fourth Revised Volume No. 1. TETCO states that the change in Texas Eastern's rates proposed by this filing reflects a change in the cost of gas purchased from Texas Eastern's pipeline supplier, United Gas Pipe Line Company, upon United's general rate increase filing in Docket No. RP76-84, as adjusted for United's July 2, 1976 PGA. TETCO states that it will amend its filing if and when United moves to place into effect Docket No. RP76-84 rates which differ from those upon which this filing is based. The proposed effective date of the above tariff sheets is October 9, 1976.

TETCO states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 29, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27724 Filed 9-21-76;8:45 am]

[Docket Nos. G-1964, G-12706, G-18841 and RP65-59]

TEXAS EASTERN TRANSMISSION CORP.

Refund Plan

SEPTEMBER 14, 1976.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on May 7, 1976 tendered for filing a proposed plan of refund to flow-through monies received from United Gas Pipe Line Company (United) pursuant to the Commission's Order issued March 8, 1976 in United's Docket Nos. G-16380, G-16382, RP61-18, RP63-1 and RP65-1.

Texas Eastern states that it proposes to flow-through to its jurisdictional customers $1,139,798.59 of the $1,222,229.22 received from United by crediting the balance of its Gas Cost Adjustment Account as provided for in Section 23.8 of the General Terms and Conditions of its FPC Gas Tariff, Fourth Revised Volume No. 1.

Texas Eastern states that copies of this filing were served upon the company's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27723 Filed 9-21-76;8:45 am]

[Docket Nos. RP73-69, RP74-48 and RP75-3]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Filing of Refund Report

SEPTEMBER 15, 1976.

Take notice that on April 23, 1976, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing a refund report. Transco states that in accordance with Article VII 2(b) of Transco's approved settlement agreement in Docket No. RP73-69 and Article III, Section 5:2(b) of the approved settlement agreement in Docket Nos. RP74-

48 and RP75–3, Transco distributed on March 31, 1976 to its S–2 customers the amount of refund received from Texas Eastern Transmission Corporation in compliance with Commission Orders issued September 17, 1975, November 14, 1975 and January 26, 1976 in Texas Eastern's Docket No. RP74–41.

Transco filed the following:

(1) A statement showing the distribution by customer of the refund received from Texas Eastern.

(2) A gas service refund statement which Transco states it mailed to each customer receiving refunds.

Transco states that a copy of the statement referred to in (1) above has been served on each of the customers shown on such statement.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 24, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–27746 Filed 9–21–76;8:45 am]

[Docket No. CP76–495]

TRUNKLINE GAS CO.

Application

SEPTEMBER 15, 1976.

Take notice that on August 23, 1976, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76–495 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport for United Gas Pipe Line Company (United) up to 50,000 Mcf of gas per day on a firm basis and an additional 20,000 Mcf of gas per day on a best-efforts basis, tendered in West Cameron Blocks 532, 533, 586, and 587 offshore Louisiana at the existing facilities of Stingray Pipeline Company (Stingray) and delivered to the interconnection between Stingray and Natural Gas Pipeline Company of America near Holly Beach, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has transportation capacity available on a temporary basis within its transportation quantity in the Stingray system. Further, Applicant states that United anticipates having gas available from the blocks presently attached to Stingray in excess of United's transportation quantity in the Stingray system. The transportation service would be for a term of 18 months from the date Stingray's pipeline facilities are completed and placed in service, estimated to be on October 1, 1976. It is stated that no other facilities are required by Applicant or Stingray to implement the proposed service.

Applicant alleges that the proposed transportation service would permit United to utilize Applicant's capacity during the period United has additional gas volumes available while at the same time Applicant retains the transportation capacity in the Stingray system for anticipated future deliveries.

Applicant proposes the same terms and conditions for the limited term transportation service as presently govern Stingray's transportation for United the application states. United would pay a minimum monthly charge to Applicant for the firm volumes at the same rate Applicant pays to Stingray under Stingray's Rate Schedule T–1. For monthly volumes above United's present monthly transportation and the firm volume proposed to be transported by Applicant, United will pay a volumetric rate. Thus, it is maintained, United would pay no more than Applicant must pay for the transportation of the same quantities of gas through the Stingray facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 1, 1976, file with the Federal Power Commission, Washington, D. C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–27747 Filed 9–21–76;8:45 am]

[Docket No. CP76–497]

UNITED GAS PIPE LINE CO.

Application

SEPTEMBER 15, 1976.

Take notice that on August 23, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76–497 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of a new delivery point and metering and regulating facilities to be located on Applicant's site in Livingston Parish, Louisiana, for delivery directly to Town of Livingston, Louisiana, (Livingston) of up to 581 Mcf of natural gas daily for resale to that community, as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the proposed facilities would provide separate delivery points for Livingston and Town of Walker, Louisiana (Walker) which are currently served by a common delivery point. Walker would continue to be served through the existing meter and regulator station. It is stated that Applicant would deliver 2,324 Mcf of gas daily to Walker and 581 Mcf of gas daily to Livingston. Applicant maintains that the effective total daily quantity to be delivered to both Livingston and Walker would not be increased from the present 2905 Mcf.

Applicant states that construction would be done at Livingston's expense, estimated to be $12,625, and that Walker is agreeable to the proposed construction. Applicant proposes to begin construction on the facilities as soon as a certificate is issued.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of

the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27748 Filed 9-21-76;8:45 am]

[Docket No. ER76-886]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement

SEPTEMBER 14, 1976.

Take notice that on August 31, 1976, Virginia Electric and Power Company (VEPCO) tendered for filing a contract supplement dated July 14, 1976, to the Agreement designated as VEPCO's Rate Schedule FPC No. 87-27 between VEPCO and Virginia Electric Cooperative, according to VEPCO.

VEPCO states that said supplement requests Commission authorization for connection of a new delivery point (Deerfield) located approxmiately 1.8 miles west of the interesection of I-95 and Route 620 in Spotsylvania County, Virginia.

VEPCO requests an effective date as that of the date of connection of facilities which it to occur sometime in October, 1976; and requests waiver of the requirement of filing billing data.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 29, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27725 Filed 9-21-76;8:45 am]

[Docket No. ER76-880]

WESTERN POWER DIVISION, CENTRAL TELEPHONE AND UTILITIES CORP.

Filing of Addendum to Contract

SEPTEMBER 14, 1976.

Take notice that on August 27, 1976, Western Power Division, Central Telephone & Utilities Corporation (CTU) tendered for filing an Addendum dated July 1, 1976, to the Contract between CTU and the Viceroy Electric Cooperative Association, Inc., dated October 31, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27732 Filed 9-21-76;8:45 am]

[Docket No. ER76-882]

WISCONSIN POWER AND LIGHT CO.

Revised Rate Schedules

SEPTEMBER 14, 1976.

Take notice that on August 30, 1976, Wisconsin Power and Light Company tendered for filing revised rate schedules Rate W-2, Resale Service to Rural Cooperatives, and Rate W-3, Resale Service.

Wisconsin states that the filing is made to incorporate in each of the affected rate schedules the necessary statement regarding unilateral rate change applications in compliance with FPC Order No. 541 and 541-A, and requests an effective date of August 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27726 Filed 9-21-76;8:45 am]

[Docket No. CP76-496]

WESTERN TRANSMISSION CORP.

Application

SEPTEMBER 15, 1976.

Take notice that on August 23, 1976, Western Transmission Corporation (Applicant), 2700 Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP 76-496 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing September 1, 1976, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant estimates that the total cost of the proposed facilities would not exceed $500,000 and that no single project would exceed a cost of $125,000. These costs would be financed with cash on hand, cash generated from normal internal sources, and cash from short-term bank loans and other short-term borrowings.

Section 157.7(b) provides, *inter alia*, that the total cost of the proposed facilities may not exceed 2 percent of an applicant's gas plan (Account 101, Uniform System of Accounts Prescribed for Natural Gas Companies). Applicant states that the proposed $500,000 total project expenditures would exceed 2 percent of Applicant's gas plant and requests a waiver of the 2 percent limitation for the following reasons:

1. Applicant anticipates that as a result of Commission Opinion No. 770 additional exploration and development activities will be undertaken in the area served by Applicant;

2. Applicant is presently negotiating exchange agreements with other purchasers in the area served by Applicant which will necessitate the connection of additional wells by Applicant;

3. Due to the remoteness of the area and adverse weather conditions, Applicant anticipates that it will incur a higher than average well connecting cost; and

4. Applicant's plans for acquiring these new gas supplies and for exchanging gas will be severely limited and curtailed if Applicant's request for waiver is denied.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 6, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a

proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27749 Filed 9-21-76;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Docket No. 6-76]

FOREIGN-TRADE ZONE NO. 7 MAYAGUEZ, PUERTO RICO

Withdrawal of Notice Regarding the Investigation Pursuant to 15 CFR §§ 400.807 and 400.1302 To Determine Whether Certain Meat Processing Operations Are Detrimental to the Public Interest

The Foreign-Trade Zones Board (the Board) hereby withdraws the notice of July 27, 1976 (41 FR 31618; July 29, 1976) which ordered that an investigation be made by the Board's Committee of Alternates to determine whether the processing of foreign meat covered by TSUS 106.10 within Foreign-Trade Zone No. 7 at Mayaguez, Puerto Rico is detrimental to the public interest (Docket No. 6-76).

That investigation was initiated at the request of the Secretary of Agriculture who on July 13, 1976, wrote the Chairman of the Board requesting exclusion of certain meat processing activities in Foreign-Trade Zone No. 7 at Mayaguez, Puerto Rico, on the grounds that these activities are detrimental to the public interest. A copy of the Secretary of Agriculture's request was appended to the FEDERAL REGISTER notice published on July 29, 1976 regarding the matter.

By letter of September 15, 1976, Assistant Secretary of Agriculture for International Affairs and Commodity Programs, Richard E. Bell, withdrew the request of the Secretary of Agriculture of July 13, 1976. In view of Mr. Bell's letter, a copy of which is appended to this notice, the investigation ordered in the Board's FEDERAL REGISTER notice published July 29, 1976 (41 FR 31618) is hereby withdrawn. Likewise, the investigative hearing announced in the Board's FEDERAL REGISTER notice published August 18, 1976 (41 FR 35047), which was originally scheduled for August 24, 1976 is also cancelled. This notice in no way precludes the Board from conducting other investigations or from taking appropriate action in the future under Section 400.807, or any other provision of its regulations, concerning operations in any foreign-trade zone involving the processing or other manipulation of foreign meat.

By Direction of the Foreign Trade Zones Board.

JOHN J. DA PONTE, Jr.,
Executive Secretary, Foreign-Trade Zones Board.

SEPTEMBER 17, 1976.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., September 15, 1976.

HON. ELLIOTT L. RICHARDSON,
Chairman,
Foreign-Trade Zones Board,
U.S. Department of Commerce,
Washington, D.C.

DEAR MR. CHAIRMAN: This Department hereby withdraws the request contained in its letter of July 13, 1976, that the Foreign-Trade Zone Board make an investigation with respect to the processing of meat in the Foreign-Trade Zone at Mayaguez, Puerto Rico.

Sincerely,

RICHARD E. BELL,
Assistant Secretary.

[FR Doc.76-27712 Filed 9-21-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-18]

MONOLITHIC CATALYTIC CONVERTERS

Termination of Investigation

Upon consideration of the Presiding Commissioner's Recommended Determination and the record in this proceeding:

The Commission hereby orders the termination of investigation No. 337-TA-18, monolithic catalytic converters, based upon a finding that no violation of section 337 exists.

Copies of the Commission's Memorandum Opinion in support of the Commission action are available to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436. Notice of institution of the investigation was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30879).

Issued: September 16, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-27779 Filed 9-21-76;8:45 am]

LEGAL SERVICES CORPORATION

LEGAL ASSISTANCE OF NORTH DAKOTA

Grants and Contracts

SEPTEMBER 17, 1976.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project . . ."

The Legal Services Corporation hereby announces publicly that it is considering the application for grant submitted by Legal Assistance of North Dakota, Bismarck, North Dakota.

Additional information may be obtained by writing the Legal Services Corporation, 733 Fifteenth Street, N.W. Suite 700 Washington D.C. 20005.

THOMAS EHRLICH,
President.

[FR Doc.76-27663 Filed 9-21-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463 that a meeting of the National Advisory Council on Extension and Continuing Education will be held on October 7 and 8, 1976, at the Hyatt Regency Hotel at 400 New Jersey Avenue, NW., Washington, D.C. The main business meetings of the Council will occur on October 7, from 2:00 p.m. to 5:00 p.m.; and on October 8, from 9:00 a.m. to 1:00 p.m. in the Bunker Hill Room at the Hyatt Regency Hotel.

The National Advisory Council on Extention and Continuing Education is authorized under Pub. L. 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meetings of the Council will be open to the public. The primary items on the agenda for these meetings will include: (1) The swearing-in of new members of the Council; (2) a review of the Council's budget and anticipated operating expenses for FY 77; (3) a review of the activities of the Council's standing committees; (4) a review of recent Congressional actions regarding the reauthorization of title I of the Higher Education Act of 1965; (5) a scheduling of activities for the coming year; and (6) such other items that members may bring before the Council.

Prior to these business meetings, the staff of the Council will also conduct an orientation program for new members of the Council. This session is scheduled for Wednesday, October 6, from 1:30 p.m. to 5:00 p.m. in the Council's Office at 425 Thirteenth Street, NW., Washington, D.C. Also, on Thursday, October

7, from 9:00 a.m. to 1:00 p.m. in the Bunker Hill Conference Room at the Hyatt Regency Hotel, there is a meeting scheduled of the Continuing Education Policy Committee of the Council. The committee will review its planning activities in preparation of a national invitational conference on Continuing Education, Manpower Policy, and Lifelong Learning. All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 Thirteenth Street, NW., Washington, D.C.

Dated: September 16, 1976.

JAMES A. TURMAN,
Executive Director.

[FR Doc.76-27647 Filed 9-21-76;8:45 am]

NATIONAL LABOR RELATIONS BOARD

CHAIRMAN'S TASK FORCE ON THE NATIONAL LABOR RELATIONS BOARD

Meeting

The Chairman's Task Force on the National Labor Relations Board will hold open meetings at 9:00 a.m. on Tuesday, October 5, 1976, and at 9:00 a.m. Wednesday, October 6, 1976 at the facilities of the National Labor Relations Board, 1717 Pennsylvania Avenue, N.W., Washington, D.C., 20570.

The agenda for the meetings will be a continuation of Task Force and subcommittee consideration of suggestions or proposals for changes or revisions of Agency practices and procedures within the purview of the Task Force responsibilities for review and evaluation of the existing structure, practice and procedure of the National Labor Relations Board.

Requests for further information on the meeting should be addressed to Mr. Earl D. Proctor, Secretary for the Task Force. He may be reached by telephone on (202) 254-8047. Any member of the public will be permitted to file a written statement specifically on the National Labor Relations Board Rules and Regulations with the Task Force.

Dated this 17th day of September 1976 in Washington, D.C.

JOHN C. TRUESDALE,
Executive Secretary.

[FR Doc.76-27783 Filed 9-21-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of Management and Budget on Sept. 15, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the Reviewer listed.

NEW FORMS

ACTION

Needs for Assistance, Basic Organization Interview—staff, volunteer and recipient variations, single-time, sample of volunteer organizations in 6 sites, Warren Topelius, 395-5872.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Noise Quality Data Questionnaire, on occasion, air travelers, Strasser, A., 395-5867.

DEPARTMENT OF DEFENSE

Departmental and Other DOD Contractor Report of Foreign Purchases, on occasion, contractors, National Security Division, Raynsford, R., 395-4734.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Antibiotic Application, FD-1675, on occasion, antibiotic manufacturers, Warren Topelius, 395-5872.

Center for Disease Control, Study on the Efficacy of Nosocomial Infection Control, (senic project), CDC-4.522 I—single-time, representative sample of short term, general hospitals, Richard Eisinger, 395-6140.

National Institute of Education:
- Survey of External Degree Programs, single-time, program officers in external degree institutes, Kathy Wallman, 395-6140.
- Community Survey, 160, single-time, households in 10 rural school districts, Kathy Wallman, 395-6140.

REVISIONS

VETERANS ADMINISTRATION

Certification of Monument Data, 40-4964, on occasion, next of kin of deceased veterans, Warren Topelius, 395-5872.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
- December Enumerative Survey (livestock operations), annually, farmers, Hulett, D.T., 395-4730.
- Cotton Objective Yield Survey, CE-12-33A, Other (see SF-83), Cotton Producers, Hulett, D.T., 395-4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, School System Summary Report, OS-50-75-A, annually, public elementary and secondary school systems, Kathy Wallman, 395-6140.

Office of Education, Application for School Assistance in Federally Affected Areas (Title I of P.L. 81-874), OE-4019, annually, local education agencies, Caywood, D. P., 395-3443.

Office of the Secretary, Individual School Campus Report and Continuation Sheet, OS-8-76B, annually, public elementary and secondary schools, Kathy Wallman, 395-6140.

Social Security Administration, Agreement to Refund Overpayment, SSA-633, on occasion, persons entitled to Social Security who have been overpaid, Caywood, D. P., 395-3443.

Office of Education, FMC-74-7 application for the gifted and talented program, OE 9048, annually, SEA's, LEA's, IHE's, Caywood D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Registration of Shell Egg Handlers, PY155, on occasion, egg handlers, Warren Topelius, 395-5872.

DEPARTMENT OF DEFENSE

Department of the Air Force, Teardown Deficiency Report (discovered during repair), AFLC-399, on occasion, manufacturing and repair contractors, Warren Topelius, 395-5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, Applicant Profile Card, NIE 21, on occasion, educational researchers, Marsha Traynham, 395-4529.

DEPARTMENT OF JUSTICE

Offices, Boards, Divisions:
- Amendment to Registration or Supplemental Registration Reports, (foreign agents), DJ-307, on occasion, registrants, Warren Topelius, 395-5872.
- Supplemental Registration Statements of Individuals (foreign agents), DP-302, semi-annually, registrants, Warren Topelius, 395-5872.
- Dissemination Report (Transmittal of political propaganda), DJ-310, on occasion, registrants, Warren Topelius, 395-5872.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-27906 Filed 9-21-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9443; (811-248)]

ADAMS EXPRESS CO.

Filing of Application

SEPTEMBER 15, 1976.

Notice is hereby given that on July 9, 1976, The Adams Express Company, 522 Fifth Avenue, New York, New York ("Applicant"), registered as a closed-end, diversified management investment company under the Investment Company Act of 1940 ("Act") filed an application pursuant to Section 8(f) of the Act for an order of the Commission declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, incorporated under the laws of the State of New York, registered under the Act on November 1, 1940. On February 12, 1976, the respective Boards of Directors of Applicant and The Adams Express Company, a newly organized

Maryland corporation ("Adams Maryland") wholly-owned by Applicant, approved and adopted the Plan and Agreement of Reorganization (the "Plan"). The Plan provided that Applicant change its state of incorporation from New York to Maryland by transferring all of its business and assets to Adams Maryland in exchange for shares of Adams Maryland Common Stock. The Plan was duly approved by the Applicant, as the sole stockholder of Adams Maryland, on February 12, 1976, and by Applicant's shareholders on March 30, 1976 at its annual meeting of shareholders. On May 28, 1976, the reincorporation was consummated and Adams Maryland acquired all of the business and assets and assumed all of Applicant's obligations and liabilities, and the stockholders of Applicant became stockholders of Adams Maryland. Since May 28, 1976, Adams Maryland which is registered as a closed-end diversified investment company under the Act, has conducted the business previously conducted by Applicant. Applicant has ceased doing business and will be dissolved.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order which may be made upon appropriate conditions if necessary for the protection of investors, and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 8, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of the interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application may be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–27669 Filed 9–21–76;8:45 am]

[Rel. No. 9439; (812–3998)]

CARDINAL CORPORATE INCOME TRUST ET AL.

Application for Order of Exemption

SEPTEMBER 14, 1976.

In the matter of Cardinal Corporate Income Trust, Series 101 (and subsequent series) and the Ohio Company, 51 North High Street, Columbus, Ohio 43215.

Notice is hereby given that Cardinal Corporate Income Trust, Series 101 ("Series 101"), a unit investment trust registered under the Investment Company Act of 1940 (the "Act"), and its sponsor, The Ohio Company (the "Sponsor") (hereinafter the Sponsor and Series 101 are referred to collectively as "Applicants"), filed an application pursuant to Section 6(c) of the Act for an order of the Commission exempting Series 101 (and subsequent series) (hereinafter referred to collectively as the "Trust" and severally as "Series") from the provisions of Section 14(a) of the Act and exempting the frequency of capital gains distributions of the Trust and the secondary market operations of Sponsor from the provisions of Rule 19b–1 and Rule 22c–1, respectively, under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Sponsor has filed a Form S–6 Registration Statement under the Securities Act of 1933 ("1933 Act") covering a maximum of 7,500 Units of fractional undivided interests in Series 101 (hereinafter called "Units") to be offered to investors at a public offering price set forth in the prospectus included in the S–6 Registration Statement. The number of Units being registered includes 2,500 Units which will be resold from time to time by the Sponsor in connection with its secondary market activities. The 1933 Act Registration Statement has not yet become effective. The Sponsor has also filed a Form N–8A Notification of Registration and a Form N–8B–2 Registration Statement under the Act relating to the Trust. Applicants requests that the exemptive order be issued by the Commission on or about September 30, 1976, due to the compelling circumstance that if the Sponsor does not have the Units available for sale on that date there is a very substantial likelihood that customers of the Sponsor who have indicated an interest in buying a large amount of the Units will invest their funds elsewhere.

Cardinal Corporate Income Trust, Series 101, and each subsequent Series will be governed by a trust agreement for each such Series (hereinafter called the "Agreement"), which will be executed on the day preceding the effectiveness of the registration of each Series with the Securities and Exchange Commission, and under which the Sponsor will act as such, The United States Trust Company of New York will act as Trustee, New England Merchants National Bank will act as Co-Trustee and Interactive Data Services, Inc. will act as Evaluator. The Agreement for each Series will contain standard terms and conditions of trust common to all Series. Pursuant to the Agreement for Series 101, the Sponsor will deposit with the Trustee not less than $5,000,000 principal amount, par value or stated value of corporate debt obligations and fixed-dividend preferred stock (such securities so deposited for any Series hereinafter being referred to as the "Underlying Securities") which the Sponsor shall have accumulated for such purpose. Simultaneously with such deposit the Trustee will deliver to the Sponsor registered certificates for not less than 5,000 Units which will represent the entire ownership of Series 101. These Units are in turn to be offered for sale to the public by the Sponsor.

Applicants state that the Underlying Securities will not be pledged or be in any other way subjected to any debt at any time after the Underlying Securities are deposited with the Trustee, except for the fees of, and the expenses incurred by, the Trustees in connection with the Trust. All of such Underlying Securities will be fixed income securities, the income on which is subject to Federal income taxation. In selecting the Underlying Securities, the following factors are to be considered: (i) The selection of the Underlying Securities which comprise the portfolio of the Trust will be based largely upon the experience and judgment of the Sponsor and will not necessarily be limited or guided by any rating service. All Underlying Securities, however, will have a rating of BBB or better by Standard & Poor's Corporation or Fitch Investors Service, Inc., or Baa or better by Moody's Investor Service, Inc., or if unrated, will have substantially equivalent characteristics in the opinion of the Sponsor; (ii) the yield and price of the Underlying Securities relative to other fixed income securities of comparable quality and maturity; (iii) The diversification of the portfolio of each Series; and (iv) Income to the Unit holders of each Series.

The assets of each Series will consist of the Underlying Securities initially deposited (including such other fixed-income securities as may continue to be held from time to time in exchange or substitution for any of the Underlying Securities upon certain refundings), accrued and undistributed income and undistributed cash. Certain of the Underlying Securities may from time to time be sold under the special circumstances set forth in the Agreement or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to Unit holders and not reinvested. There is no provision in the Agreement for the sale and reinvestment of the Underlying Securities and such activity will not take place.

Each Unit of a Series will represent a fractional undivided interest in that Series. The numerator of the fractional interest represented will be 1; the denominator, the number of Units then in the particular Series. Units will be redeemable. In the event that any Units shall be

redeemed, the denominator of such fraction will be reduced and the fractional undivided interest represented by each Unit outstanding will be increased. Units will remain outstanding until redeemed or until the termination of the Agreement. The Agreement may be terminated with respect to any particular Series upon approval by 66⅔ percent of the Unit holders of such Series or, in the event that the value of the Underlying Securities in a particular Series shall fall below 20 percent of the principal amount of the Underlying Securities initially deposited in such Series, upon direction of the Sponsor to the Trustee. There is no provision in the Agreement for the issuance of any Units after the initial public offering of Units (except to the extent that the secondary trading by the Sponsor in the Units is deemed the issuance of Units under the Act) and such activity will not take place.

While the Sponsor undertakes no obligation to do so, it is its intention to maintain a market for Units of each Series and continuously to offer to purchase such Units at prices in excess of the redemption prices as set forth in the Agreement. In the absence of such a market, Unit holders may only be able to dispose of their Units by tendering them to the Trustee for redemption.

Section 14(a):

Section 14(a) of the Act requires that a registered investment company, prior to making a public offering of its securities, (a) have a net worth of $100,000, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provisions of Section 14(a) in order that a public offering of Units of Series 101 and subsequent Series as described above may be made. In connection with the requested exemption from Section 14(a), the Sponsor agrees (i) to refund on demand and without deduction the sales load to purchasers of Units of any Series if, within 90 days after the registration of a Series under the 1933 Act becomes effective, the net worth of such Series shall be reduced to less than $100,000, or if such Series is terminated; (ii) to instruct the Trustee on the date the Underlying Securities are deposited in each Series that if any Series shall at any time have a net worth of less than 20% of the principal amount of Underlying Securities initially deposited in such Series as a result of redemption by the Sponsor of Units constituting a part of the unsold Units, the Trustee shall terminate such Series in the manner provided in the Agreement and distribute any Underlying Securities or other assets deposited with the Trustee pursuant to the Agreement as provided therein; and (iii) in the event of termination for the reasons described in (ii) above, to refund any sales load to any purchaser of Units purchased from the Sponsor on demand and without any deduction.

Rule 19b–1:

Rule 19b–1(a) provides in substance that no registered investment company which is a "regulated investment company" as defined in Section 851 of the Internal Revenue Code of 1954, as amended, shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Distributions of principal and income to Unit holders of each Series are to be made quarterly. Distributions of principal constituting capital gains to Unit holders may arise in two instances: (1) if the issuer calls or redeems an issue held in the portfolio of any Series, the sums received by such Series will be distributed to a Unit holder on the next distribution date; and (2) if Units are redeemed by the Trustee and Underlying Securities from the portfolio are sold to provide the funds necessary for such redemption, each Unit holder will receive his pro rata portion of any proceeds remaining from the sale of the Underlying Securities after such redemption. In such instances, a Unit holder may receive as part of his distribution funds which constitute capital gains, since in some cases the value of the Underlying Securities redeemed or sold may have increased since the date of initial deposit with the Trustee.

As noted, paragraph (b) of Rule 19b–1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. Applicants assert that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end, and that the operations of the Trust in this regard are squarely within the purpose of such provision. However, in order to comply with the literal requirements of the Rule, each Series of the Trust would be forced to hold any monies which would constitute capital gains upon distribution until the end of its taxable year. Applicants contend that such a practice would clearly be to the detriment of the Unit holders.

In support of the requested exemption, the application states that the dangers against which Rule 19b–1 is intended to guard do not exist in the situation at hand since neither the Sponsor nor any Trustee has control over events which might trigger capital gains, i.e., the tendering of Units for redemption and the prepayment of portfolio securities by their issuers. In addition, it is alleged that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal income distribution, and such distributions are clearly indicated in accompanying reports to Unit holders as capital gain distributions.

Rule 22c–1:

Rule 22c–1 provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants represent that, following the initial public offering period, the Sponsor intends to offer to purchase the Units of each Series in the secondary market at prices based on the offering side evaluation of the Underlying Securities in each Series, determined on the last business day of each week, effective for all sales made during the following week. Applicants assert that the pricing by the Sponsor in the secondary market will not adversely affect the assets of any Series, and that the public Unit holders will benefit from such pricing procedure by receiving a normally higher repurchase price for their Units without the cost burden of daily evaluations of the Unit redemption value. In addition, Applicants state that the Sponsor has undertaken to adopt a pricing procedure whereby the Evaluator will provide estimated evaluations on trading days between formal evaluations. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsor will order a full evaluation. The Sponsor agrees, in the case of resale of Units in the secondary market, that if the Evaluator cannot state that the previous Friday's price is not more than one-half point ($5.00 on a unit representing $1,000.00 of Underlying Securities) greater than the current offering price, a full evaluation will be ordered.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 30, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed con-

temporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–27670 Filed 9–21–76;8:45 am]

[Release No. 12801; (SR–CBOE–1976–15)]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

SEPTEMBER 15, 1976.

On July 27, 1976, the Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Illinois 60604, ("SBOE"), filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b–4 thereunder, copies of a proposed rule change. The proposed rule change would amend Rule 9.22 of the CBOE Rules ("Rule 9.22"), which sets forth fidelity bonding requirements for member firms, so that a member-subsidiary of another member that carries bonding coverage greater than the minimum requirements for the firm would not be permitted to have the amount of excess deductible in its bond subtracted from its parent's net worth, rather than from the subsidiary's net worth, in the calculation of the subsidiary's net capital pursuant to § 240.15 $c3_{-}1$ (the "Uniform Net Capital Rule"). At present, Rule 9.22 would permit a member subsidiary to do so, provided the parent guarantees the subsidiary's net worth in writing. In this respect, it appears that Rule 9.22 is inconsistent with the purposes of the Uniform Net Capital Rule inasmuch as Appendix "C" thereto prohibits flow through capital benefits of this kind. Accordingly, the proposed rule change is being made in order to render Rule 9.22 consistent with the purposes of the Uniform Net Capital Rule in this regard.

Notice of the proposed rule change together with the terms of substance of the proposal was given by publication of a Commission Release (Securities Exchange Act Release No. 12704, August 12, 1976) and by publication in the FEDERAL REGISTER (41 FR 35587, August 22, 1976). Public comments were invited until the twenty-first day after publication in the FEDERAL REGISTER.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 thereof.

Further, the Commission finds good cause pursuant to Section 19(b)(2) of the Act for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing because: (1) the rule change is technical in nature, and (2) the rule change will ensure that the provisions of Rule 9.22 are not inconsistent with the purposes and policies of the Uniform Net Capital Rule.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change to Rule 9.22 be, and the same hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–27681 Filed 9–21–76;8:45 am]

EASTERN UTILITIES ASSOCIATES, ET AL.

[Rel. No. 19682; (70–5388)]

Proposed Sale of Securities and Assumption of Loan and Bond Obligations

SEPTEMBER 15, 1976.

In the matter of :

Eastern Utilities Associates, P.O. Box 2333, Boston, Massachusetts 02107.
Blackstone Valley Electric Company, P.O. Box 1111, Lincoln, Rhode Island 02865.
Brockton Edison Company, 36 Main Street, Brockton Massachusetts 02403.
Fall River Electric Light Company, 85 North Main Street, Fall River, Massachusetts 02722.
Montaup Electric Company, P.O. Box 391, Fall River, Massachusetts 02722.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its electric utility subsidiary companies, Blackstone Valley Electric Company ("Balckstone"), Brockton Edison Company ("Brockton"), Fall River Electric Light Company ("Fall River") and Montaup Electric Company ("Montaup"), have filed a post-effective amendment to their application-declaration, as previously filed and amended in this proceeding with this Commission designating Sections 6(b), 9(a), and 10 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as further amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

EUA has proposed a series of transactions designed to effect the transfer of Blackstone's proportionate ownership in the securities of Montaup, the EUA system generating company, to Brockton, with the result that Brockton will thereafter own 87.87% of Montaup. Fall River, EUA's other electric utility subsidiary, will own 12.13% of Montaup's securities under the proposed arrangement.

As a preliminary step in the proposed transfer of Blackstone's Monatup securities, Blackstone was authorized to enter into an agreement with Citibank, N. A. ("Citibank Agreement"). Under the Citibank Agreement, Blackstone has borrowed $15,000,000 from Citibank, issuing its note to Citibank in that principal amount, bearing interest at 115 percent of the base rate in effect at Citibank from time to time and secured by a lien on Blackstone's Montaup securities. Assuming a base rate of 7 percent, the effective cost of the borrowing would be 8.05 percent. The note to Citibank originally had a maturity of October 16, 1975, but it has been extended to mature on October 15, 1976 (HCAR No. 18606, October 16, 1974 and HCAR No. 19208, October 10, 1975). Terms of the loan from Citibank include provisions that it may be assumed by Brockton, Blackstone used the proceeds of the loan to reduce open account advances from EUA.

It is now proposed that the final step in the transfer of the Montaup securities be effected. Brockton proposes to purchase Blackstone's Montaup securities (subject to the lien under the Citibank Agreement) for cash in an amount equal to Blackstone's equity as of the calendar month next preceding such purchase in (a) the unappropriated retained corporate earnings of Montaup ($1,746,828 as of June 30, 1976) and (b) Montaup's equity in the undistributed unappropriated earnings of certain electric generating companies in which Montaup owns stock ($202,041 as of June 30, 1976). (These figures are based on Blackstone's current 21.08 percent equity ownership of Montaup). The purchase price to be paid by Brockton will be reduced by (i) the prinicpal amount of Blackstone's obligations under the Citibank Agreement and the related note, which Brockton will assume ($15,000,000) and (ii) the principal amount of Blackstone's outstanding First Mortgage and Collateral Trust Bonds ($9,196,000) ("Blackstone Bonds"), as to which Brockton will assume the obligations of Blackstone as to the payment of principal and interest. Upon Brockton's assumption of the obligations under the Citibank Agreement, the maturity of the related note will be extended to October 21, 1979 and Bockton will reimburse Blackstone in cash the amount of the commitment fee which was paid by Blackstone in connection with the Citibank Agreement ($97,083). Brockton will also reimburse Blackstone for unamortized debt expense less premium applicable to the Blackstone Bonds. Brockton will maintain, while the note to Citibank remains outstanding, a $100,000 balance in an account with Citibank.

Applicants-declarants request an exception from the competitive bidding requirements of Rule 50 under the Act in connection with the assumption by Brockton of Blackstone's obligations with respect to the Blackstone Bonds pursuant to Rule 50(a)(5).

The Department of Public Utilities of the Commonwealth of Massachusetts has approved the proposed acquisition by Brockton of Blackstone's Montaup securities and the proposed assumption by Brockton of obligations of Blackstone in connection with that acquisition. It is stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than October 12, 1976, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as further amended by said post-effective amendment, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exception from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27671 Filed 9-21-76;8:45 am]

[Rel. No. 9436 (812-3987)]

FEDERATED EXCHANGE FUND

Revision of Application for Exemptions

SEPTEMBER 14, 1976.

On August 31, 1976, there was issued a notice (Investment Company Act Release No. 9422) of an application filed on July 15, 1976, by Federated Exchange Fund ("Applicant" or "Fund"), a California limited partnership, 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219 requesting exemptions from certain provisions of Sections 2(a)(19), 2(a)(3), and 22(e) of the Investment Company Act of 1940 (the "Act").

Notice is hereby given that the following material should be stricken from said notice:

The Fund states that it has submitted to the Internal Revenue Service a request for a ruling under the Internal Revenue Code of 1954, as amended (the "Code"), that for federal income tax purposes no gain or loss will be recognized by any investor on the contribution of securities in exchange for Shares of the Fund, and that the Fund will be treated as a partnership and not as an association taxable as a corporation. If these rulings are issued, they are expected to be based on the fact that the Fund is established as a partnership and lacks the corporate characteristics of limited liability and continuity of life.

In its Registration Statement on Form S-5, which is incorporated by reference in the application, the Fund states that the exchange will not be consummated unless the Fund receives a ruling from the Internal Revenue Service that such exchanges will be tax free.

In its place the following language should be inserted:

The Fund states that it has submitted to the Internal Revenue Service a request for a ruling under the Internal Revenue Code of 1954, as amended (the "Code"), that for federal income tax purposes the Fund will be treated as a partnership and not as an association taxable as a corporation. If this ruling is issued, Applicant expects it to be based on the fact that the Fund is established as a partnership and lacks the corporate characteristics of limited liability and continuity of life.

In its Registration Statement on Form S-5, which is incorporated by reference in the application, the Fund states that the exchange will not be consummated unless it receives the ruling from the Internal Revenue Service that it will be classified as a partnership for federal income tax purposes and unless certain proposed legislation, described below, which Fund's tax counsel has advised would permit the exchanges to be tax free, is enacted in such form as to permit the Fund's tax counsel to advise that the exchange will be tax free.

Notice is further given that, the notice period during which any interested person may submit to the Commission a request for a hearing on this matter, in accordance with the procedures set forth in Investment Company Act Release No. 9422, is hereby extended until October 8, 1976 at 5:30 p.m.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27672 Filed 9-21-76;8:45 am]

[Rel. No. 9448; (812-3981)]

FIRST NATIONAL BANK OF CHICAGO AND MIDWEST ASSOCIATION OF CREDIT UNIONS

Filing of Application for Exemption

SEPTEMBER 16, 1976.

In the matter of the First National Bank of Chicago, One First National Plaza, Chicago, Illinois 60670; and Midwest Association of Credit Unions, 402 West 144th Street, Riverdale, Illinois 60627.

Notice is hereby given that the Midwest Association of Credit Unions ("MACU") and The First National Bank of Chicago (the "Bank" or "Trustee") (collectively, the "Applicants") have filed an application pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting the Common Trust Fund H of The First National Bank of Chicago ("Common Fund") from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

MACU is an Illinois not for profit corporation organized for the purposes of developing and promoting interest and cooperation between, and providing services to, its credit union members. Under its by-laws, membership is limited to credit unions authorized to do business and operating in accordance with the credit union act of their state of incorporation, or the Federal Credit Union Act.

Applicants have proposed the establishment of the Common Fund in order to permit credit unions to invest more efficiently in United States government and government agency securities which are exempt securities under Section 3(a)(2) of the Securities Act of 1933 ("1933 Act"). The corpus of the Common Fund will consist of monies contributed by participating trusts established with the Bank as trustee ("Participating Trusts") by individual credit union members. Participation in the Common Fund will be limited to Participating Trusts. It is anticipated that the Common Fund, because of its size and ability to diversify investments, will provide a greater yield and liquidity to participating credit unions than could be obtained through individual credt union investments. Applicants have sought and obtained a ruling of The Comptroller of the Currency that the provisions of the Common Fund comply with its rules and regulations, so as to constitute it a common trust fund under Regulation 9.18 of the Regulations of the Comptroller of the Currency, and Applicants state that the Common Fund will be operated and maintained by the Bank in conformity with Regulation 9.18. Applicants have also sought a ruling from the National Credit Union Administration, which supervises and administers federal credit unions, that the Federal Credit Union Act authorizes federal credit unions to invest their funds in the Common Fund. If any state-chartered credit union desires to participate in the Common Fund, such participation will be subject to approval by the state agency responsible for administering such credit union.

The Trustee will have full discretionary powers of management and of investment and reinvestment of the assets of the Common Fund and of each of the Participating Trusts, provided the assets of each Participating Trust are invested or reinvested in units of the Common Fund or solely in securities permitted by their trust agreements. The assets of the

Common Fund will be kept separate and apart from all other property belonging to or in the custody of the Bank, except that cash awaiting investment or distribution may be held temporarily by or on deposit with the Bank. Credit unions participating in the Common Fund will be provided a monthly report prepared by the Trustee setting forth all relevant information on the status of each Participating Trust. In addition, each credit union establishing a Participating Trust and the Comptroller of the Currency will be provided with a yearly audited financial report on the Common Fund (or advised that a copy of such report is available).

The Trustee will charge the Common Fund any reasonable expenses incurred by the Trustee in the administration or preservation of the Common Fund which would be chargeable to the respective Participating Trusts if incurred in the administration or preservation thereof. The Bank will provide investment management, safekeeping of assets and bookkeeping services to the Common Fund. For these services the Bank will charge the Common Fund a fee, computed daily and payable monthly, at an annual rate of .25 percent of the average asset value of the Common Fund. No additional management fee shall be payable to the Bank as Trustee of any Participating Trust, so long as a portion of any such Trust's assets are invested in the Common Fund, and the Bank is receiving compensation from the Common Fund. The Bank will employ the First Jersey National Bank as its agent to handle the receipt and disbursement of funds, as well as the record keeping for the Common Fund and its participants.

A Participating Trust may withdraw money from the Common Fund at any time, subject to the Trustee's approval. Income and gain realized on investments of the Common Fund will be distributed daily and automatically reinvested in the Common Fund. No sales charge will be assessed against a Participating Trust in connection with its investments in the Common Fund.

Applicants submit that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order exempting the Common Fund from all the provisions of the Act for the following reasons: (1) Participation in the Common Fund will be offered only to credit unions; (2) Participating credit unions would be subject to continuing reporting provisions, examination requirements, and other regulations of federal and state agencies; (3) The operation of the Common Fund and the Participating Trusts will be supervised and examined by federal banking examiners to assure compliance with Regulation 9 of the Regulations of the Comptroller of the Currency pertaining to fiduciary accounts and collective investment funds; (4) The Common Fund will involve organizations (credit unions) which are exempted from being investment companies by Section 3(c)(4) of the Act and securities (government securities and government agency securities) which are exempt from the 1933 Act by Section 3(a)(2) thereof; (5) The Common Fund will operate to carry out the congressional policy of providing "a further market for securities of the United States" (Preamble to the Federal Credit Union Act, Act of June 26, 1934, 48 Stat. 1216, 12 U.S.C. 1751 et seq.); and (6) An additional layer of regulation will provide no additional protection and would cause only unnecessary burdens and expenses and duplication of effort contrary to the interests of the members of credit unions and the general public.

Section 6(c) of the Act provides that the Commission by order upon application, may conditionally, or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 12, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27673 Filed 9-21-76;8:45 am]

[File No. 500-1]

MAJOR PETROLEUM CO.

Suspension of Trading

SEPTEMBER 14, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Major Petroleum Company being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 3:00 p.m. (EDT) on September 14, 1976 through September 23, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27674 Filed 9-22-76;8:45 am]

[Rel. No. 9444 (812-3997)]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO.

Filing of Application

SEPTEMBER 16, 1976.

Notice is hereby given that on July 23, 1976, Massachusetts Mutual Life Insurance Company ("Applicant"), 1295 State Street, Springfield, Massachusetts 01111, a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, filed an application pursuant to Section 17(d) of the Investment Company Act of 1940 (the "Act") and Rule 17d-1 thereunder for an order of the Commission permitting Applicant to engage in the transaction described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Pursuant to an order of the Commission issued on August 19, 1971 (Investment Company Act Release No. 6690), Applicant, which acts as investment adviser to MassMutual Corporate Investors, Inc. ("Fund"), a non-diversified, closed-end management investment company registered under the Act, is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement, and to exercise warrants, conversion privileges and other rights at the same time as the Fund. This order is subject to several conditions, one of which requires, generally, that purchases at direct placement of securities which would be consistent with the investment policies of the Fund be shared equally by Applicant and the Fund. Another condition is that, once Applicant and the Fund have acquired interests in an issuer, neither Applicant nor the Fund, unless otherwise permitted by order of the Commission,

may acquire any further interest in such issuer other than interests in all respects identical.

Applicant proposes to purchase at direct placement $5,000,000 in principal amount of a new issue of 9½ percent 20-year Senior Notes (the "Notes") of Flowers Industries, Inc. ("Flowers"). Applicant requests an order of the Commission permitting it to acquire the Notes, since Applicant and the Fund presently hold $3,750,000 in principal amount each of 6½ percent Convertible Subordinated Notes due 1992 (the "Outstanding Convertible Notes") issued by Flowers on December 8, 1972.

Section 17(d) of the Act and Rule 17 d-1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicant submits that its proposed acquisition of the Notes is not disadvantageous to the Fund and is consistent with the provisions, policies, and purposes of the Act. The Fund's investment policy restricts it to investment in long-term obligations and preferred stocks which are purchased directly from issuers and which have "equity features." Applicant represents that the Notes lack such equity features and are therefore not appropriate investments for the Fund. Applicant states that the proposed sale of Notes to it is in no way connected with the sale of the Outstanding Convertible Notes to Applicant and the Fund in 1972 other than by virtue of the fact that Applicant established a relationship with Flowers at that time through the acquisition of the Outstanding Convertible Notes. Although the Outstanding Convertible Notes will be subordinate in right of payment to the Notes, Applicant submits that the proposed investment by it will not be disadvantageous to the Fund because Flowers will be receiving significant new value in consideration for issuing the Notes and, in addition, because a portion of the proceeds received from the sale of the Notes will be used by Flowers to repay presently outstanding senior debt. Applicant further submits that, if it does not purchase the Notes, Flowers will not be restricted from selling the Notes to other investors, in which case the Outstanding Convertible Notes held by the Fund would be subordinate in right of payment to the Notes sold to such other investors to the same extent and in the same manner as shall be the case if Flowers sells the Notes to Applicant.

In the judgment of Applicant, the Notes would be an attractive investment which it would like to acquire. Applicant submits that it will be disadvantaged if not permitted to acquire a portion of the Notes.

Notice is further given that any interested person may, not later than October 8, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address set forth above. Proof of such service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27675 Filed 9-21-76;8:45 am]

[Release No. 12802]

NASDAQ, INC.

Order Granting Registration as a Securities Information Processor

SEPTEMBER 16, 1976.

Section 11A(b)(1) of the Securities Exchange Act of 1934 (the "Act") provides that "it shall be unlawful for any securities information processor unless registered in accordance with this subsection, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a securities information processor." [1] NASDAQ, Inc.[2] is a securities information processor within the definition of Section 3(a)(22)(A) of the Act and an exclusive processor within the definition of Section 3(a)(22)(B) of the Act.[3] NASDAQ, Inc. has filed, pursuant to Section 11A(b)(2) and Rule 11Ab2–1 thereunder, an application for registration as a securities information processor and the Commission has published notice of, and provided an opportunity for comment upon, that application.[4]

The Commission has examined the information and documents contained in the applicant's filings with regard to performance capability; standards and procedures for collection, processing, distribution and publication of information with respect to quotations for, and transactions in securities; personnel qualifications; financial condition; and such other matters as the Commission has determined to be germane to the provisions of the Act and the rules and regulations thereunder, or necessary or appropriate in furtherance of the purposes of Section 11A. No comment letters have been received concerning this application.

The Commission finds that NASDAQ, Inc. is so organized and has the capacity to be able to assure the prompt, accurate, and reliable performance of its functions as a securities information processor, comply with the provisions of this title and the rules and regulations thereunder, carry out its functions in a manner consistent with the purposes of the Act and, insofar as it is acting as an exclusive processor, operate fairly and efficiently.

It is therefore ordered, pursuant to Section 11A(b)(3) of the Act, that the application of NASDAQ, Inc. for registration as a securities information processor be, and hereby is, granted.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27676 Filed 9-21-76;8:45 am]

[Rel. No. 19681 (70-5897)]

NEW ENGLAND ELECTRIC SYSTEM AND NEW ENGLAND POWER CO.

Proposed Capital Contribution

SEPTEMBER 15, 1976.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company and New England Power Company ("NEP"), 20 Turnpike Road, Westborough, Massachusetts 01581, an electric utility subsidiary of NEES, have filed an application-declaration and an amendment thereto, with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a), 10 and 12(b) of the Act and Rules 42(a), 42(b)(2) and 45 promulgated thereunder,

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[1] 15 U.S.C. § 78k–1(b)(1) (1975).

[2] NASDAQ, Inc. is a wholly-owned subsidiary of the National Association of Securities Dealers, Inc., which purchased the NASDAQ system from the Bunker Ramo Corporation on February 9, 1976.

[3] 15 U.S.C. § 78c(a)(22)(A,B) (1975).

[4] The NASDAQ, Inc. application was filed on March 22, 1976, and amended on August 16, 1976 and September 7, 1976. Comments were requested by Release No. 34–12289 (March 31, 1976), 41 F.R. 14794 (April 7, 1976), 9 SEC Docket 323 (April 13, 1976).

as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

NEES proposes to make a capital contribution to NEP in an amount up to $20,000,000. NEP will apply the funds received from said capital contribution toward the payment of a like amount of its short-term promissory notes issued to pay for capitalizable expenditures or to reimburse its treasury therefor. NEP presently has $34,000,000 of short-term promissory notes outstanding and expects that such notes will aggregate approximately $40,000,000 at the time of the proposed capital contribution.

It is stated that there are no fees or commissions to be paid in connection with the proposed transactions except that New England Power Service Company, an affiliated service company, will render incidental services to the transaction at an aggregate actual cost of not more $500. It is stated that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 12, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27677 Filed 9-21-76;8:45 am]

[Rel. No. 19684 (70-5896)]

NEW ENGLAND POWER CO. AND NEW ENGLAND ELECTRIC SYSTEM

Proposed Sale of Utility Assets

SEPTEMBER 16, 1976.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and New England Power Company ("NEPCO"), 20 Turnpike Road, Westborough, Massachusetts 01581, one of NEES's electric utility subsidiaries, have filed a declaration, and amendments thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

NEPCO proposes to sell to Fitchburg Gas and Electric Light Company ("FG&E"), a company not affiliated with NEPCO or NEES, certain electric facilities located in Fitchburg, Massachusetts. The facilities include two substations, 69 kv lines, 13.8 kv lines and related equipment. Prior to 1972, NEPCO utilized the facilities to provide primary wholesale electric service to FG&E. This service was discontinued in 1972, and since then the facilities have been used for the transmission to FG&E under contract of an entitlement of power from Boston Edison Company and to serve six NEPCO industrial customers. In view of such limited use by NEPCO and a desire by FG&E to incorporate the facilities as part of its system, NEPCO and FG&E have entered into an agreement for the sale of the facilities to FG&E.

The agreement has been executed, subject to necessary stockholder and regulatory approvals, under which NEPCO will transfer to FG&E the facilities and associated property and rights-of-way. FG&E has agreed to purchase the facilities for a price equal to net book value (defined as original cost, about $1,730,000, less depreciation accrued to the date of transfer) plus $69,000 covering the use of the facilities by FG&E prior to such date. On December 31, 1975, the facilities had a net book value of approximately $1,240,000. Under the agreement, FG&E will assume responsibility for serving the six industrial customers presently served by NEPCO. The agreement also provides, among other things, that the parties will contract for the sale by NEPCO to FG&E of capacity and energy in an amount sufficient to provide service to the industrial customers.

It is stated that under Massachusetts law the purchase and sale of the facilities requires the approval by holders of two-thirds in interest in the stock of NEPCO and FG&E. NEES, as sole common stockholder of NEPCO, has voted in favor of the proposal. FG&E, at a meeting of its stockholders, obtained the necessary approval.

It is stated that the facilities are not an essential part of the transmission and distribution system of NEPCO and that the proceeds to be realized from the proposed sale will be reinvested by NEPCO in more essential facilities. NEPCO also expects to realize savings of approximately $200,000 per year attributable to increased transmission efficiency.

It is stated that the Massachusetts Department of Public Utilities and no other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than October 6, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27678 Filed 9-21-76;8:45 am]

[Rel. No. 9449; (812-3970)]

ONE WILLIAM STREET FUND, INC. AND THE LEHMAN CORP.

Filing of Application for Exemption

SEPTEMBER 16, 1976.

Notice is hereby given that The One William Street Fund, Inc. One William Street, New York, New York 10004 ("One William"), a Maryland corporation and

a registered diversified, open-end management investment company under the Investment Company Act of 1940 (the "Act"), and The Lehman Corporation ("Lehman"), One South William Street, New York, New York 10004 a Delaware corporation and a registered diversified, closed-end management investment company under the Act (collectively the "Applicants"), filed an application on June 22, 1976, and an amendment thereto on September 3, 1976, for an order of the Commission pursuant to Section 6(c) of the Act declaring that Mr. Lewis P. Seiler, a director of One William and Lehman, shall not be deemed an "interested person," as defined in Section 2(a)(19) of the Act, of either One William or Lehman, of their investment manager or of the principal underwriter for One William by reason of his position as a director of The Equitable Life Assurance Society of the United States ("Equitable"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Equitable is a registered broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act"). Equitable Variable Life Insurance Company ("EVLICO"), a wholly-owned subsidiary of Equitable, and Equico Securities, Inc. ("Equico"), wholly owned by a wholly-owned subsidiary of Equitable, are also registered broker-dealers under the 1934 Act. Mr. Seiler is not a director or officer of either EVLICO or Equico.

Applicants state that they have been informed that (1) Equitable registered as a broker-dealer solely to permit it and its agents to engage in the sale of variable annuity contracts and variable life insurance policies issued by EVLICO; (2) EVLICO registered as a broker-dealer solely to permit it to engage in the sale of its variable life insurance policies; and (3) Equico registered as a broker-dealer to act as a securities broker for Equitable, certain of Equitable's separate accounts, EVLICO and its separate account and certain of Equitable's investment advisory clients and Equico is engaged in no other public brokerage business. Applicants represent that neither of them has ever purchased or sold, or expects to purchase or sell, investment securities through Equico as broker, and that, so long as Mr. Seiler remains a director of One William or Lehman, neither company will effect brokerage transactions with EVLICO or Equico or any other broker-dealer subsidiary of Equitable that may hereafter be organized. Applicants state that responsibility for allocating brokerage on behalf of Applicants rests with officers of Lehman Management Co., Inc. ("LEMCO"), investment manager for Applicants, who, in turn, have no affiliation with Equitable, EVLICO or Equico.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company, and of an investment adviser of or a principal underwriter for an investment company to include any broker or dealer registered under the 1934 Act or any affiliated person of such a broker or dealer. Section 2(a)(3) of the Act, in pertinent part, defines an "affiliated person" of another person to include a director of such person.

Mr. Seiler, as a director of Equitable, is an interested person of One William, Lehman, LEMCO and Lehman Brothers Incorporated ("LBI"), principal underwriter for One William. In addition, by reason of Mr. Seiler's position as a director of Equitable, he might be considered for the purposes of Section 2(a)(19), an affiliated person of One William, Lehman, LEMCO or LBI.

Applicants state that Mr. Seiler, as a director of Equitable, shares in the general responsibility for the management of Equitable but in no way participates in the day to day operations of Equitable. As noted above, Mr. Seiler is not an officer or director of either EVLICO or Equico. Applicants state that Mr. Seiler is currently retired and that, prior to his retirement, his principal occupation was Chairman of the Board of Associated Dry Goods Corporation.

Applicants contend that Mr. Seiler should be deemed not an interested person of One William, Lehman, LEMCO or LBI because his affiliation with Equitable and, indirectly, with EVLICO and Equico will not affect or impair his independence in acting on behalf of Applicants and their shareholders. Applicants further contend that Mr. Seiler, as a director of One William and Lehman, is not subject to any conflicts of interest as a result of his affiliation with Equitable, EVLICO and Equico. While Mr. Seiler's position as a director of Applicants causes neither to be in violation of Section 10 of the Act, Applicants state that the granting of this application would decrease the possibility of any future non-compliance by Applicants with the provisions of Section 10 of the Act.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 12, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon each of Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of any attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27679 Filed 9-21-76;8:45 am]

[Release No. 34-12800; File No. SR-PSE-76-30]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 9, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change.

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pacific Stock Exchange Incorporated ("PSE") proposes to amend Rule III, Section 9 of its Rules to conform PSE's short-sale rule with recently effective amendments to Commission Rules 10a-1 and 10a-2. In conforming PSE's short sale rules to the Commission's, PSE has opted to utilize last sale information contained on the composite tape for securities reported in the composite system. However, PSE has retained the discretion to determine that any security reported in the composite system be subject to PSE last sale information for purposes of the short sale rule. The proposed rule change does not prohibit PSE specialists from utilizing the exemption afforded by Commission Rule 10a-1(e)(5). The text of the proposed rule change follows (brackets indicating deletions and italics indicating additions):

SHORT SALES

Sec. 9(a). (*1*) Except as provided in subsection (d) hereof, no member *or member organization* shall for his *or its* own account or for the account of any other person, effect on the Exchange a short sale of any security *for which trades are reported pursuant to a consolidated transaction reporting system operated in accordance with a plan declared effective under Securities Exchange Act Rule 17a-15* (a "consolidated system") [(1)] (*i*) below the price at which the last sale thereof, regular way, *was reported in such consolidated system,* [was effected on the Exchange] or [(2)] (*ii*) at such price unless such price

is above the next preceding different price at which a sale of such security, regular way, *was reported in such consolidated system* [was effected on the Exchange]. [In determining the price at which a short sale may be effected after a security goes ex-dividend, ex-rights or ex-any other distribution, all sales prices prior to "ex" date may be reduced by the value of such distribution.]

(2) *Except as provided in subsection (d) hereof, no member of member organization shall for his or its own account, or for the account of any other person, effect on the Exchange a short sale of any security not covered by paragraph (1) of this subsection (i) below the price at which the last sale of such security, regular way, was effected on the Exchange, or (ii) at such price unless such price is above the next preceding different price at which a sale of such security, regular way, was effected on the Exchange.*

(3) *Notwithstanding paragraph (1) of this subsection (a), the Board of Governors of the Exchange, in its discretion, may determine that it is necessary or appropriate in the public interest or for the protection of investors that short sales in any security for which trades are reported in a consolidated system be subject to the rule set forth in paragraph (2) hereof. Following any such designation of any such security by the Board of Governors, compliance with the terms of paragraph (2) shall constitute compliance with this subsection (a).*

MARKED "LONG" OR "SHORT"

Sec. 9(b). No member *or member organization* of the Exchange shall, by the use of any facility of the Exchange, execute any sell order unless such order is marked either "long" or "short."

MARKING ORDERS

Sec. 9(c). No member *or member organization* of the Exchange shall mark a sell order "long" unless (1) the security to be delivered after sale is carried in the account for which the sale is to be effected, or (2) such member *or member organization* is informed that the seller owns the security ordered to be sold, and as soon as is possible without undue inconvenience or expense, will deliver the security owned to the account for which the sale is to be effected.

EXCEPTIONS

Sec. 9(d). The provisions of subsection (a) hereof shall not apply to:

(1) Any sale by any person, for an account in which he has an interest, if such person owns the security sold and intends to deliver such security as soon as possible without undue inconvenience or expense;

(2) Any member *or member organization* in respect of a sale for an account in which [he] *it* has no interest, pursuant to an order to sell which is marked "long";

(3) [Any sale of an odd lot] *Any sale of a security for which trades are reported in a consolidated system (except a sale to a stabilizing bid complying with Securities Exchange Act Rule 10b–7) by a specialist in such security for its own account effected at a price equal to or above the last sale reported for such security in such consolidated system;*

(4) Any sale by a specialist to offset odd lot orders of customers;

(5) Any sale by a specialist to liquidate a long position which is less than a round lot, provided such sale does not change the position of such specialist by more than the unit of trading;

(6) Any sale of a security *for which trades are not reported in a consolidated system (except a sale to a stabilizing bid complying with Securities Exchange Act Rule 10b–7)* effected with the approval of the Exchange which is necessary to equalize the price of such security on the Exchange with the current price of such security on another national securities exchange which is the principal exchange market for such security;

(7) Any sale of a security for a special arbitrage account by a person who then owns another security by virtue of which he is, or presently will be, entitled to acquire an equivalent number of securities of the same class as the securities sold, provided such sale, or the purchase which such sale offsets, is effected for the bona fide purpose of profiting from a current difference between the price of the security sold and the security owned and that such right of acquisition was originally attached to or represented by another security or was issued to all the holders of any class of securities of the issuer; [or]

(8) Any sale(s) of a security on the Exchange effected for a special international arbitrage account for the bona fide purpose of profiting from a current difference between the price of such security on a securities market not within or subject to the jurisdiction of the United States and on the Exchange, provided the seller at the time of such sale knows, or by virtue of information currently received, has reasonable grounds to believe that an offer enabling him to cover such sale is then available to him in such foreign securities market and intends to accept such offer immediately;

(9) *Any sale of a security effected in accordance with a special offering plan declared effective by the Securities and Exchange Commission pursuant to paragraph (d) of Securities Exchange Act Rule 10b–2; or (10) Any sale by an underwriter, or any member of a syndicate or group participating in the distribution of a security, in connection with an over-allotment of securities, or any lay-off sale by such a person in connection with a distribution of securities through rights pursuant to Securities Exchange Act Rule 10b–8 or a standby underwriting commitment.*

For the purpose of *paragraph* [this clause] (8) [hereof] *of this subsection (d)* a depository receipt for a security shall be deemed to be the same security as the security represented by such receipt.

SHORT SALES AFTER "EX" DATE

Sec. 9(e). In determining the price at which a short sale may be effected after a security goes ex-dividend, ex-rights or ex-any other distribution, all sales prices prior to "ex" date may be reduced by the value of such distribution.

[SHORT SALES IN DUALLY-TRADED STOCKS]

[Sec. 9(e).

(1) While the primary market is open:

No short sale may be made in a dually traded stock at a price below the last sale price on the primary market.

Subject to approval as provided by section 9(d)(6) of this Rule, (i) if the previous sale price on the Exchange was above the prevailing price on the primary market, a short sale (equalizing) may be made at the last sale price on the primary market, and (ii) prior to an intervening transaction on the primary market additional short sales at the equalizing price may be made only by a specialist provided such sales are for his own account to fill purchase orders originating off the Floor of the Exchange. (2) After the close of the primary market, a short sale may be made at the last sale price of the stock on the primary market pursuant to section 9(d)(6) of this Rule, and subsequent short sales may be made only pursuant to section 9(a) of this Rule, i.e., on a "plus" or "zero plus" tick based on previous Exchange sale prices.]

Sec. 9(f). No member *or member organization* of the Exchange shall lend, or arrange for the loan of any security for delivery to the broker for the purchaser after sale, or shall fail to deliver a security on the date delivery is due, if such member *or member organization* knows or has reasonable grounds to believe that the sale was effected, or will be effected, pursuant to an order marked "long" unless such member *or member organization* knows, or has been informed by the seller (i) that the security sold has been forwarded to the account for which the sale was effected, or (ii) that the seller owns the security sold, that it is then impracticable to deliver such security to such account and that delivery will be made as soon as is possible without undue inconvenience or expense. The provisions of *this subsection* [paragraph] (f) [hereof] shall not apply to:

(1) The lending of a security by a member *or member organization* through the medium of a loan to another member *or member organization;* or

(2) Any loan or arrangement for the loan, of any security, or any failure to deliver any security if, prior to such loan, arrangement, or failure to deliver, the Exchange finds (A) that such sale resulted from a mistake made in good faith; (B) *either* that the condition of the market at the time the mistake was discovered was such that undue hardship would result from covering the transaction by a "purchase for cash" *or that the mistake was made by the seller's broker and the sale was at a price permissible for a short sale under Section 9 of this Rule III;* and (C) that due dili-

gence was used to ascertain that the circumstances specified in clause [(2)] (*1*) of section 9(c) of this Rule III existed or to obtain the information specified in clause [(1)(2) thereof].

STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to conform PSE rules to the amendments to Securities Exchange Act Rules 10a–1 and 10a–2.

PSE believes that the proposed rule change is consistent with Securities Exchange Act Rules Rules 10a–1 and 10a–2.

No comments have been solicited or received.

Whatever burden on competition results from the proposed rule change is the result of conformity with Securities Exchange Act Rules 10a–1 and 10a–2.

On or before October 27, 1976, or within such longer period (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All comments should refer to the file number referenced in the caption and should be submitted on or before October 22, 1976. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 15, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–27682 Filed 9–21–76;8:45 am]

[Release No. 9446; (812–3906)]

WELLINGTON FUND, INC.

Application for Exemption

SEPTEMBER 16, 1976.

In the matter of:

Wellington Fund, Inc., Windsor Fund, Inc., Ivest Fund, Inc., Trustees' Equity Fund, Inc., Explorer Fund, Inc., Wellesley Income Fund, Inc., W. L. Morgan Growth Fund, Inc., Westminster Bond Fund, Inc., Wellington Management Company, P.O. Box 823, Valley Forge, Pennsylvania 19482.

Notice is hereby given that Wellington Fund, Inc., Windsor Fund, Inc., Ivest Fund, Inc., Trustees' Equity Fund, Inc., Explorer Fund, Inc., Wellesley Income Fund, Inc., W. L. Morgan Growth Fund, Inc., and Westminster Bond Fund, Inc. ("Funds"), open-end diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), and Wellington Management Company ("WMC") (collectively "Applicants") filed an application on February 5, 1976, and an amendment thereto on June 29, 1976, pursuant to Section 6(c) of the Act for an order exempting Applicants from Section 22(d) of the Act and Rule 22d–1 thereunder with respect to the extension of reduced sales charges to certain investors. All interested persons are referred to the application as filed with the Commission for a statement of the representations therein which are summarized below.

WMC is investment adviser and principal underwriter to each of the Funds. Each of the Funds are proposing to offer their shares for sale to the public pursuant to two sales charge schedules. The "individual" sales charge schedule calls for a maximum sales charge of 8½% of the offering price for sales of less than $10,000 (reduced on larger purchases) and is applicable to sales to "any person" as defined under Paragraph (a) of Rule 22d–1. The "group" sales charge schedule calls for a maximum sales charge of 6 percent of the offering price for sales of less than $25,000 (reduced on larger purchases) and is applicable to certain groups contemplated by Paragraph (f) of Rule 22d–1.

Wellington Management Company, through a wholly-owned subsidiary, also distributes certain insurance products through salesmen who are licensed to sell both insurance and mutual funds. Applicants believe that since there are certain efficiencies involved in being able to offer both insurance products and mutual funds to the same investor, an investor buying both insurance and mutual funds should be entitled to a reduced sales charge on his mutual fund purchases. Therefore, Applicants request an exception permitting investors who have previously (since January 1, 1976), or contemporaneously purchased (from the same retailer) insurance products distributed by WMC, to purchase shares of the Funds at the reduced sales charge rates set forth under the "group schedule."

Applicants state that the proposed extension of reduced charges to investors who have previously or contemporaneously purchased, from the same retailer, insurance products distributed by WMC is consistent with the Commission's program (Act Release No. 8570, November 4, 1974) to encourage voluntary price competition in the mutual fund industry. Applicants contend that a salesman, licensed to sell mutual funds and insurance, will realize certain efficiencies in his marketing presentations. Such efficiencies would include the ability to: (i) offer several financial products at a single presentation; (ii) provide ongoing information and service through consolidation of interview time and combined mailings; and (iii) employ the data acquired from the investor in evaluating suitability, or implementing the installation, of multiple products. For example, one set of data on personal circumstances, and identification numbers, could serve both mutual fund and insurance application. Since these efficiencies are available regardless of the amount of insurance sold by the salesmen, Applicants have placed no minimum on the amount of insurance which must be purchased to qualify for the reduced mutual fund sales charge. However, Applicants state that it is expected that such insurance purchases will have a minimum face amount of $1,000 or an annual premium of $100.

The proposed transaction is in the best interests of shareholders, it is alleged, because certain cost savings generated by these efficiencies would be passed on to investors through reduced sales charges on mutual fund shares for combined purchases of mutual fund and insurance products.

Section 22(d) of the Act prohibits a registered investment company and its principal underwriter from selling its redeemable securities "to any person except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus." Rule 22–1 provides certain exceptions from Section 22(d) to the extent necessary to permit the sale of such securities by such persons at prices which reflect reductions in, or eliminations of the sales load under certain circumstances. No exemption is provided with respect to the purchase of shares by investors who have previously or contemporaneously purchased an insurance product from the same retailer.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 13, 1976, at 5:30 p.m. submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or such person may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in

the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27680 Filed 9-21-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 149]

ASSIGNMENT OF HEARINGS

SEPTEMBER 17, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107743 (Sub-No. 40), System Transport, Inc., now assigned September 27, 1976 at Seattle, Washington, is postponed indefinitely.

MC-F-12753, Whitfield Transportation, Inc.-Purchase-Haywood L. Washum, DBA Los Angeles-Yuma Freight Lines and MC 108461 (Sub-No. 126), Whitfield Transportation, Inc., now assigned November 2, 1976, at Phoenix, Ariz. is postponed indefinitely.

MC 119777 Sub 245, Ligon Specialized Hauler, Inc., now being assigned December 7, 1976, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC-C 8735, Ligon Specialized Hauler, Inc., Virginia Hauling Company, A Corporation, Cherokee Hauling & Rigging, Inc., Eck Miller Transportation Corporation, Heavy & Specialized Haulers, Inc., O'Nan Transportation Company, Incorporated, Carriers Management Service, Inc., and Foote Mineral Company—Investigation of Operations And Practices and Revocation of Certificated, now being assigned December 7, 1976, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC-F 12631, Ligon Specialized Hauler, Inc.—Investigation of Control—Dixie Truckline, Inc., Haggard Heavy Hauling, Inc., Roy Smith, Inc., And L & B Express, Inc., now being assigned December 7, 1976, at the Office of the Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-27775 Filed 9-21-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 17, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before October 7, 1976.

FSA No. 43236—*Corn and Soybeans to Chicago, Illinois.* Filed by Chicago and North Western Transportation Company, (No. 109), for interested rail carriers. Rates on corn and soybeans, in carloads, as described in the application, from Belvidere, Ridgefield and South Beloit, Illinois, to Chicago, Illinois. Grounds for relief—Carrier and market competition.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-27776 Filed 9-21-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

SEPTEMBER 17, 1976.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure in outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 40215 (Sub-No. 14G), filed June 4, 1974. Applicant: RICHARDSON TRANSFER AND STORAGE CO., INC., 246 N. Fifth Street, Salina, Kans. 67401. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., NW, Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) Between points in Arizona, on the one hand, and, on the other, points in Arkansas and Colorado. The purpose of this filing is to eliminate the gateway at Garden City, Kans. (2) Between points in Arizona, Arkansas, California, Colorado, Idaho, and Illinois, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Kentucky, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway at points in Kansas, Ravenna, Ohio, and Kansas City, Mo. (3) Between points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, and Louisiana, on the one hand, and, on the other, points in Maryland, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateways at points in Kansas, Ravenna, Ohio and Kansas City, Mo.

(4) Between points in Arkansas, on the one hand, and, on the other, points in California, Colorado, and Idaho. The purpose of this filing is to eliminate the gateways at Garden City and Coolidge, Kans. (5) Between points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, and Kentucky, on the one hand, and, on the other, points in Louisiana, Nevada, New Mexico, North Carolina, Utah, and Wyoming. The purpose of this filing is to eliminate the gateways at points in Kansas and Kansas City, Mo. (6) Between points in California, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways at Garden City and Coolidge, Kans. (7) Between points in Colorado, on the one hand, and, on the other, points in Idaho. The purpose of this filing is to eliminate the gateways at Garden City and Coolidge, Kans. (8) Between points in the District of Columbia, on the one hand, and, on the other, points in West Virginia and Wyoming. The purpose of this filing is to eliminate the gateways at Ravenna, Ohio and Garden City, Kans. (9) Between points in Indiana, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateways at Kansas City, Mo. and Manhattan, Kans. (10) Between points in Indiana, Iowa, and Louisiana, on the one hand, and, on the other, points in New York and Pennsylvania. The purpose of this filing is to eliminate the gateways at Kansas City, Mo., Manhattan, Marysville, Independence and Marion, Kans., and Ravenna, Ohio.

(11) Between points in Kansas, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateways at points in Kansas and Kentucky. (12) Between points in Kansas and Kentucky, on the one hand, and, on the other, points in Indiana, Iowa, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateways at Kansas City, Mo., Wichita, Pittsburg, Kansas City and Fort Scott, Kans. and Ravenna, Ohio. (13) Between points in Maryland, on the one hand, and, on the other, points in Michigan. The purpose of this filing is

to eliminate the gateways at Ravenna, Ohio, Kansas City, Mo., and Manhattan, Kans. (14) Between points in Maryland and Michigan, on the one hand, and, on the other, points in Minnesota, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateways at Ravenna, Ohio, Manhattan, Fort Scott and Topeka, Kans., and Kansas City, Mo. (15) Between points in Maryland, Michigan, Minnesota, Missouri, and Nebraska, on the one hand, and, on the other, points in Nevada, New Mexico, North Carolina, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateways at Ravenna, Ohio, points in Kansas, and Kansas City, Mo. (16) Between points in Michigan, Minnesota, Missouri, Nebraska, Nevada, and New Mexico, on the one hand, and, on the other, points in New York, Pennsylvania, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Manhattan, Kansas City and Garden City, Kans., Kansas City, Mo., and Ravenna, Ohio.

(17) Between points in Minnesota, on the one hand, and, on the other, points in Missouri and Nebraska. The purpose of this filing is to eliminate the gateways at Marysville and Topeka, Kans., and Kansas City, Mo. (18) Between points in Missouri, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways at Kansas City and Topeka, Kans. (19) Between points in Nevada, New Mexico, New York, North Carolina, Ohio, Oklahoma, and Pennsylvania, on the one hand, and, on the other, points in South Dakota, Tennessee, Texas, West Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateways at Garden City, Arkansas City, Kiowa, Englewood, Pittsburg, Independence, Kansas City, Manhattan, Marysville, Wichita, Baxter Springs, Galena and Topeka, Kans., Ravenna, Ohio and Kansas City, Mo. (20) Between points in New York, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateways at Ravenna, Ohio, Manhattan, Kans. and Kansas City, Mo. (21) Between points in New York and North Carolina, on the one hand, and, on the other, points in Ohio and Oklahoma. The purpose of this filing is to eliminate the gateways at Ravenna, Ohio, Kansas City, Mo., and Manhattan, Fort Scott, Independence and Wichita, Kans.

(22) Between points in New York, Ohio, Oklahoma, Pennsylvania, and Texas, on the one hand, and, on the other, points in Utah and Wyoming. The purpose of this filing is to eliminate the gateways at Ravenna, Ohio and Garden City, Kans. (23) Between points in North Carolina, Ohio, and Oklahoma, on the one hand, and, on the other, points in Pennsylvania, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Kansas City, Mo., Manhattan, Kansas City, Fort Scott, Wichita, and Topeka, Kans. and Ravenna, Ohio. (24) Between points in Ohio, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways at Arkansas City and Wichita, Kans. (25) Between points in Ohio and Oklahoma, on the one hand, and, on the other, points in Nevada and New Mexico. The purpose of this filing is to eliminate the gateways at Garden City and Arkansas, Kans. (26) Between points in South Dakota and Tennessee, on the one hand, and, on the other, points in Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Kansas City, Garden City, Marysville, Pittsburg, Independence, Galena, Topeka and Wichita, Kans., Ravenna, Ohio and Kansas City, Mo. (27) Between points in Texas and Utah on the one hand, and, on the other, points in Virginia, West Virginia, Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Ravenna, Ohio, and Arkansas City, Wichita, Garden City and Independence, Kans. (28) Between points in Virginia, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways at Ravenna, Ohio, Manhattan, Kans. and Kansas City, Mo.

(29) Between points in Virginia and West Virginia, on the one hand, and, on the other, points in Wisconsin and Wyoming. The purpose of this filing is to eliminate the gateways at Ravenna, Ohio, Kansas City, Mo., and Kansas City, Manhattan and Garden City, Kans. (30) Between points in Wisconsin, on the one hand, and, on the other, points in Wyoming and the District of Columbia. The purpose of this filing is to eliminate the gateways at Ravenna, Ohio, Kansas City, Mo., and Manhattan, Kans. (31) Between points in Arkansas. The purpose of this filing is to eliminate the gateways at Garden City, Kansas City, Manhattan and Wichita, Kans. (32) Between points in Colorado. The purpose of this filing is to eliminate the gateways at Topeka and Garden City, Kans. (33) Between points in Indiana. The purpose of this filing is to eliminate the gateway at Garden City, Kans. (34) Between points in Iowa. The purpose of this filing is to eliminate the gateways at Kansas City, Mo., and Manhattan, Kans. (35) Between points in Kansas. The purpose of this filing is to eliminate the gateway at Wichita, Kans. (36) Between points in Kentucky. The purpose of this filing is to eliminate the gateway at Pittsburg and Fort Scott, Kans. (37) Between points in Michigan. The purpose of this filing is to eliminate the gateways at Kansas City, Mo., and Marysville, Kans. (38) Between points in Minnesota. The purpose of this filing is to eliminate the gateways at Kansas City, Mo., and Marysville, Kans. (39) Between points in Missouri. The purpose of this filing is to eliminate the gateway at Kansas City, Kans.

(40 Between points in Nebraska. The purpose of this filing is to eliminate the gateway at Topeka, Kans. (41) Between points in Ohio. The purpose of this filing is to eliminate the gateways at Manhattan, Kans., and Kansas City, Mo. (42) Between points in Oklahoma. The purpose of this filing is to eliminate the gateways at Wichita and Garden City, Kans. (43) Between points in South Dakota. The purpose of this filing is to eliminate the gateway at Garden City, Kans. (44) Between points in West Virginia. The purpose of this filing is to eliminate the gateways at Kansas City, Mo., Marysville, Kans., and Ravenna, Ohio. (45) Between points in Wisconsin. The purpose of this filing is to eliminate the gateways at Kansas City, Mo., and Manhattan, Kans. (46) Between points in Texas. The purpose of this filing is to eliminate the gateways at Garden City and Wichita, Kans.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 4, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 71855 (Sub-No. E4), filed June 4, 1974. Applicant: ESSEX VAN & STORAGE, INC., 1500 Eastern Ave., Baltimore, Md. 21221. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 185, thence along New York Highway 185 to junction New York Highway 37, thence along New York Highway 37 to the New York-Canada Border, on the one hand, and, on the other, points in Kosciusko, Lagrange, La Porte, Marshall, Noble, Porter, and Starke Counties, Ind. The purpose of this filing is to eliminate the gateway of Glassport, Pa.

No. MC 87966 (Sub-No. E1) (correction), filed May 9, 1974, published in the FEDERAL REGISTER issue of May 2, 1975, and republished, as corrected, this issue. Applicant: ELEVELD CHICAGO FUR-

NITURE SERVICE, INC., 4020 W 24th St., Chicago, Ill. 60623. Applicant's representative: E. H. Eleveld (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (uncrated), as described by the Commission, from Peshtigo, Wis., to points in Pennsylvania, Kentucky, and those in Missouri on and south of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 5 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Kansas-Missouri State line (Peru, Ind.)*; and from Grand Rapids, Mich., to points in Iowa, Minnesota, Michigan and Wisconsin (the Chicago, Ill., Commercial Zone as defined by the Commission)*, Missouri, Kentucky, and those in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 222 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction Interstate Highway 78, thence along Interstate Highway 78 to the New Jersey-Pennsylvania State line (Peru, Ind.)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 87966 (Sub-No. E2), filed May 9, 1974. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 W. 24th St., Chicago, Ill. 60623. Applicant's representative: E. H. Eleveld (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (uncrated) as defined in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Chicago, Ill., to points in Pennsylvania and to points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 641 to junction Kentucky Highway 94, thence along Kentucky Highway 94 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 49, thence along Kentucky Highway 49 to junction U.S. Highway 641, thence along U.S. Highway 641 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Indiana-Kentucky State line.

The purpose of this filing is to eliminate the gateway of Peru, Ind.

No. MC 87966 (Sub-No. E6), filed May 9, 1974. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 W. 24th Street, Chicago, Ill. 60623. Applicant's representative: E. H. Eleveld (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* (uncrated), as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Rockford, Ill., to points in Pennsylvania and to points in Kentucky on and east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 41 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Peru, Ind.

No. MC 87966 (Sub-No. E7), filed May 9, 1974. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 W. 24th St., Chicago, Ill. 60623. Applicant's representative: E. H. Eleveld (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (uncrated), as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Elgin, Ill., to points in Pennsylvania and to points in Kentucky on and east of a line beginning at the Tennessee-Kentucky State line and extending along Kentucky Highway 181 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Peru, Ind.

No. MC 87966 (Sub-No. E9), filed May 9, 1974. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 W. 24th Street, Chicago, Ill. 60623. Applicant's representative: E. H. Eleveld (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (Uncrated), as decribed in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Naperville, Ill., to points in Pennsylvania and to points in Kentucky on and east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 431 to junction Kentucky Highway 79, thence along Kentucky Highway 79 to junction Green River Parkway Toll Road to junction Kentucky Highway 69, thence along Kentucky Highway 69 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Peru, Ind.

No. MC-113459 (Sub No. E117), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors (points in Illinois)* and (2) *self-propelled tractors* (other than truck tractors designed for highway operation), each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers (points in Illinois on and north of U.S. Highway 36)*, between points in Indiana, on the one hand, and, on the other, points in Alaska. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-113459 (Sub No. E118), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* when moving in connection therewith, restricted to commodities which are transported on trailers, between points in Wisconsin on and east of a line beginning att he Wisconsin-Illinois State line and extending along Wisconsin Highway 69 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan, on the one hand, and, on the other, points in Wyoming on and south of a line beginning at the Wyoming-Nebraska State line and extending along U.S. Highway 20 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to the Wyoming-Montana State line. The purpose of this filing is to eliminate the gateways of Sterling, Ill. and points in Kansas.

No. MC-113459 (Sub No. E120), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal tubing and pipe*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except the stringing and picking up of pipe in connection with main or trunk pipe lines) (2) *metal tubing and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting rom drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, and (3) *metal tubing and pipe*, the transportation of which, by reason of size or weight, require the use of special equipment, between points in North Dakota, on the one hand, and, on the other, points in Georgia on and south of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 53 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Georgia-North Carolina State line (except Atlanta, Ga.). The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 113459 (Sub-No. E122), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal tubing and pipe*, the transportation of which, by reason of size or weight, require the use of special equipment, between points in Kansas, on the one hand, and, on the other, points in Georgia on and south of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 8 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line (except Atlanta, Ga.). The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 113459 (Sub-No. E124), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment and machinery equipment materials, supplies and pipe*, the transportation of which, by reason of size or weight, requires the use of special equipment, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Bullitt, Hardin, Meade, Breckinridge, Hancock, Daviess, Henderson, Union, Webster, McLeon, Crittenden, Hopkins, Ohio, Grayson, Edmondson, Hart, Warren, Butler, Muhlenberg, Logan, Todd, Christian, Trigg, Simpson, Lyon, Caldwell and Jefferson Counties, Ky., on the one hand, and, on the other, points in Alaska. The purpose of this filing is to eliminate the gateway of points in Illinois south of U.S. Highway 36.

No. MC 113843 (Sub-No. E509) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER issue September 3, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prune juice*, from those points in Pennsylvania on and west of U.S. Highway 15, and on, north, and east of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 249 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania Highway 664, thence along Pennsylvania Highway 664 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 477, thence along Pennsylvania Highway 477 to junction Pennsylvania Highway 192, thence along Pennsylvania Highway 192 to junction U.S. Highway 15 to points in North Dakota. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley, or Williamson, N.Y.

NOTE.—The purpose of this correction is to correct the territorial description.

No. MC–113843 (Sub No. E480) (Partial Correction), filed May 19, 1974, published in the FEDERAL REGISTER issue of September 1, 1976, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (17) between Toms River and Trenton, N.J., on the one hand, and, on the other, those points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 32 to junction U.S. Highway 36, thence along U.S. Highway 36 to Indianapolis, Ind., to junction Indiana Highway 37, thence along Indiana Highway 37 to Bedford, Ind., to Junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of the letter-notice remains as previously published.

No. MC 113843 (Sub-No. E678) (Partial Correction), filed May 21, 1974, and published in the FEDERAL REGISTER issue of July 14, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (6) from those points in Michigan on, north, and west of a line beginning at Lake Michigan and extending along U.S. Highway 10 to Clare, thence along U.S. Highway 27 to junction Michigan Highway 61, thence along Michigan Highway 61 to junction U.S. Highway 23, thence along U.S. Highway 23 to E. Tawas and Tawas Bay, to those points in Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 95 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Virginia Highway 5, thence along Virginia Highway 5 to the Virginia-District of Columbia Boundary line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this partial correction is to indicate the correct territorial description. The remainder of the letter-notice remains as previously published.

No. MC–113843 (Sub-No. E990) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER issue of August 4, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Benton Harbor and St. Joseph, Mich., to points in Delaware, those in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 15 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 495, thence along Interstate Highway 495 to the Maryland-Virginia State line, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

NOTE.—The purpose of this correction is to indicate the correct territorial description.

No. MC 113843 (Sub-No. 1055) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER issue of July 22, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from North Brunswick, N.J., to those points in New York on and west of New York Highway 14, and those on, north, and west of a line beginning at Lake Ontario and extending along New York Highway 104 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 68, thence along New York Highway 68 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

NOTE.—The purpose of this correction is to indicate the correct territorial description.

No. MC 114552 (Sub-No. 202), filed September 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards as are also supplies and accessories used in the manufacture and installation of composition boards* (except commodities in bulk), from points in Oklahoma on and west of a line beginning at the Oklahoma-Arkansas State line and extending along Oklahoma

Highway 33 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction U.S. Highway 377, thence along U.S. Highway 377 to the Oklahoma-Texas State line, to points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 521, thence along U.S. Highway 521 to the Winyah Bay. The purpose of this filing is to eliminate the gateways of the plant site and warehouse facilities of the Abitibi Corporation near Roaring River, N.C. and the plant site and warehouse facilities of the Celotex Corporation in Wayne County, N.C.

No. MC 119702 (Sub-No. E10), filed May 31, 1974. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Hartford, Roxana and Wood River, Ill., to points in Iowa (except Clinton, Jackson, and Scott Counties, Iowa). The purpose of this filing is to eliminate the gateway of the terminal of the Great Lakes Pipe Lines Company located near Palmyra, Mo.

No. MC–119767 (Sub-No. E2) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of March 31, 1976, and republished, as corrected, this issue. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 425 Thirteenth Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and prepared foodstuff* (except frozen), from points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line and extending along Illinois Highway 26 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 127, thence along Illinois Highway 127 to the Illinois-Kentucky State line and from points in Illinois on and west of a line beginning at the Illinois-Wisconsin State line and extending along Illinois Highway 47 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Illinois-Kentucky State line, to points in North Dakota and to points in South Dakota on and north of a line beginning at the Wyoming-South Dakota State line and extending along U.S. Highway 18, to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line. The purpose of this filing is to eliminate the gateway of Somers, Wis.

NOTE.—The purpose of this correction is to restrict the destination territory of South Dakota.

No. MC–119767 (Sub No. E13), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of March 31, 1976, and republished, as corrected, this issue. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 425 Thirteenth St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, (except commodities in bulk, frozen foods and meats and meat products), from points in Elkhart, Lagrange, Steuben, Noble, De Kalb, Kosciusko, Wabash, Huntington, Whitley, Allen, Wells and Adams Counties, Ind., to points in Iowa on, west and north of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 71 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line and to points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior near Trout Bay and extending along County Route H–13 to Lake Michigan at or near Nahma, Mich. The purpose of this filing is to eliminate the gateway of Watertown, Wis.

NOTE.—The purpose of this correction is to restrict the destination territory and to state the correct commodity description.

No. MC–119767 (Sub. No. E14) (Correction), filed June 4, 1974, published, in the FEDERAL REGISTER issue of March 31, 1976, and republished, as corrected, this issue. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis 53158. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 425 Thirteenth St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except commodities in bulk, frozen foods and meats and meat products), from points in Clark, Scott, Jennings, Ripley, Dearborn, Jefferson, Ohio and Switzerland Counties, Ind., to points in Iowa on and north of U.S. Highway 30 and to points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior near Trout Bay and extending along County Route H–13 to Lake Michigan at or near Nahma, Mich. The purpose of this filing is to eliminate the gateway of Watertown, Wis.

NOTE.—The purposes of this correction are to restrict the destination territory and to state the correct commodity description.

No. MC–119767 (Sub No. E44), filed June 4, 1974. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 425 Thirteenth St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except commodities in bulk, frozen foods and meats and meat products), from points in Indiana on and west of a U.S. Highway 31 and points in Illinois on and east of U.S. Highway 45, thence along U.S. Highway 45 to points in Iowa on and north of U.S. Highway 20 and points in the Upper Peninsula of Michigan (except points in Luce, Mackinac, and Chippewa Counties, Mich.). The purpose of the filing is to eliminate the gateway of Watertown, Wis.

By the Commission.

ROBERT L. OSWALD,
Secretary.

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WEDNESDAY, SEPTEMBER 22, 1976



PART II:

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

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MAJOR URBAN MASS TRANSPORTATION INVESTMENTS

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

MAJOR URBAN MASS TRANSPORTATION INVESTMENTS

Statement of Policy

The purpose of this notice is to issue a Statement of Federal Policy with respect to decisions on major urban mass transportation investments assisted under the Urban Mass Transportation Act of 1964, as amended. The need for such a Statement has resulted from the growing complexity of the UMTA capital program and the increasing demands placed upon the available funds.

At the outset of the urban mass transportation assistance program in 1964, the $75 million annual budget was directed toward the preservation of urban transit service in selected cities through the conversion of failing private transit companies to public ownership. A decade later UMTA's annual capital assistance budget exceeds $1 billion, and is primarily devoted to modernizing existing transit properties and constructing new transit facilities. Not only has the magnitude and duration of Federal transit investments increased and changed significantly but the number of potential recipients has grown. The pressure of these competing demands requires the Department of Transportation to ensure that the available Federal resources are utilized in the most prudent and effective manner.

In the interest of making all urban areas aware of the procedures which are followed and the issues considered in Federal decisions to participate in the financing of locally initiated major mass transportation investments, the Department of Transportation is promulgating this Statement of Federal Policy. The policy represents a process- oriented approach designed to allow each urban area to take into account its unique characteristics in the planning, design and implementation of transportation improvements. As a condition of eligibility for Federal assistance, the policy requires that alternative investment strategies be considered in order to determine which investment best serves the locality's transportation needs, promotes its social, economic, environmental and urban developments goals, and supports national aims and objectives. The policy stresses the need to consider combinations of transit modes and technologies appropriate to the service requirements of specific corridors, and requires major fixed guideway systems to be implemented incrementally, with priority given to the most immediate needs of the locality.

This Statement of Policy has been developed in concert with Federal, State and local tranportation and planning officials, transit operators, public interest groups and other parties potentially affected by the Policy. Comments and opinions from these diverse groups have been sought by UMTA through individual solicitations, through interest groups such as the American Public Transit Association (APTA), and through two major UMTA-sponsored consultative conferences (Airlie House Conference and Hunt Valley Conference).

The Policy Statement was first issued for public comment on August 1, 1975 (FR, Vol. 40, No. 149). Sixty-eight responses were received from local, State and transit agencies, metropolitan planning organizations and other interested parties. These comments led to a revision of the Statement and the addition of a description of UMTA procedures. By spelling out clearly the process by which it makes major capital grant decisions, UMTA hoped to increase its own accountability and add a measure of predictability to the discretionary grant award process.

The revised Statement of Policy was discussed at a working conference held under the auspices of the Transportation Research Board at Hunt Valley, Maryland on March 29 through April 1. In arriving at this final Statement of Policy, UMTA has taken careful account of the views and comments expressed at that conference and throughout the 20-month consultative process.

The following significant changes have been made from the initially proposed text of the Statement as issued in the FEDERAL REGISTER on August 1, 1975.

The section entitled "Extent of Federal Commitment" which appeared in the earlier version of the Policy Statement has been deleted. The proposition that the Federal Government might provide funding for alternatives which the local analysis had determined as not cost-effective is deemed to be inconsistent with the Federal obligation to ensure prudent and effective use of the taxpayers' money. The Department's policy of confining Federal financial support to cost-effective alternatives remains unchanged.

Review of the comments received indicated also the desirability of removing certain ambiguities and making certain clarifications in the Policy Statement. These changes are discussed below.

1. A number of respondents felt that no single overall measure of transportation cost-effectiveness could fully reflect all of the significant issues which must be considered in reaching responsible decisions. A single measure was not the intent of the policy. The statement now makes it clear that multiple measures of cost and of levels of effectiveness should be considered, and that effectiveness is measured by the degree to which the proposed investment meets the locality's transportation needs, promotes its social, economic, environmental and urban development goals, and supports national objectives.

2. Some comments interpreted the emphasis on a short planning horizon as a rejection of the concept of comprehensive metropolitan planning. The policy does not challenge the concept of long range planning, and UMTA recognizes the need for such planning as a means of giving an overall direction to metropolitan development. However, UMTA believes that it is not prudent for either a locality or the Federal Government to make a massive commitment to a fixed course of action for mass transportation based solely on the necessarily speculative projections that must characterize plans which target 30 or 25 years in the future. Changing social priorities, demographic shifts, environmental concerns, accelerated inflation and other unanticipated developments can drastically alter even the most carefully conceived long range plans. It is desirable therefore to base immediate investment decisions on a shorter planning horizon. The sections on "Long Range Plan" and "Incremental Development" now bring out more clearly these considerations.

3. A number of respondents felt that a 10-year horizon for the short term analysis was too close in the future to permit investments, such as advanced acquisition of rights-of-way, that pay off only in the long run. These comments are well taken. Considering the long lead times that are required for most fixed guideway projects, a somewhat longer planning horizon is justified. The policy has now adopted a horizon of up to 15 years, counting from the time the analysis was carried out. Since major fixed guideway projects take up to 5–8 years to complete, this is tantamount to a 7–10 year horizon from the date of initial start-up operation.

4. Several comments expressed doubt about the feasibility of the incremental approach to transit system implementation because of the need to offer benefits more or less simultaneously to the entire region. UMTA agrees that there must be some geographic equity in transit development. But the incremental approach is not inconsistent with an equitable distribution of transit benefits. An "increment" of the plan may contain a package of projects designed to benefit an entire metropolitan area. For example, the initial "increment" of the plan may include express bus service in exclusive lanes, new fringe parking facilities, improved feeder services in suburban communities, as well as the first localized segment of a fixed guideway system.

5. The original conception of requiring Transportation System Management improvements in the operation of the existing transportation system as an alternative to the construction of new facilities was felt by many observers to be too confining. The policy now distinguishes between two concepts: the need to assess the potential of low-cost alternatives (e.g. express bus service in reserved lanes) as a discrete option to more capital intensive alternatives; and the need to employ various types of Transportation System Management actions to support and complement (but not substitute for) the proposed fixed guideway investment.

6. A more precise definition of a "major urban mass transportation investment" was urged by several respondents. This point has been clarified by bringing under the coverage of the policy all proj-

ects involving new construction or extension of existing fixed guideway systems, except projects identified by UMTA as part of a demonstration program (such as the proposed "Downtown People Mover" demonstrations). Projects involving rehabilitation or modernization of existing facilities are not within the scope of the alternatives analysis requirement. Fixed facilities by nature of their permanence and irreversibility have potentially the greatest impact upon the urban area in terms of land use, financial burden, and urban growth. Decisions concerning construction of new fixed facilities, therefore, deserve particular care, regardless of their financial scope.

7. Questions were raised concerning the relationship of the Environmental Impact Assessment to the analysis of alternatives. The Policy now explicitly integrates the two processes and calls for the circulation of a final Environmental Impact Statement prior to a decision on the award of the preliminary engineering grant.

Issued in Washington, D.C. on September 9, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary.

FEDERAL POLICY ON ASSISTANCE FOR MAJOR URBAN MASS TRANSPORTATION INVESTMENTS

Since the beginning of this decade, the Federal Government has provided an increasing share of the Nation's capital investment in urban mass transportation. In the years ahead, as more and more communities seek Federal financial aid to improve and expand their mass transportation systems, it is more essential than ever that Federal funds be effectively and efficiently utilized.

Since each metropolitan area has differing characteristics, Federal mass transportation assistance cannot be based on standardized prescriptions. Rather, Federal support should be flexible, relying heavily on local ability to assess present and anticipated transportation needs, identify and evaluate alternative opportunities for improvement, and initiate needed actions.

The Federal Government does, however, have a strong interest in ensuring that Federal funds available for mass transportation investments be used prudently and with maximum effectiveness. While there are no simple or standard procedures that will guarantee this outcome, a careful and systematic evaluation of the implications of alternative courses of action in advance of a Federal commitment should improve the quality of decisions. To this end and analysis of transportation alternatives and the filing of a final Environmental Impact Statement will be required as a condition of eligibility for Federal assistance for a major mass transportation investment. Federal support will be available only for those alternatives which the analysis has demonstrated to be cost-effective, where effectiveness is measured by the degree to which an alternative meets the locality's transportation needs, promotes its social, economic, environmental and urban development goals, and supports national aims and objectives.

A major mass transportation investment for purposes of this Statement is any project which involves new construction or extension of a fixed guideway system (rapid rail, light rail, commuter rail, automated guideway transit) or a busway, except where such project is determined by the Administrator to be of importance as a demonstration of advanced technology. Rehabilitation and modernization projects are not included in the scope of this definition.

The analysis of alternatives shall be carried out as part of a comprehensive transportation planning process in accordance with the following principles:

A. LONG RANGE PLAN

Proposals for major mass transportation investments shall be consistent with an urban area's comprehensive long range plan which articulates the overall direction for metropolitan development and identifies major transportation corridors.

The long range plan should reflect an awareness that different levels and types of transportation service may be needed in different portions of the metropolitan area. Each major corridor should be considered individually to determine the level and type of service that will best meet its projected requirements.

The long range plan should further recognize the need for local community-level transit service as well as for express line-haul connections that foster region-wide accessibility.

As an example, a comprehensive transportation plan may call for the construction of a rail rapid transit line in a corridor of heavy demand, a "people mover" to facilitate local circulation in the central business district, a light rail network or busways to serve intermediate capacity corridors in the lower density portions of the metropolitan area, and fleets of fixed route buses and flexibly routed paratransit vehicles acting as feeders and distributors to the higher capacity line-haul systems and providing neighborhood circulation service in the local communities within the metropolitan region.

The long range plan should be reassessed and revised periodically as part of a continuing transportation planning process to reflect changes in local goals, priorities and long range forecasts; to respond to new land development and travel patterns; to adapt to new technologies as they are developed; and to adjust to the impact of previously implemented actions.

B. INCREMENTAL DEVELOPMENT

Where an area's comprehensive long range transportation plan calls for the creation of a fixed guideway system, the system should be proposed for implementation incrementally. Initial segments of the system should be proposed in corridors which can justify the need for fixed guideway service within 15 years of the date of the analysis. Each segment should be capable of justification on its own merits.

Corridors which cannot justify fixed guideway transit service within 15 years of the date of the analysis should be provided with levels and types of service appropriate to their needs, with the level of service being progressively upgraded as demand develops. Incremental developmental aims to ensure that high priority corridors receive initial attention; that appropriate balance is maintained between the transportation requirements of the entire region and those of local communities within the region, and between long range and short range needs for transportation improvements; that flexibility is preserved to respond to changing technology, land use patterns and growth objectives; and that the fiscal burden is spread over a long period of time.

C. EVALUATION OF ALTERNATIVES

In the interest of improving the quality of the local planning and investment decisions, any metropolitan area which intends to apply for Federal assistance for a major mass transportation investment must undertake an analysis of transportation alternatives with regard to any corridors in which fixed guideway facilities have been proposed for implementation. The analysis should confacilities have been proposed for insider a range of alternatives, including improvements involving better management and operation of the existing street and highway network e.g., through provision of reserved lanes for buses and other high occupancy vehicles.

This analysis should assess each alternative's capital and operating costs; ridership attraction; capital and operating efficiency and productivity; effects on modal choice, level of automobile use, environmental impacts and energy consumption; impact on land use and development patterns; extent of neighborhood disruption and displacement; job creation impact; and such other factors as are considered important by the local community.

The analysis should also compare the relative costs and effectiveness of each alternative, where effectiveness is measured by the degree to which the alternative meets the locality's transportation needs, promotes its social, economic, environmental and urban development goals, and supports national aims and objectives.

As part of the analysis of alternatives, a draft Environmental Impact Statement shall be prepared jointly by UMTA and the applicant in accordance with published guidelines.

D. TRANSPORTATION SYSTEM MANAGEMENT

Plans for a fixed guideway project should include transportation system management (TSM) actions to enhance the project's accessibility and convenience and to improve the quality of transportation service in other parts of the metropolitan area which will not be served by the fixed guideway project. Supportive TSM actions shall include the provision of adequate bus and paratransit feeder services and parking facilities at transit stations, and may include

other measures aimed at increasing transit ridership and reducing unnecessary use of private automobiles within the transit corridor.

E. PUBLIC INVOLVEMENT

There should be full opportunity for the timely involvement of the public, local elected officials, and all levels of government in the alternatives analysis process. This involvement should be initiated early, so that all affected groups have an opportunity to influence the process in a timely and constructive fashion, particularly as to the alternatives to be considered, measures of effectiveness to be used, actions to be taken to minimize or avoid adverse effects and priority actions for implementation.

After completion of the draft Environmental Impact Statement a formal public hearing shall be held as required by the Urban Mass Transportation Act of 1964, covering both the analysis of alternatives and the draft Environmental Impact Statement.

PROCEDURES

This section states the procedures which UMTA will normally follow in reviewing the alternatives analysis, in implementing the Environmental Impact Statement requirement of the National Environmental Policy Act of 1969, and in making funding commitments to support major mass transportation investments.

1. The initial phase of the alternatives analysis process shall involve a preliminary analysis leading to the development of a citizen involvement mechanism, the choice of appropriate demand forecasting techniques and cost-effectiveness analysis methodology, the designation of a priority corridor(s), and the selection of a small set of promising transportation alternatives for analysis. UMTA must concur in these elements of analysis before the applicant may proceed with a detailed evaluation of the alternatives.

2. After obtaining UMTA's concurrence, the applicant shall proceed with the alternatives analysis and the preparation of a proposed draft Environmental Impact Statement (EIS). The proposed draft EIS shall be combined in a single document with the results of the alternatives analysis and shall be prepared jointly by UMTA and the applicant in accordance with published UMTA guidelines. Each alternative selected for study shall be presented at the same level of detail.

The applicant shall designate, in a separate document to be submitted simultaneously, the preferred cost-effective alternative which he recommends for implementation, and state a rationale for his choice. The recommended alternative shall be described in terms of its corridor location, length of initial segment(s), technology, horizontal and vertical alignment, grade separation, station location and other relevant factors. This document shall clearly state that any recommendation is solely that of the applicant and that UMTA's judgment is reserved until the environmental process is complete.

Upon receipt of the combined alternatives analysis and proposed draft Environmental Impact Statement, UMTA will undertake a review of the document to ensure that the analysis has been carried out in conformance with UMTA policy and UMTA guidelines. This review will normally be completed within 90 days of the receipt of the draft alternatives analysis and proposed draft EIS.

4. After the consolidated alternatives analysis and proposed draft Environmental Impact Statement has been found in conformance with UMTA guidelines, UMTA will circulate it for comment. During the circulation period the applicant will hold a public hearing on the document and may, at applicant's option, include in such hearing consideration of any application for a grant for preliminary engineering on the applicant's preferred alternative.

5. At the end of the circulation period UMTA and the applicant will address the questions and comments received, correct any deficiencies in the analysis, and begin preparation of a final Environmental Impact Statement on a recommended alternative. The final EIS shall be prepared at the same level of detail as the draft EIS.

The final Environmental Impact Statement may also incorporate UMTA's decision with respect to a preliminary engineering grant, subject to the condition of satisfactory completion of the 30-day circulation period required for the final Environmental Impact Statement. This decision will be based upon a comparison of projects emerging from the alternatives analysis process.

UMTA may admit projects into preliminary engineering whose combined cost exceeds available Federal contract authority. This will be done in anticipation of any of several possibilities: the withdrawal of projects as a result of changing local priorities; a local decision to use non-Federal resources to finance more than 20 percent of total cost; or changing conditions such as the availability of detailed cost estimates which might lead to a later decision that a particular project cannot be Federally financed.

6. During the execution of preliminary engineering, the applicant will be expected to complete all the steps which must precede a full Federal commitment of capital grant funds to the project. These steps include providing evidence of firm commitment of the non-Federal capital share, providing evidence of State and/or local consensus regarding the financing of operating deficits, and planning for and gaining financial commitment to necessary supportive actions to promote effective utilization of the proposed fixed guideway system.

7. Upon completion of the preliminary engineering phase, the applicant may prepare a capital grant application for the construction (including final engineering and right of way acquisition) of the proposed project, and shall hold a public hearing thereon.

8. A definite funding commitment by UMTA for construction in a specific dollar amount will be made upon review of the capital grant application, the transcript of the public hearing and the detailed cost estimates emerging from preliminary engineering. The decision will be based upon a comparison of projects then pending.

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WEDNESDAY, SEPTEMBER 22, 1976



PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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MORTAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

Assurance of Completion Requirements

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER

[Docket No. R-76-371]

MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

Assurance of Completion Requirements

Notice was given on January 23, 1976, at 41 FR 3481 that the Department of Housing and Urban Development was proposing amendments to Parts 207, 213, 221, 232, 241, 242 and 244 of Title 24 to change the assurance of completion requirements for multifamily housing projects, nursing homes, hospitals and group practice facilities, the construction or rehabilitation of which is financed through mortgages insured by the Department. The proposed amendments would also cover Parts 220, 227, 231, 234, 235 (rehabilitation projects) and 236 through incorporation by reference.

These amendments establish the minimum requirements with respect to payment and performance bonds, and cash deposits to secure completion assurance agreements. Agreements controlling the disbursement of construction funds coupled with a full guaranty of performance of the construction contract have been eliminated as an acceptable form of assurance of completion because of unsatisfactory prior experience in this area.

Interested persons were given 30 days to submit data, views, and suggestions with respect to the proposed regulation. Sixteen comments were received. Thirteen of the comments were negative; the remaining three comments offered certain suggestions toward improving or strengthening the proposed requirements.

Six of the negative comments were based upon the mistaken impression that the proposed amendments would eliminate the existing authority for a mortgagee to accept an unconditional irrevocable letter of credit as security for the completion assurance agreement in lieu of the cash deposit required under the amended regulations. The letter of credit requirement in the various regulations was unaffected by the amendments except for the hospital program where completion assurance agreements are not utilized. See Sections 207.19(c)(7), 213.27(g), 221.542(b), 232.56(b), 241.140(b), and 244.95(b). Four of the negative comments raised the general objection that the existing requirements were adequate to protect the Government's interests and that the imposition of strengthened requirements would tend to penalize the small builder and slow construction. Two negative comments advocated a lesser separate standard for nonprofit builders. HUD has determined that more stringent assurance of completion requirements are necessary to protect the Government's interest based upon the experience of the Department with projects which are not properly completed and, therefore, cause loss to the Department as an insurer of the mortgage loan. The personal indemnity agreement has been retained to afford relief to small builders, nonprofit builders, and contractors as will be explained further below.

Three of the negative comments maintained that the controlled disbursement agreement was an acceptable and workable mechanism which should not be eliminated as an acceptable form of assurance of completion. These comments do not alter the position of the Department that the mechanism has not been proved in the experiments therewith and that too little private interest has been demonstrated in the controlled disbursement agreement to justify developing regulations and handbook rules, procedures and forms for nationwide implementation.

One negative comment raised the issue of adverse impact of the strengthened requirements through elimination of minority contractors. It should be emphasized that the mechanism of the personal indemnity agreement as an acceptable form of assurance of completion was devised initially and has been retained for the express purpose of facilitating the participation of small contractors, nonprofit builders, and, particularly, minority contractors. It is believed that not many small contractors will undertake construction of multifamily projects in excess of $500,000. One negative comment was adverse to the personal indemnity agreement and stated that such agreements were not worth the paper upon which they were written.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability, in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1) is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C.

Accordingly, the proposed regulations are hereby adopted without change and are set forth below.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. Section 207.19(c)(6) is revised to read as follows:

§ 207.19 Required supervision of private mortgagors.

* * * * *

(c) * * *

(6) The mortgagor shall furnish assurance of completion of the project in the form of a personal indemnity agreement, corporate surety bonds for payment and performance, or a completion assurance agreement secured by a cash deposit. All types of assurance of completion shall be on forms approved by the Commissioner. All surety companies issuing bonds and all parties executing a personal indemnity agreement must be satisfactory to the Commissioner. The minimum requirements for assurance of completion are as follows:

(i) Where the estimated cost of construction or rehabilitation is $500,000 or less, the assurance of completion will be accepted in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners of the entity acting as general contractor, or by the individuals operating as the general contractor. Where the estimated cost of construction or rehabilitation is more than $500,000 or where such cost is less than $500,000 and a personal indemnity agreement is not executed, the assurance shall be as set forth in paragraph (c)(6)(ii) or (iii) of this section.

(ii) Where the structure contains no elevator, or where the structure contains an elevator and is three stories or less, assurance shall be by corporate surety bonds for payment and performance each in the amount of 25 percent of the amount of the construction contract, or a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the amount of the construction contract.

(iii) Where the structure contains an elevator and is four stories or more, assurance shall be by corporate surety bonds for payment and performance, each in the amount of 50 percent of the amount of the construction contract, or a completion assurance agreement secured by a cash deposit in the amount of 25 percent of the amount of the construction contract.

(iv) A mortgagee may prescribe more stringent requirements for assurance of completion than the minimum requirements of this section.

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PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

2. Section 213.27(e) is revised to read as follows:

§ 213.27 Assurances of completion.

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(e) The mortgagor shall furnish assurance of completion of the project in the form of a personal indemnity agreement, corporate surety bonds for payment and performance, or a completion assurance agreement secured by a cash deposit. All types of assurance of completion shall be on forms approved by the Commissioner. All surety companies issuing bonds and all parties executing a personal indemnity agreement must be satisfactory to the Commissioner. The minimum requirements for assurance of completion are as follows:

(1) Where the estimated cost of construction or rehabilitation is $500,000 or less, the assurance of completion will be accepted in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners of the entity acting as the general contractor, or by the individuals operating as the general contractor. Where the estimated cost of construction or rehabilitation is more than $500,000 or where such cost is less than $500,000 and a personal indemnity agreement is not

executed, the assurance shall be as set forth in paragraph (e) (2) or (3) of this section.

(2) Where the structure contains no elevator, or where the structure contains an elevator and is three stories or less, assurance shall be by corporate surety bonds for payment and performance each in the amount of 25 percent of the amount of the construction contract, or a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the amount of the construction contract.

(3) Where the structure contains an elevator and is four stories or more, assurance shall be by corporate surety bonds for payment and performance, each in the amount of 50 percent of the amount of the construction contract, or a completion assurance agreement secured by a cash deposit in the amount of 25 percent of the amount of the construction contract.

(4) A mortgagee may prescribe more stringent requirements for assurance of completion than the minimum requirements of this section.

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PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

3. Section 221.542(a) is revised to read as follows:

§ 221.542 Assurance of completion.

(a) The mortgagor shall furnish assurance of completion of the project in the form of a personal indemnity agreement, corporate surety bonds for payment and performance, or a completion assurance agreement secured by a cash deposit. All types of assurance of completion shall be on forms approved by the Commissioner. All surety companies issuing bonds and all parties executing a personal indemnity agreement must be satisfactory to the Commissioner. The minimum requirements for assurance of completion are as follows:

(1) Where the estimated cost of construction or rehabilitation is $500,000 or less, the assurance of completion will be accepted in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners of the entity acting as the general contractor, or by the individuals operating as the general contractor. Where the estimated cost of construction or rehabilitation is more than $500,000 or where such cost is less than $500,000 and a personal indemnity agreement is not executed, the assurance shall be as set forth in paragraph (a)(2) or (3) of this section.

(2) Where the structure contains no elevator, or where the structure contains an elevator and is three stories or less, assurance shall be by corporate surety bonds for payment and performance each in the amount of 25 percent of the amount of the construction contract, or a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the amount of the construction contract.

(3) Where the structure contains an elevator and is four stories or more, assurance shall be by corporate surety bonds for payment and performance, each in the amount of 50 percent of the amount of the construction contract, or a completion assurance agreement secured by a cash deposit in the amount of 25 percent of the amount of the construction contract.

(4) A mortgagee may prescribe more stringent requirements for assurance of completion than the minimum requirements of this section.

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PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

4. Section 232.56(a) is revised to read as follows:

§ 232.56 Assurance of completion.

(a) The mortgagor shall furnish assurance of completion of the project in the form of a personal indemnity agreement, corporate surety bonds for payment and performance, or a completion assurance agreement secured by a cash deposit. All types of assurance of completion shall be on forms approved by the Commissioner. All surety companies issuing bonds and all parties executing a personal indemnity agreement must be satisfactory to the Commissioner. The minimum requirements for assurance of completion are as follows:

(1) Where the estimated cost of construction or rehabilitation is $500,000 or less, the assurance of completion will be accepted in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners of the entity acting as general contractor, or by the individuals operating as the general contractor. Where the estimated cost of construction or rehabilitation is more than $500,000 or where such cost is less than $500,000 and a personal indemnity agreement is not executed, the assurance shall be as set forth in paragraph (a)(2) or (3) of this section.

(2) Where the structure contains no elevator, or where the structure contains an elevator and is three stories or less, assurance shall be by corporate surety bonds for payment and performance each in the amount of 25 percent of the amount of the construction contract, or a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the amount of the construction contract.

(3) Where the structure contains an elevator and is four stories or more, assurance shall be by corporate surety bonds for payment and performance, each in the amount of 50 percent of the amount of the construction contract, or a completion assurance agreement secured by a cash deposit in the amount of 25 percent of the amount of the construction contract.

(4) A mortgagee may prescribe more stringent requirements for assurance of completion than the minimum requirements of this section.

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PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

5. Section 241.140(a) is revised and a new paragraph (c) is added as follows:

§ 241.140 Assurance of completion.

(a) The borrower shall furnish assurance of completion of the project in the following minimum forms and amounts:

(1) Where the estimated cost of construction of the improvements is $500,000 or less, the borrower shall furnish assurance of completion of the project in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners of the entity acting as the general contractor, or by the individuals operating as the general contractor.

(2) Where the estimated cost of construction of the improvements is more than $500,000 or where such cost is less than $500,000 and a personal indemnity agreement is not executed, the assurance shall be in the form of corporate surety bonds for payment and performance, each in the minimum amount of 25 percent of the construction contract, or a completion assurance agreement secured by a cash deposit in the minimum amount of 15 percent of the amount of the construction contract.

(3) All types of assurance of completion shall be on forms approved by the Commissioner. All surety companies executing a bond and all parties executing a personal indemnity agreement must be satisfactory to the Commissioner.

(4) A mortgagee may prescribe more stringent requirements for assurance of completion than the minimum requirements of this section.

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(c) Supplemental loans, incurred solely for the purpose of purchasing equipment in a nursing home or a group practice facility, are exempt from the above assurance of completion requirements.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

6. Section 242.61 is revised to read as follows:

§ 242.61 Funds and finances—insured advances—assurance of completion.

(a) Where the estimated cost of construction or rehabilitation is $500,000 or less and a Hill Burton grant or HEW guaranteed loan is not involved, the mortgagor shall furnish assurance of completion of the project in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners of the entity acting as the general contractor, or by the individuals operating as the general contractor.

(b) Where the estimated cost of construction or rehabilitation is more than $500,000 or where such cost is less than $500,000 and a personal indemnity agreement is not executed and, in all cases involving Hill Burton grants or HEW guaranteed loans, the mortgagor shall furnish assurance of completion in the form of corporate surety bonds for pay-

ment and performance each in the minimum amount of 50 percent of the accepted bid price (100 percent of bid price if a Hill Burton grant or HEW guaranteed loan is involved).

(c) All types of assurance of completion shall be on forms approved by the Commissioner. All surety companies executing a bond and all parties executing a personal indemnity agreement must be satisfactory to the Commissioner.

(d) A mortgagee may prescribe more stringent requirements for assurance of completion than the minimun requirements provided for above in this section.

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES [TITLE XI]

7. In § 244.95 paragraph (a) is revised, paragraphs (b) and (c) are deleted and paragraph (d) is redesignated as paragraph (b) and revised as follows:

§ 244.95 Funds and finances—insured advances—assurance of completion.

(a) The mortgagor shall furnish assurance of completion of the project in the form of a personal indemnity agreement, corporate surety bonds for payment and performance, or a completion assurance agreement secured by a cash deposit. All types of assurance of completion shall be on forms approved by the Commissioner. All surety companies issuing bonds and all parties executing a personal indemnity agreement must be satisfactory to the Commissioner. The minimum requirements for assurance of completion are as follows:

(1) Where the estimated cost of construction of rehabilitation is $500,000 or less, the assurance of completion will be accepted in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners of the entity acting as the general contractor, or by the individuals operating as the general contractor. Where the estimated cost of construction or rehabilitation is more than $500,000 or where such cost is less than $500,000 and a personal indemnity agreement is not executed, the assurance shall be as set forth in paragraph (a)(2) or (3) of this section.

(2) Where the structure contains no elevator, or where the structure contains an elevator and is three stories or less, assurance shall be by corporate surety bonds for payment and performance each in the amount of 25 percent of the amount of the construction contract, or a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the amount of the construction contract.

(3) Where the structure contains an elevator and is four stories or more, assurance shall be by corporate surety bonds for payment and performance, each in the amount of 50 percent of the amount of the construction contract, or a completion assurance agreement secured by a cash deposit in the amount of 25 percent of the amount of the construction contract.

(4) A mortgagee may prescribe more stringent requirements for assurance of completion than the minimum requirements in this section.

(b) The lender may accept, in lieu of a cash deposit required by paragraph (a) of this section, a letter of credit meeting the requirements of § 244.85(b).

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).)

Effective date: This amendment is effective on September 22, 1976.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

JAMES L. YOUNG,
Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc.76-27754 Filed 9-21-76;8:45 am]

federal register

WEDNESDAY, SEPTEMBER 22, 1976



PART IV:

FEDERAL ELECTION COMMISSION

ADVISORY OPINIONS

Requests

FEDERAL ELECTION COMMISSION

[Notice 1976–44, AOR 1976–79 through 1976–82]

ADVISORY OPINIONS

Requests

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's Notice of Proposed Rulemaking, published on May 26, 1976 (41 FR 21590), advisory opinion requests 1976–79 through 1976–82 have been made public at the Commission. Copies of AOR 1976–79 were made available on September 9, 1976; and copies of AOR 1976–80 through 1976–82 were made available on September 13, 1976. These copies of advisory opinion requests were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, N.W., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1976–79: Whether the political action committee of the National Right to Work Committee may solicit active and supporting members of the National Right to Work Committee.

Requested by Alan P. Dye of Webster and Chamberlain for the Employee Rights Campaign Committee, Washington, D.C.

AOR 1976–80: Whether a political committee supporting one party's candidates which is not formed, directed, or controlled by the State party is part of the official party structure if it receives funds from the State party; whether a political committee is "authorized" by a candidate if the candidate's principal campaign committee contributes funds to it or if the candidate requests supporters to contribute to the committee; whether a candidate's county campaign coordinator is an agent of the candidate.

Requested by Bob L. Thomas, Chairman, Democrats United, Waco, Texas.

AOR 1976–81: Whether the present principal campaign committee of an independent presidential candidate may be treated as a political party for public financing and party-related expenditure and contribution limitation purposes; whether a separate political committee may be established to replace the candidate's principal campaign committee for contribution and expenditure limitation purposes.

Requested by John Rogard Tabori and Mary Meehan, McCarthy '76, Washington, D.C.

AOR 1976–82: Whether a congressional candidate's principal campaign committee which purchases brochures containing a picture of the candidate with Jimmy Carter must include a disclaimer in the brochure to the effect that Jimmy Carter did not finance it.

Requested by Glenn Miller, Campaign Manager, Walgren for Congress Committee, Pittsburgh, Pennsylvania.

Dated: September 17, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.76–27772 Filed 9–21–76;8:45 am]

federal register

WEDNESDAY, SEPTEMBER 22, 1976



PART V:

COMMISSION ON FEDERAL PAPERWORK

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

FEDERAL COMMUNICATIONS COMMISSION

■

PRIVACY ACT OF 1974

Systems of Records

COMMISSION ON FEDERAL PAPERWORK

PRIVACY ACT OF 1974

Notice of Systems of Records

This document is to give notice that the systems of records identified in the notice published in the Federal Register at 40 FR 52974 continue in effect.

Frank Horton,
Chairman.

CFP—1

System name: General Personnel Files—CFP

System location:

Commission on Federal Paperwork
1111 20th St., NW., Suite 200
Washington, D.C. 20036.

Categories of individuals covered by the system: Past and present employees of the Commission; Commissioners of the Commission; experts and consultants who have been employed on an intermittent or temporary basis.

Categories of records in the system: Informal personnel information, including: social security number, home address, home phone number, age, biographical data, resumes, letters of reference, and other documents.

Authority for maintenance of the system: An Act to create a Commission on Federal Paperwork, Sec. 6, Pub. L. 93-556, 88 Stat. 1789.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records stored in file folders

Retrievability: Retrieved manually, by name of individual

Safeguards: Records are stored in locking metal file cabinets in secured premises; access is limited to those whose official duties require access.

Retention and disposal: Records retained indefinitely

System manager(s) and address:

Administrative Officer
Commission on Federal Paperwork
1111 20th St., NW., Suite 200
Washington, D.C. 20036.

Notification procedure: Address inquiries to Administrative Officer, at above address.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain; supervisors; official personnel records.

CFP—2

System name: General Financial Records—CFP

System location: System location: General Services Administration, Central Office; copies held by the Commission. (GSA holds records for the Commission under agreement.)

Categories of individuals covered by the system: Commission employees; Commissioners; experts and consultants who have been employed on an intermittent or temporary basis.

Categories of records in the system: Categories of records in the system: SF 1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Commission who have a need for the record in performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; also An Act to establish a Commission on Federal Paperwork, Sec. 3, 6, Pub. L. 93-556, 88 Stat. 1789 (44 U.S.C. 3501).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records also are released to General Accounting Office for audits; to the Internal Revenue Service for investigations and to private attorneys, pursuant to power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Administrative Officer
Commission on Federal Paperwork
1111 20th St., NW., Suite 200
Washington, D.C. 20036.

Notification procedure: Address inquiries to Administrative Officer at the above address.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The subject individual; the Commission.

Systems exempted from certain provisions of the act: None.

CFP—3

System name: Payroll Records—CFP

System location: General Services Administration, Region 3 Office; copies held by the Commission. (GSA holds records for the Commission under agreement.)

Categories of individuals covered by the system: Past and present Commission employees, Commissioners, experts and consultants who have been employed on an intermittent or temporary basis.

Categories of records in the system: Vaired payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for reduction; tax forms; W-2 forms and overtime; leave data; retirement records. Records are used by the Commission and GSA employees to maintain adequate payroll information for Commission employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; also An Act to establish a Commission on Federal Paperwork, Sec. 3, 6, Pub. L. 93-556, 88 Stat. 1789 (44 U.S.C. 3501).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records are also released to the General Accounting Office for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Administrative Officer
Commission on Federal Paperwork
1111 20th St., NW., Suite 200
Washington, D.C. 20036.

Notification procedure: Address inquiries to Administrative Officer, at above address.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain; the Commission.

Systems exempted from certain provisions of the act: None

Appendix—CFP

(1) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant

records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(2) A record from this system of records may be disclosed as a "routine use" to a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant, or other benefit.

(3) A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

(4) A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel mnanagement.

(5) A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

(6) A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

(7) A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving the individual when the individual is a constituent of the Member and has requested assistance from the Member with respect to the subject matter of the record.

[FR Doc.76-26922 Filed 9-8-76;4:07 pm]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PRIVACY ACT OF 1974

Systems of Records

The purpose of this document is to give notice that the system of records identified in notices published in the Federal Register at 40 FR 44759, 40 FR 44760 and 41 FR 9587 continues in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a(c)(4) as added by Section 3 of the Privacy Act of 1974.

C. W. Fletcher,
Executive Director.

Index

CBH—1 General Personnel File
CBH—2 General Financial Records
CBH—3 Payroll Records

CBH—1

System name: General Personnel File for Committee for Purchase from the Blind and Other Severely Handicapped—CBH—1.

System location: 2009 14th Street North, Suite 610, Arlington, Virginia 22201

Categories of individuals covered by the system: Committee members and employees (past and present).

Categories of records in the system: General personnel information, including, among other data, photographs, applications, position description, request for notification of personnel action, training records, security clearances, titles, service computation date, date of birth, grade, salary, employment history, home address, age, marital status, social security number, home telephone number, resume, letter of recommendation, and short biographical sketches. System contains copies of Civil Service Commission personnel forms including, among others: data for nonsensitive or noncritical-sensitive position, and payroll change slip. Information is used by authorized Committee employees in the performance of their duties.

Authority for maintenance of the system: 5 U.S.C., generally, and Public Law 92-28.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: Manual and by name.

Safeguards: Files locked in office; records are available to authorized persons only.

Retention and disposal: In accordance with General Records Schedule FPMR 101-11.4.

System manager(s) and address: Executive Director 2009 14th Street North, Suite 610, Arlington, Virginia 22201

Notification procedure: Contact individual listed above.

Record access procedures: Requests from individuals should be addressed to the Executive Director of the Committee staff. Requests may also be made in person. For written requests, the individual should provide full name, address, telephone number, and the dates of the activity. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification card. Only general inquiries may be made by telephone.

Contesting record procedures: Rules for access to records and for contesting the contents and appealing initial determinations have been promulgated in 41 CFR 51-8.

Record source categories: Official personnel records and the individual.

CBH—2

System name: General Financial Records for Committe for Purchase from the Blind and Other Severely Handicapped—CBH—2.

System location: General Services Administration, Central Office, copies held by the Committee. (GSA holds records for Committee under contract.)

Categories of individuals covered by the system: Committee employees.

Categories of records in the system: SF 1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Committee who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally and Public Law 92-28.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

Notification procedure: Contact system manager listed above.

Record access procedures: Requests from individuals should be addressed to the Executive Director of the Committee staff. Requests may also be made in person. For written requests, the individual should provide full name, address, telephone number, and the dates of the activity. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification card. Only general inquiries may be made by telephone.

Contesting record procedures: Rules for access to records and for contesting the contents and appealing initial determinations have been promulgated in 41 CFR 51-8.

Record source categories: The subject individual; the Committee.

CBH—3

System name: Payroll records for Committee for Purchase from the Blind and Other Severely Handicapped—CBH—3.

System location: General Services Administration, Region 3 Office; copies held by the Committee (GSA holds records for Committee under contract).

Categories of individuals covered by the system: Past and present Committee employees.

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards, payment vouchers, comprehensive listing of employees, health benefits records, requests for deductions, tax forms, W2 forms, overtime requests, leave data, retirement records. Records are used by Committee and GSA employees to maintain adequate payroll information for Committee employees and otherwise by Committee and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building, released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

Notification procedure: Contact system manager listed above.

Record access procedures: Requests from individuals should be addressed to the Executive Director of the Committee staff. Requests may also be made in person. For written requests, the individual should provide full name, address, telephone number, and

the dates of the activity. For personal visits the individual should be able to provide some acceptable identification such as driver's license or employee identification card. Only general inquiries may be made by telephone.

Contesting record procedures: Rules for access to records and for contesting the contents and appealing initial determinations have been promulgated in 41 CFR 51-8.

Record source categories: The subject individual; the Committee.

APPENDIX (CBH)

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute of particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator of other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purpose of audit.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

[FR Doc.76-25545 Filed 8-30-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

PRIVACY ACT OF 1974

Systems of Records

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register at 40 FR 40068, 46075, 49566, 51176 and 41 FR 26953 continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4) as added by Section 3 of the Privacy Act of 1974.

August 30, 1976.

Vincent J. Mullins,
Secretary.

Table of Contents

FEDERAL COMMUNICATIONS COMMISSION SYSTEM OF RECORDS

BROADCAST BUREAU (FCC/BCB)
Broadcast Station Ownership Interest File-FCC/BCB-1
Complaints Against Broadcast Stations, Licensees, Officers, Employees-FCC/BCB-2
Employee Activity Report-FCC/BCB-3
Employee Records-FCC/BCB-4
CABLE TELEVISION BUREAU (FCC/CTB)
Applicant for Position-FCC/CTB-1
Employee Activity Report-FCC/CTB-2
Employee Records-FCC/CTB-3
Staff Travel Records-FCC/CTB-4
Cable Operator Ownership File (AOR)-FCC/CTB-5
COMMISSIONERS (FCC/COMM)
Applicant for Position-FCC/COMM-1
Employee Records-FCC/COMM-2
COMMON CARRIER BUREAU (FCC/CCB)
Alphabetical Complaint and Inquiry File-FCC/CCB-1
Applicant for Position-FCC/CCB-2
AT&T Witness File-FCC/CCB-3
Contracts for Personal Services-FCC/CCB-4
Correspondence Associated with Docketed Matters-FCC/CCB-5
Employee Records-FCC/CCB-6
Employment Discrimination Complaints Against Common Carriers-FCC/CCB-7
Public Land Mobile Radio Operators File-FCC/CCB-8
Staff Travel Records-FCC/CCB-9
FIELD OPERATIONS BUREAU (FCC/FOB)
Employee Records-FCC/FOB-1
Radio Operator Records-FCC/FOB-2
Violators File (records kept on individuals subject to FCC Field enforcement actions)-FCC/FOB-3
OFFICE OF ADMINISTRATIVE LAW JUDGES (FCC/OALJ)
Employee Activity Report-FCC/OALJ-1
Employee Records-FCC/OALJ-2
Staff Travel Records-FCC/OALJ-3
OFFICE OF CHIEF ENGINEER (FCC/OCE)
Employee Activity Report-FCC/OCE-1
Employee Records-FCC/OCE-2
Experimental Radio Station Licensee Files-FCC/OCE-3
OFFICE OF EXECUTIVE DIRECTOR (FCC/OED)
Activity Reporting System-FCC/OED-1
Alcoholism and Drug Abuse Case Files-FCC/OED-2
Docket History Cards-FCC/OED-3
Employee Relations Case File-FCC/OED-4
Financial Disclosures by Employees-FCC/OED-5
Index of Commission Agenda Items-FCC/OED-6
National Industry Advisory Committee (NIAC) Membership-FCC/OED-7
Personnel Investigations of Employees-FCC/OED-8
Personnel Investigations of Members of Advisory Committee (Maritime Communications Subcommittee, National Advisory Committee)-FCC/OED-9
Project Management of the Data Automation Division-FCC/OED-10
State and Operational Areas Emergency Communications Committee-FCC/OED-11
Pay, Leave, and Travel Records-FCC/OED-12
OFFICE OF GENERAL COUNSEL (FCC/OGC)
Alien Rights under Section 310 of the Communications Act-FCC/OGC-1
Alleged Violators File (Ex parte Rules)-FCC/OGC-2
Alleged Violators File (U.S. District Court Enforcement Actions)-FCC/OGC-3
Attorney Applicants File-FCC/OGC-4
Attorney Misconduct File-FCC/OGC-5
Communications Interception-Section 605-FCC/OGC-6
Conflicts of Interest by Commission Employees and Prospective Employees-FCC/OGC-7
Contracts for Personal Services-FCC/OGC-8
Convicted Felon Licensees and Suspensions-FCC/OGC-9
Employee Claims For Reimbursement-FCC/OGC-10
Employee Complaint Adjudication-FCC/OGC-11
Employee Records-FCC/OGC-12
Parties Involved in Current Litigation Before Federal Courts-FCC/OGC-13
Parties with Pending Civil Cases Before Any District Court that Affect the Commission-FCC/OGC-14
Private or Civil Injury Claimants-FCC/OGC-15
Recess and Interim Appointments of Employees-FCC/OGC-16
Witness Appearance Request File-FCC/OGC-17
OFFICE OF OPINIONS AND REVIEW (FCC/OOR)
Employee Records-FCC/OOR-1
OFFICE OF PLANS AND POLICY (FCC/OPP)
Employee Records-FCC/OPP-1
REVIEW BOARD (FCC/RB)
Employee Records-FCC/RB-1
SAFETY AND SPECIAL RADIO SERVICES BUREAU (FCC/SSRSB)
Amateur and Citizens License Fees, Refunded or Uncollected-FCC/SSRSB-1
Application and License File-FCC/SSRSB-2
Conditional Amateur Licensees-FCC/SSRSB-3
Current Projects File (Applications that may not comply with rules; Licensees whose systems may not comply with rules)-FCC/SSRSB-4
Employee Activity Report-FCC/SSRSB-5
Employee Records-FCC/SSRSB-6
Employee Travel Records-FCC/SSRSB-7
Licensees or Unlicensed Persons Operating Radio Equipment Improperly-FCC/SSRSB-8

FCC/BCB—1

System name: Broadcast Station Ownership Interest File—FCC/BCB

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Owners of all licensed broadcast stations and officers, directors, and stockholders of corporate owners.

Categories of records in the system: Forms 323 and 323E Ownership Reports which identify who has ownership interests and the extent of such interests.

Authority for maintenance of the system: Section 308, 309, 310 of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff attorneys to determine other broadcast interests, if any, of broadcast applicants; used as a cross check against new ownership reports to see whether any improper transfers of interest have taken place. If the records indicate a possible violation of law, they may be referred to the appropriate agency charged with the responsibility of prosecuting the violation and enforcing the statute or rule.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, index cards, magnetic tape.

Retrievability: By call letters of broadcast stations, by names of owners.

Safeguards: Available to public during business hours.

Retention and disposal: Records are retained approximately 7 years and are then sent to Archives.

System manager(s) and address: Chief, Broadcast Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Licensees.

FCC/BCB—2

System name: Complaints against Broadcast Stations, Licensees, Officers, employees—FCC/BCB

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Individual broadcast licensees, partners, owners; directors and officers of corporate licensees; employees of broadcast stations.

Categories of records in the system: Complaints filed by the public. Commission responses to such correspondence.

Authority for maintenance of the system: Section 303(m), Section 403 of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff attorneys in the Broadcast Bureau to make a determination as to the seriousness of the complaint; to decide whether any cause exists, based on a complaint filed, for investigation or delaying a renewal, transfer, or assignment request. If the records indicate a possible violation of law, they may be referred to the appropriate agency charged with the responsibility of prosecuting the violation and enforcing the applicable statute or rule.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: By broadcast station call letters.

Safeguards: Access controlled by staff during business hours; locked room at other times.

Retention and disposal: Retained for at least three years and then sent to Archives.

System manager(s) and address: Chief, Broadcast Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Informants.

Systems exempted from certain provisions of the act: Parts of this system of records are exempt from subsections (c)(3), (d), (e)(4)(G), (H) and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from sections 0.554-0.557 of the Commission's Rules because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to section 552(k)(2) of the Act.

FCC/BCB—3

System name: Employee Activity Report—FCC/BCB

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees of the Broadcast Bureau, professional and non-professional.

Categories of records in the system: Summaries of the total number of hours devoted to specific areas of work, number of hours absent, number of hours on business.

Authority for maintenance of the system: Sections 4 and 5 of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To record the total number of hours put forth in a specific category of work; and to document how an individual uses his work time during a two-week period.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are retrieved by division and then by employee name and reporting period.

Safeguards: Records are kept in file cabinets in offices which are secured at the end of each business day.

Retention and disposal: Division records are kept for 1 year, then they are transferred to Budget Office; individual records are kept 6 months and are then destroyed.

System manager(s) and address: Chief, Broadcast Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual employee who is the subject of the record.

FCC/BCB—4

System name: Employee Records—FCC/BCB

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees and former employees of the Broadcast Bureau, professional and non-professional.

Categories of records in the system: Personal data of a factual nature: e.g., education, career history, birthdate, service computation date, emergency telephone number; memoranda in support of promotions or ingrade increases or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports; training records; recommendations for awards; internal classification and management records.

Authority for maintenance of the system: 5 U.S. Code, Section 631, Section 200k, Section 2061, Section 2121, Section 2301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff supervisors and administrative personnel in the Office of Bureau Chief—to provide personal data and career history; to support requests for personnel actions: e.g., appointment, separation, promotion, and annual performance rating; to determine employee productivity; to determine the days and hours during which annual or sick leave is taken; to log and document recommendations for training courses, incentive and quality awards and to justify disapproval of same, to define and improve bureau and division organization.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, card files.

Retrievability: All records are retrievable by employee name.

Safeguards: Records are stored in unlocked cabinets and secured in office after business hours.

Retention and disposal: Records in this system are retained until the administrative need for them is completed, then destroyed. Time and attendance records are maintained for a minimum of 2 years, then thrown out.

System manager(s) and address: Chief, Broadcast Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Employees, supervisors, and other bureau personnel.

FCC/CTB—1

System name: Applicant Position—FCC/CTB

System location: 2025 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Applicants for professional and non-professional positions.

Categories of records in the system: Personal data, education, past experience, interest in Communications work.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by administrative personnel to determine the qualifications and suitability of job applicants for future vacancies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder.

Retrievability: Records are first retrieved by the type of desired employment, e.g., legal, engineering, clerical, etc., then by applicant's name.*

Safeguards: Records are maintained in locked file cabinets in office of Bureau Administrative Officer which is locked at the end of each business day.

Retention and disposal: Records are retained until the administrative need is completed, then destroyed by tearing into pieces.

System manager(s) and address: Chief, Cable Television Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above. *Individuals seeking access to records in this system should specify the type of position requested: e.g., legal, engineering, clerical.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Interviewers in Cable Television Bureau.

FCC/CTB—2

System name: Employee Activity Report—FCC/CTB

System location: 2025 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees of the Cable Television Bureau, professional and non-professional.

Categories of records in the system: The total number of hours devoted to specific areas of work, number of hours absent, number of hours on business.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Summary report sent to Budget Office for their use in computing manpower hours; to report to the Commission total number of hours put forth in a specific category of work; individual reports to document how an employee uses his work time during a two-week period.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Individual activity records are retrieved by employee name and by reporting period. Summary activity reports by name of Division and by reporting period.

Safeguards: Records are kept in locked file cabinets in the office of Bureau and Division Chiefs which are secured at the close of each business day.

Retention and disposal: Records are kept a minimum of two years, then destroyed by tearing into pieces.

System manager(s) and address: Chief, Cable Television Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FCC/CTB—3

System name: Employee Records—FCC/CTB

System location: 2025 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees and former employees of the Cable Television Bureau, professional and non-professional.

Categories of records in the system: Personal data of a factual nature: e.g., education, career history, birth date, service computation date, emergency telephone number; letters of reference written on behalf of employees, or concerning them; memoranda in support of promotions or ingrade increases, or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports including special working hours; training records; recommendations for awards.

Authority for maintenance of the system: 5 U.S. Code, Section 631, Section 2001, Section 2061, Section 2121, Section 2301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff supervisors and administrative personnel in the Office of Bureau Chief—to provide personal data and career history; to support requests for personnel action: e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine productivity in a variety of job assignment categories; to provide models for writing letters of reference; to determine the days and hours during which annual or sick leave is taken; to document a work schedule that differs from normal duty hours; to log and document recommendations for training courses, incentive and hi quality awards and to justify disapproval of same; to designate representatives for specified program activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders or card files.

Retrievability: Some records are retrievable by name, some records are also retrievable by the date employee is eligible for promotion or within grade increase.

Safeguards: Records are maintained in locked file cabinets and/or desk drawers, all Bureau Offices are locked at the close of each business day.

Retention and disposal: Most records in this system are retained until the administrative need is completed, then destroyed by tearing into pieces; certain performance records are retained temporarily at the Bureau, then forwarded to the Personnel Office; time and attendance records are maintained at the Bureau for a minimum of 2 years, then destroyed by tearing into pieces.

System manager(s) and address: Chief, Cable Television Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Employee Supervisors, other bureau personnel.

FCC/CTB—4

System name: Staff Travel Records—FCC/CTB

System location: 2025 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Staff members who have taken trips for the Bureau.

Categories of records in the system: Name of traveler, date of trip, where, and for what purpose.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used by Administrative personnel as an up-to-date list of those who have represented the Bureau at Conferences and meetings thereby making it easier to distribute future trips on the basis of experience and subject matter expertise among staff members.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are retrieved by employee name.

Safeguards: Travel report is kept in the locked desk drawer of the Bureau Chief, the Bureau Chief's office is secured at the end of each business day.

Retention and disposal: The length of retention has not been determined yet.

System manager(s) and address: Chief, Cable Television Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information for the report is gathered from the Bureau's secretaries who keep all travel information for their particular Division or Branch.

FCC/CTB—5

System name: Cable Operator Ownership File (AOR).

System location: 1919 M St. NW., Washington, D.C.

Categories of individuals covered by the system: For each corporate operator of a cable television system or each corporation owning 25 percent or more of the stock of such a corporate operator: (A) Officers, (B) Directors, (C) Stockholders owning 3 percent or more of the stock.

Categories of records in the system: (A) Owner Record—consisting of information furnished on FCC Annual Report of Cable Television Systems form 325, Schedule 3, blocks 1 thru 6.

(B) Controlling Person Record—consisting of information furnished on FCC Annual Report of Cable Television Systems form 325, Schedule 3, block 7, and Schedule 4.

Authority for maintenance of the system: 47 U.S.C. 00151-155, 301, 302a, 303, 307, 308 & 403.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (A) Commission staff—utilize records to monitor communications media ownership configurations and monopolies which are not in the public interest. Records are routinely reviewed during processing of authorizations to ascertain that the record is current and that the applicant for the authorization is entitled under the Commission's Rules to its grant.

(B) Members of the public—pursuant to Commission rule, members of the public are allowed to access data system file listings or the source forms, if necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Permanent magnetic tape file, temporary magnetic disc file, and temporary physical file for FCC 325 source forms.

Retrievability: Data system records are retrievable by any specified characteristic of any data field or character. FCC 325 source forms are retrievable alphabetically by owner or controlling person name.

Safeguards: Not applicable. Files are available for public inspection.

Retention and disposal: Magnetic tape files are kept permanently. FCC 325 source forms are transferred to WNRC after 3 years and destroyed 10 years later.

System manager(s) and address:

Chief
Cable Television Bureau
1919 "M" St., NW.
Washington, D.C. 20554.

Notification procedure: Same as above

Record access procedures:

Cable Television Public Reference Room
2025 "M" St., NW.
Washington, D.C. 20554
(202) 632-9797.

Contesting record procedures:

Chief
Cable Television Bureau
1919 "M" St., NW.
Washington, D.C. 20554.

Record source categories: Cable television operators who file FCC Form 325; individuals named in Schedules 3 and 4 of Form 325.

FCC/COMM—1

System name: Applicant for Position—FCC/COMM

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Applicants for positions with the staff of a Commissioner.

Categories of records in the system: Resume, personal references, Form 171 (personal qualifications statement).

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used to select qualified applicants for positions with the staff of a Commissioner.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Indexed by subject matter.

Safeguards: Records are maintained in cabinets which are secured after working hours.

Retention and disposal: Records are retained indefinitely and when disposed of, are destroyed by shredding.

System manager(s) and address: Office of the Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Applicant; Personal References.

FCC/COMM—2

System name: Employee Records—FCC/COMM

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees of a Commissioner's Office, professional and non-professional.

Categories of records in the system: Personal data, time and attendance, job descriptions.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained for job description purposes and sometimes for the tabulation of sick and annual leave.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Indexed by subject matter.

Safeguards: Records are maintained in cabinets and secured after working hours.

Retention and disposal: Records are retained indefinitely and, when disposed of, are destroyed by shredding.

System manager(s) and address: Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Employee; Personnel Division.

FCC/CCB—1

System name: Alphabetical Complaint and Inquiry File—FCC/CCB

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Individuals who have made complaints or inquiries.

Categories of records in the system: Complaints and related supporting information, company replies to complaints, letters of inquiry and Commission letters regarding such complaints and inquiries.

Authority for maintenance of the system: Section 208 of the Communications Act; FCC Rules Section 1.711 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for handling individual letters of inquiry and complaint.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Records are retrieved by individual name.

Safeguards: Stored in unlocked files and secured in office after hours.

Retention and disposal: The records are retained in the Commission's offices for five years and then retired to the Federal Records Center.

System manager(s) and address: Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Complaints and subject carriers.

FCC/CCB—2

System name: Applicant for position-FCC/CCB

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Applicants who seek permanent positions with the Bureau.

Categories of records in the system: Resumes, federal personnel Forms 171, writing samples, etc.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by administrative and supervisor personnel to determine the qualifications and suitability of job applicants for positions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are retrievable by applicant's name.

Safeguards: Records are kept in file cabinets in offices that are locked at the close of each business day.

Retention and disposal: Records are maintained as long as administratively useful and then destroyed by tearing.

System manager(s) and address: Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Previous employers, personal and business references.

FCC/CCB—3

System name: AT&T Witness file—FCC/CCB

System location: 1229 20th Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Persons chosen by the Bell system for particular expertise in various aspects of telecommunication whose testimony is presented at the current AT&T rate hearing.

Categories of records in the system: Printed or typed testimony; resume's; attorney notes, internal memoranda, and correspondence; witness background information, e.g., papers written, career history.

Authority for maintenance of the system: Section 403 of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by members of the AT&T Task Force to prepare cross-examination materials and, in general, to keep up to date with the current rate proceedings.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Material is retrieved by name of witness, by date testimony was offered into evidence.

Safeguards: Material is kept in filing cabinets or desk drawers in offices which are secured at the end of each working day. The AT&T Task Force is a small staff and only they have cause to access the information contained in the system. Therefore, unauthorized examination of the material would be readily detected.

Retention and disposal: The system will be retained until the close of the AT&T rate proceedings, then transferred to the National Archives.

System manager(s) and address: Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: AT&T Task Force.

FCC/CCB—4

System name: Contracts for Personal Services—FCC/CCB

System location: 1919 M Street, N.W., Washington, D.C. 20554; 1229 20th Street, N.W., Washington, D.C. 20554*.

Categories of individuals covered by the system: Professional people who bid or are recommended as experts, and whose services are requested for a specific study or case.

Categories of records in the system: Background histories, resumes of previous services provided the Commission, work contracts, salary requests, internal memoranda.

Authority for maintenance of the system: Section 4(g) of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record is used by administrative personnel and the AT&T Task Force staff to secure qualified persons to serve as expert witnesses or as consultants.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Information in this system is retrieved by name.*

Safeguards: Records are kept in file cabinets in the bureau administration office and in the offices of the AT&T Task Force. These offices are locked at the close of each business day.

Retention and disposal: These records are retained until their administrative need has ended, then destroyed.

System manager(s) and address: Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: FCC procurement office, previous employers, college or university officials. *In order to expedite the processing of requests for notification, those individuals who have served as expert witnesses at the request of the AT&T Task Force should communicate this fact in the request.

FCC/CCB—5

System name: Correspondence Associated with Docketed Matters—FCC/CCB

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Individuals with whom the bureau.s trial staff corresponds while the docket remains active.

Categories of records in the system: All correspondence to and from individuals concerning a specific docketed matter, e.g., information requests, intercounsel correspondence, correspondence to gather information for use in hearing proceedings.

Authority for maintenance of the system: Section 403 of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Trial Staff for reference during the course of the proceeding. The records may be referred, as a routine use, to the appropriate agency charged with the responsibility of implementing or enforcing applicable statutes or rules or charged with investigating some aspect of a docketed matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are first retrieved by docket or file number, then by individual name.*

Safeguards: Stored in unlocked files and secured in office after working hours.

Retention and disposal: The records are maintained until the Docket is closed. The records are then turned over to Dockets Office which retains them indefinitely.

System manager(s) and address: Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: *Individuals seeking access to records in this system should associate a docket or file number with the request.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: None.

FCC/CCB—6

System name: Employee Records—FCCCCB

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees and former employees of the Common Carrier Bureau.

Categories of records in the system: Personal data of a factual nature: e.g., education, career history, birth date, service computation date, life insurance and retirement coverage, telephone number; recommendations and memoranda in support of promotions, ingrade increases and awards including recommendations for outstanding or unsatisfactory performance rating; requests and notices of personnel actions; job descriptions; performance evaluations; supervisor's complaints; discrimination complaints and other employee-filed grievances; nominations for employee training courses; time and attendance reports including special working hours.

Authority for maintenance of the system: 5 U.S. Code, Section 631, Section 1101, Section 2001, Section 2061.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff supervisors and administrative personnel office of Bureau chief—to provide personal data and career history; to support requests for personnel action, e.g., appointment, separation, promotion, and annual performance rating; to provide a ready reference for employee job descriptions, award nominations, and training recommendations; to determine the days and hours during which annual or sick leave is taken, to keep track of paid overtime being worked in the Bureau, and to document work schedules that differ from normal duty hours.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders or card files.

Retrievability: All records are retrievable by name, some records are retrieved by the date employee is eligible for promotion or within grade increases or by course title (in the case of training records).*

Safeguards: Records are maintained in file cabinets or desk drawers, all Bureau offices are locked at the close of each business day.

Retention and disposal: Most records in this system are retained until the administrative need is completed, then destroyed by tearing; performance ratings and time and attendance reports are retained for one year, then destroyed; records of personnel actions are retained for three years, then destroyed by tearing.

System manager(s) and address: Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: (Same as in above record systems.) *Individuals seeking access to records having to do with nominations for training should identify the specific training courses of interest by title and year of offering.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Employee supervisors, personnel office, payroll office.

FCC/CCB—7

System name: Employment Discrimination Complaints Against Common Carriers—FCC/CCB

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All individuals who send complaint letters to the FCC concerning alleged employment discrimination by common carriers.

Categories of records in the system: Complaint letters, responses of the Bureau, any materials gathered in investigating the complaints, and correspondence to other governmental agencies regarding complaints.

Authority for maintenance of the system: Section 403 of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by EEO counsel, members of the Hearing and Legal Division staff to investigate the complaint, to refer the complaint to the subject company, and to take part in the resolution of the matter. The record system may also be referred as routine to the appropriate agency charged with the responsibility of investigating or prosecuting a possible violation of law or charged with enforcing the applicable statutes or rules.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: All records are retrieved by complainant's name.

Safeguards: Records are maintained in file cabinets in offices that are locked at the close of each business day.

Retention and disposal: Indefinitely.

System manager(s) and address: Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Common Carrier officials.

FCC/CCB—8

System name: Public Land Mobile Radio Operators File—FCC/CCB

System location: 2025 M Street, N.W., Washington, D.C. 20554; 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Users of mobile units and applicants for service in the Public Land Mobile Radio Service.

Categories of records in the system: Applications for land mobile radio licenses, copies of licenses; a computerized list of licensees by name and by call sign.

Authority for maintenance of the system: Section 307 of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Mobile Service Division staff to grant, dismiss or revoke applications.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders (computer printout).

Retrievability: Records are retrieved by licensee name.

Safeguards: None, records are open to public inspection.

Retention and disposal: Records are maintained on open shelves for as long as the station is in existence. Files are held for one year after service is terminated, then destroyed by shredding.

System manager(s) and address: Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals making applications.

FCC/CCB—9

System name: Staff Travel Records—FCC/CCB

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All Common Carrier Bureau personnel authorized to travel on government business.

Categories of records in the system: Name of traveler, number of days travel time authorized, departure date, destination, purpose for travel, mode of travel, cost of travel, and any other information pertinent to the trip.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record is used by Administrative personnel to authorize official travel by Bureau personnel and to document monies spent from travel budget.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder.

Retrievability: Records are retrieved by employee name.

Safeguards: Records are kept in a filing cabinet in the Bureau administrative office which is secured at the close of each business day.

Retention and disposal: Records are kept on file for a period of two years, then destroyed by tearing.

System manager(s) and address: Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Authorizing supervisor.

FCC/FOB—1

System name: Employee Records—FCC/FOB

System location: Primary: 1919 M Street, N.W., Washington, D.C. 20554. Secondary: various field facilities (for addresses see Appendix I).

Categories of individuals covered by the system: Employees and former employees of the Field Operations Bureau.

Categories of records in the system: Performance appraisals and reviews, recommendations for awards, time and attendance reports, position descriptions, training records.

Authority for maintenance of the system: 5 U.S. Code, Section 2001, Section 2061, Section 2121, Section 2301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff supervisors and administrative personnel in the Office of Bureau Chief and in the various field installations—to provide personal data and career history; to support requests for personnel action, e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine the days and hours during which annual or sick leave is taken; to log and document recommendations for training courses, incentive and high quality awards and to justify approval or disapproval of such recommendations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: All records in this system are retrievable by employee name.

Safeguards: All records are kept in file cabinets, in Bureau offices that are secured at the end of each business day.

Retention and disposal: Records are retained in accordance with the FCC records control system, destruction occurs one year after the departure of the employee.

System manager(s) and address: Chief, Field Operations Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Supervisors.

FCC/FOB—2

System name: Radio Operator Records—FCC/FOB

System location: Primary: 1919 M Street, N.W., Washington, D.C. 20554. Secondary: various field facilities (for addresses see Appendix A).

Categories of individuals covered by the system: Individuals who have applied for radio operator licenses.

Categories of records in the system: Applications for radio operator licenses, examination papers, records of documents issued, correspondence, etc.

Authority for maintenance of the system: Geneva Radio Regulations; 47 U.S. Code, Section 303(l), and (m), 318.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For use in connection with the administration of the Commission's radio operator program including examinations, applications, and determinations of license applicant qualifications. Limited file material concerning licensed radio operators is forwarded to the Office of Executive Director for inclusion of the material in the agency's central computer facility. If the records maintained indicate a possible violation of law, they may be referred, as routine, to the General Counsel and to the appropriate agency charged with the responsibility of investigating or prosecuting such violation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, microfilm (applicants' names only).

Retrievability: All records in this system are retrievable by applicant name.

Safeguards: All records are kept in file cabinets, in offices that are secured at the close of each business day.

Retention and disposal: Applications are retained for a period of six years, transferred to the Federal Records Center for an additional five years, then destroyed. (Exception: Restricted Permits are issued for "life" and those applications are therefore retained indefinitely.)

System manager(s) and address: Chief, Field Operations Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: FOB field employees engaged in radio operator application processing.

Systems exempted from certain provisions of the act: Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to Section (k)(2) of the Act.

FCC/FOB—3

System name: Violators File (records kept on individuals who have been subjects of FCC field enforcement actions)—FCC/FOB

System location: Primary: 1919 M Street, N.W., Washington, D.C. 20554. Secondary: various field facilities (for addresses see Appendix A).

Categories of individuals covered by the system: Individuals who have been subjects of FCC Field enforcement actions (monitoring, inspection, investigation) for violations of radio law, FCC Rules and Regulations, or International Radio Treaties.

Categories of records in the system: Inspection reports, complaints, monitoring reports, investigative cases, referral memos, correspondence, discrepancy notifications, warning notices, etc.

Authority for maintenance of the system: 47 U.S. Code, Sections 1, 2, 4, 301, 312, 315, 318, 386, 401, 404, 501, 502, 510.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For use in connection with the Commission's field enforcement programs to determine levels of compliance among radio users; to issue marine certificates of compliance; to prepare requests for sanction action. Where sanctions are requested, file material is forwarded to appropriate offices within the Commission. If the records indicate a possible violation of law, they may be referred, as a routine use, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing the applicable statutes or rules.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: All records in this system are retrievable by name and by FCC issued call sign.

Safeguards: All records are kept in file cabinets, in offices which are secured at the close of each business day.

Retention and disposal: All violation notices are maintained for a period of four years, then destroyed (classified material is destroyed by burning or shredding).

System manager(s) and address: Chief, Field Operations Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from sections 0.554-0.557 of the Commission's Rules because such parts are maintained as a protective service for individuals described in Section 3056 of Title 18, and because they are necessary for Commission employees to perform their duties, pursuant to sections (k)(1), (2) and (3) of the Act.

FCC/OALJ—1

System name: Employee Activity Report—FCC/OALJ

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees of the Office of Administrative Law Judges, professional and non-professional.

Categories of records in the system: Summaries of the total number of hours devoted to specific areas of work, number of hours absent, number of hours on business.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Budget Office uses the report to compute manpower hours, the Commission uses it to record the total number of hours put forth in a specific category of work; the office uses it to document how an individual used his work time during a two-week period.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are retrieved by employee name and reporting period.

Safeguards: Records are kept in a locked file cabinet in an office which is secured at the end of each business day.

Retention and disposal: Records are kept for three years, then destroyed.

System manager(s) and address: Office of Administrative Law Judges, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the records are maintained.

FCC/OALJ—2

System name: Employee Records—FCC/OALJ

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees and former employees of the Office of Administrative Law Judges, professional and non-professional.

Categories of records in the system: Personal data of a factual nature: e.g., education, career history, birth date, service computation date, emergency telephone number; memoranda in support of

promotion or ingrade increases or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports; training records; recommendations for awards.

Authority for maintenance of the system: 5 U.S. Code, Section 631, Section 2001, Section 2061, Section 2121, Section 2301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff supervisors and certain administrative personnel to provide personal data and career history; to support requests for personnel actions: e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine employee productivity; to determine the days and hours during which annual or sick leave is taken; to log and document recommendations for training courses, incentive and hi quality awards and to justify disapproval of same.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, Kardix, Time and Attendance cards.

Retrievability: All records are retrievable by employee name.

Safeguards: Records are maintained in locked file cabinets in offices that are secured at the close of each business day.

Retention and disposal: Records are retained for a period of one year after an individual leaves the Commission's employ, then destroyed. Time and attendance records are retained for two years, then destroyed.

System manager(s) and address: Office of Administrative Law Judges, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Employee supervisors, other personnel.

FCC/OALJ—3

System name: Staff Travel Records—FCC/OALJ

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Office staff authorized to travel on government business.

Categories of records in the system: Traveler's name, number of days travel time authorized, departure date, destination, purpose for travel, mode of travel, cost of travel, and any other information pertinent to the trip.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by administrative personnel to authorize official travel by office personnel and to document monies spent from travel budget.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder.

Retrievability: Records are retrieved by traveler's name.

Safeguards: Records are maintained in a locked file cabinet in an office which is secured at the close of each business day.

Retention and disposal: Records are kept on file for a period of three years, then destroyed.

System manager(s) and address: Office of Administrative Law Judges, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FCC/OCE—1

System name: Employee Activity Report—FCC/OCE

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees of the Office of Chief Engineer, professional and non-professional.

Categories of records in the system: Summaries of the total number of hours devoted to specific areas of work, number of hours on business.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Budget Office uses the report to compute manpower hours; the Commission uses it to record the total number of hours put forth in a specific category of work; the Office uses it to document how an employee uses his work time during a two-week period.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are retrieved by employee name and reporting period.

Safeguards: Records are kept in a locked file cabinet in an office which is secured at the end of each business day.

Retention and disposal: Records are kept for three years, then destroyed.

System manager(s) and address: Office of Chief Engineer, Room 714, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FCC/OCE—2

System name: Employee Records—FCC/OCE

System location: 2025 M Street, N.W., Washington, D.C. 20554. Regional Office, 1550 Northwest Highway, Parkridge, Ill. 60068.

Categories of individuals covered by the system: All employees and former employees of the Office of Chief Engineer, professional and non-professional.

Categories of records in the system: Personal data of a factual nature: e.g., education, career history, birth date, service computation date, emergency telephone number; memoranda in support of promotion or in-grade increases or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports; training records; recommendations for awards.

Authority for maintenance of the system: 5 U.S. Code, Section 631, Section 2001, Section 2121, Section 2301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff supervisors and certain administrative personnel to provide personal data and career history; to support requests for personnel action: e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine employee productivity; to determine the days and hours during which annual or sick leave is taken; to log and document recommendations for training courses, incentive and hi quality awards and to justify disapproval of same.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: All records are retrievable by employee name.

Safeguards: Records are maintained in locked file cabinets in offices that are secured at the close of each business day.

Retention and disposal: Records are retained for a period of one year after an individual leaves the Commission's employ, then destroyed. Time and attendance reports are retained for two years, then destroyed.

System manager(s) and address: Office of Chief Engineer, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Employee supervisors, other office personnel.

FCC/OCE—3

System name: Experimental Radio Station Licensee File—FCC/OCE

System location: 2025 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Experimental Radio Station License holders.

Categories of records in the system: Technical and administrative information regarding the operation, location of the experimental operation and the equipment to be used.

Authority for maintenance of the system: Sections 301, 303 of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff engineers and application examiners to determine if a license applicant is qualified and if the experimental station's technical operation is in the public interest.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Information is retrieved by applicant or licensee name, then by call sign.

Safeguards: Records are maintained in locked file cabinets in offices that are secured at the close of each business day.

Retention and disposal: Records are retained for a period of 2 years after the expiration of the license, then sent to the National Archives.

System manager(s) and address: Office of Chief Engineer, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FCC/OED—1

System name: Activity Reporting System—FCC/OED

System location: 1919 M Street, N.W.; 2025 M Street, N.W.; and 1229 20th Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees whose bureau or office is a participant in the system.

Categories of records in the system: Individual activity reporting forms containing a person's name, social security number, organization code, activity code and number of hours spent working on the reported activity during a semimonthly reporting period. Monthly reporting forms listing total Bureau/Office output of selected production measures.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Bureau and Office management personnel use data to measure time expended on various programs, services or activities and productivity at Divisional or Bureau level. Financial Management Division used data to develop future budget estimates.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 inches by 8 inches and 8 inches by 10 inches original forms are stored in file cabinets by reporting period and organizational unit. Data is also contained on magnetic tapes stored in computer room, also denoted by reporting period.

Retrievability: Forms and tapes are maintained by semimonthly or monthly reporting period to facilitate aggregation for monthly report. Error listings from the computer are indexed by social security number to facilitate correction on an individual basis. Data is not retrieved for an individual, only for various organizational levels and program, service or activity codes. Forms will be filed in each participating bureau to facilitate location for correction purposes only.

Safeguards: Records are maintained in file cabinets in an office that is locked at the end of each business day. Access to tapes is controlled by computer room personnel.

Retention and disposal: Original forms are retained for three months and then destroyed by tearing into pieces. The only purpose in maintaining the original input document for three months before destruction is to facilitate correction of error listings. Tapes are retained for up to two years.

System manager(s) and address: Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual Activity Reports of employees participating in the system. Monthly Output Measures Reports from Bureau/Office management personnel.

FCC/OED—2

System name: Alcoholism and Drug Abuse Case Files—FCC/OED

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: FCC employees who seek guidance and counseling through the agency Alcoholism and Drug Abuse Program.

Categories of records in the system: Personal history as it relates to the employee's problem. Records on employees referred for counseling.

Authority for maintenance of the system: FPM 792.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference material for the use of the Program Administrator and Counselors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in locked metal cabinets in the Program Administrator's Office.

Retrievability: Records are filed and retrieved by name of employee.

Safeguards: Records are maintained in an office that is locked when not occupied by the Program Administrator. They are maintained in strict confidence and are accorded the same security and accessibility restrictions provided for medical records.

Retention and disposal: Records are kept indefinitely or until the employee leaves the FCC, at which time they are destroyed by tearing into pieces.

System manager(s) and address: Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Employee, employee's supervisor, and counselors.

FCC/OED—3

System name: Docket History Cards—FCC/OED

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Licensees whose applications have been designated for hearing and Petitioners who request an amendment of Commission's Rules.

Categories of records in the system: Docket History cards and cross-reference cards.

Authority for maintenance of the system: Section 0.45c of the Commission's Rules.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Commission employees and general public use records to locate pleadings that have been filed, pertinent dates, and Commission actions that are filed in the public reference room.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 inches by 8 inches history card file cabinets; 3 inches by 5 inches alphabetic card file cabinets.

Retrievability: History cards are maintained by numerical docket numbers; and cross-reference cards are maintained alphabetically. Cross-reference cards contain the name of an individual and the docket number thus permitting access to the docket history card.

Safeguards: Public access is controlled by Commission employees who provide necessary reference services.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is secured from pleadings and actions taken by Commission officials.

FCC/OED—4

System name: Employee Relations Case File—FCC/OED

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: FCC employee.

Categories of records in the system: Correspondence of an employee relations nature including debt complaints and supervisory generated warnings or other forms of admonishment regarding disciplinary matters.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Employee Relations Officer for reference and the development of an effective employee relations program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folder.

Retrievability: Records are filed alphabetically and retrieved by name of employee.

Safeguards: Records are maintained in a file located in the office of the Employee Relations Officer, Personnel Division. The office is locked at the end of each business day.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Supervisors, employees, private citizens.

FCC/OED—5

System name: Financial Disclosures by Employees—FCC/OED

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All Commission regular and special employees.

Categories of records in the system: Confidential Statements of Employment and Financial Interests required to be filed by all Commission regular and special employees (Section 19.735-403, FCC Rules and Regulations) initially upon employment, and supplementarily each year thereafter. Correspondence with the employee, the General Counsel, or research documents concerning any holdings requiring clarification as to their compatibility with Government employment.

Authority for maintenance of the system: Executive Order 11222; Chapter 735, Federal Personnel Manual (Section 1-5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is reviewed by designated employees to establish proper compliance with the Executive Order and FCC Rules and Regulations. The General Accounting Office may require access to these records. As determined for good cause shown, referral may be made to the Civil Service Commission and to the Department of Justice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are filed and retrieved by name of employee.

Safeguards: Records are held in confidence in an access-controlled and alarmed area, with access restricted to reviewing officials (Section 19.735-405, FCC Rules and Regulations) and processing personnel of the Security Office. Access by other Commission officials is limited to those who are required to provide a legal opinion or interpretation.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The records may contain data extracted from financial publications or obtained directly from companies or corporations whose stock is held by the employee. Submitting employee.

FCC/OED—6

System name: Index of Commission Agenda Items—FCC/OED

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: When an agenda item pertains to an individual, an index card is made out in the name of that person.

Categories of records in the system: Index cards contain name of individual, agenda item number(s), dates, minute numbers and a digest of action taken by the Commission on the subject matter.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used by employees to determine when a particular matter was considered by the Commission.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 inches by 8 inches card file cabinets.

Retrievability: Index cards are filed alphabetically. When the name of an individual is mentioned in a Commission Agenda item, it is filed alphabetically and is accessible.

Safeguards: Information in these records is available to the public. Commission employees, however, maintain control over access and provide necessary reference service. Records are maintained in file cabinets in an office that is locked at the end of each business day.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is secured from Commission Agendas, Notations and Minutes by Commission employees.

FCC/OED—7

System name: National Industry Advisory Committee (NIAC) Membership—FCC/OED

System location: 1229 20th Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Members of the National Industry Advisory Committee and its Subcommittees.

Categories of records in the system: Information showing individual name, business address, business and home telephone numbers, title and occupation.

Authority for maintenance of the system: Public Law 92-463, October 6, 1972, Federal Advisory Committee Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to distribute information to members of the committee, convene meetings, and conduct general committee business.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are filed and retrieved by name of committee members.

Safeguards: Records are maintained on a division level in file cabinets in offices which are locked at the end of each business day.

Retention and disposal: Records are retained indefinitely while individual is a member of the committee; when member resigns or retires from business, individual file material is destroyed.

System manager(s) and address: Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Committee member.

FCC/OED—8

System name: Personnel Investigations of Employees—FCC/OED

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All Commission regular and special employees.

Categories of records in the system: Reports of investigations conducted pursuant to Executive Order 10450 by the U.S. Civil Service

Commission, FBI, or other authorized government agency; results of National Agency Check and Inquiries (NACI); suitability information as defined in Chapter 731, Federal Personnel Manual; results of investigations conducted pursuant to Section 19.735-107, FCC Rules and Regulations (Employee Responsibilities and Conduct), and the results of inquiries conducted in the administration of the FCC's Merit System. Certificates of Clearance issued for the individual's access to classified information. Card Index.

Authority for maintenance of the system: Executive Order 10450. 18 U.S.C. 203, 205, 208, and 209.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used to establish qualification for government employment and to determine whether employee should be permitted access to classified information. As necessary, referral is made to law enforcement authorities for investigation and possible criminal prosecution, or to the Civil Service Commission in the case of suitability matters under its jurisidction. Referral may be made to the following agencies when there is need for the granting of access to classified information in their custody or to briefings including classified matters: Defense Communications Agency, Interagency Communications System, Department of State, Secret Service, Central Intelligence Agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, card index.

Retrievability: Records are filed and retrieved by name of employee.

Safeguards: Records are maintained within a secure, access-controlled area, and stored in approved security containers. Access is limited to cleared Security Office personnel and to Commission officials on a "need to know" basis when required to take decisional action on the records.

Retention and disposal: Records are retained during employment; records are returned to investigating agencies after employment terminates.

System manager(s) and address: Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Previous employers; listed and developed character and credit references; neighbors; educational institutions; law enforcement agencies; birth records; fellow employees.

Systems exempted from certain provisions of the act: Parts of this system of records are exempt from subsections (c)(3), (d), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from sections 0.554-0.557 of the Commission's Rules because such parts contain investigatory material pursuant to sections 3(k)(2) and 3(k)(5) of the Act as applicable.

FCC/OED—9

System name: Personnel Investigations of Members of Advisory Committee. (Maritime Communications Subcommittee, National Industry Advisory Committee)—FCC/OED

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Members of the Maritime Communications Subcommittee of the FCC National Industry Advisory Committee (NIAC).

Categories of records in the system: Reports of investigations conducted pursuant to Executive Order 10450 by the U.S. Civil Service Commission, FBI, or other authorized government agency; results of National Agency Checks and Inquiries (NACI).

Authority for maintenance of the system: Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is reviewed by designated employees to determine an individual's qualifications for access to classified information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are filed and retrieved by name of individual.

Safeguards: Records are maintained within a secure, access-controlled area, and stored in approved security containers. Access is limited to cleared Security Office personnel and to Commission officials on a "need to know" basis when required to take decisional action on the records.

Retention and disposal: Records are retained as long as the individual is a member of the committee; when no longer connected with the committee, the records are returned to the issuing agency.

System manager(s) and address: Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Previous employers; listed and developed character and credit references ; neighbors; educational institutions; law enforcement agencies; birth records; fellow employees.

Systems exempted from certain provisions of the act: Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act because they embody investigatory material pursuant to sections 3(k)(2) and 3(k)(5) of the Act as applicable.

FCC/OED—10

System name: Project Management of the Data Automation Division—FCC/OED

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All Data Automation Division employees.

Categories of records in the system: A description of tasks performed by Division employees, coded and filed in a Task File. A description of individuals assigned to the Division by pay rate, number of normal work hours, job classification, and supervisor, coded and filed in a Resource File.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used by Division supervisory employees to monitor expenditure of hours and dollars by employees on various tasks and projects, and to plan scheduling of employees on projects.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Permanent disk and magnetic; punched card input data is retained for backup.

Retrievability: Computer print-outs are prepared as needed and are distributed within the Division.

Safeguards: Access to data is limited to division employees and is controlled by a project management system coordinator; all information is retained within the division.

Retention and disposal: Computer print-outs are destroyed when no longer needed. Other information is retained indefinitely.

System manager(s) and address: Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained from Division supervisors and individuals to whom the information pertains.

FCC/OED—11

System name: State and Operational Areas Emergency Communications Committees—FCC/OED

System location: 1229 20th Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Chairmen and Vice Chairmen of State and Operational Area Emergency Communications Committees.

Categories of records in the system: Information showing individual name, business address, business telephone number and title.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to forward appropriate information to State Committee members, each broadcast station in the State and to Federal, State and local government officials for Emergency Communications planning.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are filed by state and by name of committee member within the state.

Safeguards: Records are maintained on a division level in file cabinets which are locked at the end of each business day.

Retention and disposal: Records are retained indefinitely while the individual is a member of the committee; when member resigns, individual file material is destroyed.

System manager(s) and address: Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above. Name of state must be provided with any request for information.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Committee member.

FCC/OED—12

System name: Pay, leave, and travel records—FCC/OED

System location: 1919 M St., NW., Washington, D.C. 20554.

Categories of individuals covered by the system: All Commission employees.

Categories of records in the system: Contains various records required to administer the pay, leave, and travel requirements of the Federal Communications Commission.

Authority for maintenance of the system: 44 U.S.C. 3101, 3102, 3309.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as indicated below:

A. To authorize payroll deductions for allotments, savings bonds, charitable contributions, union dues, health benefits and life insurance; collect indebtedness for overpayment of salary and unpaid Internal Revenue taxes; pay income tax obligation to Internal Revenue Service; authorize mailing or holding salary checks or savings bonds; authorize issuing of salary checks by Treasury Department; obtain reimbursement of travel expenses for official business; report gross wages and separation information for unemployment compensation; pay any uncollected compensation due a deceased employee; and provide for a summary of employees payroll data and retirement contributions.

B. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

C. For litigation in a Federal court where required.

D. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

E. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or other benefit.

F. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in manual files in folders, cards, magnetic tapes, and loose leaf binders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in filing cabinets in an office that is locked when not occupied by staff. Records are available only to authorized personnel whose duties require access.

Retention and disposal: Records are maintained for varying periods of time from one year to permanently. Disposal is by shredding.

System manager(s) and address:

Executive Director
Office of the Executive Director
1919 M St., NW.
Washington, D.C. 20554.

Notification procedure: Same as above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

A. Full name.
B. Date of birth.
C. Social Security Number.
D. Mailing address to which the reply should be mailed.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is provided by management officials and by the individual on whom the record is maintained.

FCC/OGC—1

System name: Alien Rights under Section 310 of the Communications Act—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Individuals who inquire about the right of Aliens to hold amateur radio licenses, and aliens who seek Commission approval to become corporate officers of companies licensed by the Commission.

Categories of records in the system: Correspondence, memoranda, agenda items, public notices, news releases.

Authority for maintenance of the system: Section 310, Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system are used by staff attorneys in the Office of General Counsel as a repository for Commission policy statements concerning Section 310 matters. The staff responds to letters of inquiries, and determines whether waivers of Section 310 provisions are warranted based on information contained in this record system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Information filed by the name of the person making the inquiry or request.

Safeguards: Records are maintained in unlocked file cabinets in an office that is secured at the close of each business day.

Retention and disposal: At present, records are maintained permenently. When file becomes too bulky to maintain on a permanent basis it will be broken and files other than 3 years sent to National Archives. Destruction shall take place 3 years later.

System manager(s) and address: Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FCC/OGC—2

System name: Alleged Violators File (Ex Parte Rules)—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Individuals alleged to have violated the Commission's ex parte rules.

Categories of records in the system: Complaint letters, memoranda, briefs, Commission decisions recommending action, and news releases.

Authority for maintenance of the system: Section 4(i) of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record information is used by staff attorney to make a determination whether, in fact, a violation of the ex parte rules has occurred. The records may be referred to the appropriate agency charged with the responsibility of prosecuting such violation or enforcing the applicable statute or rule.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are maintained by the name of the party accused of an ex parte violation.

Safeguards: Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day. Since only one or two office persons have need to routinely access this system, unauthorized examinations would be easily detected.

Retention and disposal: At the present time the records in this system are maintained permanently. However, when the file becomes too bulky to maintain on a permanent basis, it will be broken and files older than 3 years sent to National Archives. Destruction shall take place 3 years later.

System manager(s) and address: Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Complainants, Security Officer, Bureau Chiefs.

Systems exempted from certain provisions of the act: Parts of this system of records are exempt from subsections (c)(3), (d), (e)(l), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from sections 0.554-0.557 of the Commission's Rules because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to subsection (k)(2) of the Act.

FCC/OGC—3

System name: Alleged Violators File (United States District Court Enforcement Action)—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Any person allegedly violating Communications Act, certain specified Federal statutes, treaties, FCC Rules, and FCC Orders. For example: licensees in citizens band or amateur service; unlicensed individuals in citizens band or amateur service; individual owners of broadcast stations (1 person corporation); officers, employees of broadcast stations, cable systems.

Categories of records in the system: Enforcement of Cease and Desist Order; Enforcement of Revocation Order; Enforcement of Administrative Subpoena; Enforcement of Forfeiture Order; Injunction; Criminal Prosecution.

Authority for maintenance of the system: Sections 301, 401(a), 401(b), 409(b), 504 of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used internally to decide whether further administrative or judicial enforcement is necessary. Record information may be transmitted to the Department of Justice if judicial action is necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Indexed by name.

Safeguards: Records are maintained in steel cabinets and secured after working hours.

Retention and disposal: Left to discretion of division staff when to retire files to Archives or when to destroy them.

System manager(s) and address: General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The information comes from inspections of stations and monitoring by FCC Field Office staff and from third party complainants such as competitors, former employees, and neighbors.

Systems exempted from certain provisions of the act: Parts of this system of records are exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) fo the Privacy Act of 1974, 5 U.S.C. 552(a), and from sections 0.554-0.557 of the Commission.s Rules because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to subsection (k)(2) of the Act.

FCC/OGC—4

System name: Attorney Applicants File—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Third year law students and attorneys seeking employment with the Commission.

Categories of records in the system: Law School transcripts, resumes; standard Form 171; interviewer's or Attorney Rating Board report.

Authority for maintenance of the system: 5 U.S.C. 631, 2001, 2061, 2021, 2301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by recruiting staff in connection with the Commission's attorney hiring process: e.g., as a source of information for use during personal interviews; as a means to evaluate attorney applicants who interview with Commission recruiters or appear before the Board. Information contained in file is occasionally circulated to individual offices or bureaus in order to fill an attorney vacancy. This system of records may also be disclosed to the appropriate agency maintaining enforcement or pertinent information if necessary to obtain information relevant to the hiring of an attorney in a sensitive position only.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, 3 inches by 5 inches and 5 inches by 8 inches card files.

Retrievability: Information is maintained by applicant's name.

Safeguards: Information is kept in locked file cabinets in Commission offices that are secured at the close of each business day.

Retention and disposal: Information in the file is retained for a period of one year. Records are retained for longer than one year if the applicant up-dates the records or conveys a continued interest in Commission employment.

System manager(s) and address: Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Applicant; interviewer; Attorney Rating Board.

FCC/OGC—5

System name: Attorney Misconduct Files—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Any attorney who appears in a representative capacity before the FCC and who is being charged with attorney misconduct.

Categories of records in the system: Correspondence, briefs, related Commission agenda items, ABA recommendations, investigative findings, complaints of attorney misconduct, memoranda.

Authority for maintenance of the system: 5 U.S. Code Section 500(d)(2).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record information is used by staff attorneys to prosecute a case for attorney misconduct before the administrative law judge and the Commission. Record information may be referred, as a routine use, to the appropriate agency charged with the responsibility of enforcing any Commission penalties imposed.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are retrieved by the name of the attorney charged with misconduct.

Safeguards: Records are kept in file cabinets in offices that are secured at the end of each business day. Since only one or two staff persons routinely access this record system, unauthorized examination during business hours would be easily detected.

Retention and disposal: At present, records are maintained permanently. When file becomes too bulky to maintain on a permanent basis, it will be broken and files older than 3 years sent to National Archives, destruction shall take place 3 years later.

System manager(s) and address: Office of General Counsel, 1919 M Street N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Same as above.

Systems exempted from certain provisions of the act: This system of records is exempt from Subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from Sections 0.554-0.557 of the Commission's Rules because it is maintained for law enforcement purposes pursuant to subsection (k)(2) of the Act.

FCC/OGC—6

System name: Communications Interception-Section 605—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Anyone against whom a complaint is registered.

Categories of records in the system: Correspondence, FBI reports, DOJ rulings and interpretations.

Authority for maintenance of the system: Section 605 of the Communications Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Attorneys use for reference purposes when assigned a similar case.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: The records are chronologically indexed.

Safeguards: Records are maintained within steel file cabinets without locks. The office is locked at 4:30 each night.

Retention and disposal: Records date from 1953 to present. No records have been destroyed.

System manager(s) and address: General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual complaints, FBI Investigation Reports.

Systems exempted from certain provisions of the act: Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from sections 0.554-0.557 of the Commission's Rules because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to subsection (k)(2) of the Act.

FCC/OGC—7

System name: Conflicts of Interest by Commission Employees and Prospective Employees—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Commission employees and prospective Commission employees.

Categories of records in the system: Copies of individual's financial statements, memoranda regarding specific assets, correspondence with employee or prospective employee, notes, research reports.

Authority for maintenance of the system: Section 4(b) of the Communications Act of 1934, as amended; 18 U.S. Code Sections 205 and 208.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record information is used by General Counsel attorneys to determine whether a potential conflict of interest situation exists among Commission employees and prospective employees, and whether the subject interest is sufficiently substantial so as to affect job performance. Record information may also be used for reference in similar cases.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are retrieved by name of the individual with the potential conflict of interest.

Safeguards: Records are kept in unlocked file cabinets in an office that is secured at the close of each business day.

Retention and disposal: At the present time the records in this system are maintained permanently. However, when the file becomes too bulky to maintain on a permanent basis, it will be broken and files older than 3 years sent to National Archives. Destruction shall take place 3 years later.

System manager(s) and address: Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Brokers are occasionally contacted for information regarding over-the-counter stocks.

FCC/OGC—8

System name: Contracts For Personal Services—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Individuals with specialized skills who bid or are recruited to serve as consultants or experts.

Categories of records in the system: Recommendations to grant/deny a proposed contractual agreement; copies of contracts, agreements; memoranda, letters; news releases, pamphlets, booklets.

Authority for maintenance of the system: Federal Property and Administrative Services Act of 1949, 40 U.S. Code Section 471; Section 4(g) of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by personnel of the office of General Counsel: to review proposed contracts for legality; to determine whether a contractor had been hired previously by Commission; occasionally to advise and act on certain breaches of contract.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are maintained by the name of the individual making the bid or recruited for the contract.

Safeguards: Records are kept in unlocked file cabinets in an office that is secured at the end of each business day. Since only one or two of the staff routinely access this system, unauthorized examination would be easily detected.

Retention and disposal: At the present time records are maintained permenently. When file becomes too bulky to maintain on a permanent basis, it will be broken and files older than 3 years sent to National Archives. Destruction shall take place 3 years later.

System manager(s) and address: Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: None.

FCC/OGC—9

System name: Convicted Felon Licensees and Suspensions—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Individual licensees and former licensees who have been suspended.

Categories of records in the system: Memoranda, News Releases, Public Notices, Letters, FOB Material.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: General Counsel Attorneys use the record system for information purposes when working on Commission related assignments.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: The records are accessible by name.

Safeguards: Records are maintained in unlocked steel file cabinets and secured in the office after working hours.

Retention and disposal: The records are permanently retained.

System manager(s) and address: General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: FOB Investigative Case Report and other materials; Public Notices; News Releases.

FCC/OGC—10

System name: Employee Claims For Reimbursement—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Any Commission employee who files a reimbursement claim for injury to personal property.

Categories of records in the system: Tort claims voucher of damage or injury, voucher for payment, repair receipts, agenda items, documenting FOB reports, memoranda, and correspondence.

Authority for maintenance of the system: Military Personnel and Civilian Employees Claim Act of 1964, 31 U.S.C. Section 240 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Staff attorneys review claims for completeness and recommend either the grant or denial of the claim based on information collected in the system. This recommendation is reviewed by the Executive Director's office and the Finance Branch before a final determination is made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are retrieved by the individuals name making the claim.

Safeguards: Records are kept in an unlocked file cabinet in an office that is secured at the close of each business day.

Retention and disposal: At present, records are maintained permanently. When file becomes too bulky to maintain on a permanent basis, it will be broken and files older than 3 years sent to National Archives. Destruction shall take place 3 years later.

System manager(s) and address: Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Supervisors reports, witness reports.

FCC/OGC—11

System name: Employee Complaint Adjudication—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Any Commission employee who is the subject of a complaint investigation involving internal personnel actions or activities, i.e., discrimination, grievance, political activity, separation or adverse action.

Categories of records in the system: Records in this system involve internal personnel disputes that have reached the hearing stage, and may include correspondence, memoranda, transcripts of hearings, brief, investigative reports, decisions of hearing examiners and Commissioners.

Authority for maintenance of the system: 5 U.S. Code Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used by staff attorneys in the General Counsel's office in pre-hearing settlement negotiations with opposing parties; records are also used in preparation for the actual hearing.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are retrieved by the name of the subject individual in the investigation.

Safeguards: Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day.

Retention and disposal: At present, records are maintained permanently. When file becomes too bulky to maintain on a permanent basis, it will be broken and files older than 3 years sent to National Archives. Destruction shall take place 3 years later.

System manager(s) and address: Office of General Counsel, Room 614, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Co-workers, other supervisors, classification experts, other persons involved in the case.

FCC/OGC—12

System name: Employee Records—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees of the Office of General Counsel, professional and non-professional.

Categories of records in the system: Personal data of a factual nature: e.g., education, career history, birth date, service computation date, telephone number; copies of letters of commendation; memoranda in support of promotion or ingrade increases or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports; job descriptions; training records.

Authority for maintenance of the system: 5 U.S. Code Sections 631, 2001, 2061, 2021, and 2301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff supervisors and administrative personnel in the Office of General Counsel: to provide personal and emergency data and career history; to support requests for personnel action, e.g., appointment, separation, promotion, and annual performance rating; to log and document recommendations for training courses, incentive and high quality awards, and to justify disapproval of such recommendations; to determine the days and hours during which annual or sick leave is taken.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, 5 inch by 8 inch card box.

Retrievability: Information is retrieved by employee name.

Safeguards: Records are maintained in file cabinets in offices that are secured at the close of each business day.

Retention and disposal: Most records in this system are maintained while the individual is employed with the Commission and destroyed 2 years after the employee's departure. Some information is kept for 5 years then destroyed.

System manager(s) and address: Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Employee supervisors, personnel office, payroll office.

FCC/OGC—13

System name: Parties Involved in Current Litigation Before Federal Courts—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Any person who is a captioned party of record in an appeal from or petition for review of a Commission action, or other court filing.

Categories of records in the system: Litigation Division docket files (duplicate files of those filed with the Court and other parties).

Authority for maintenance of the system: Section 402 of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Case preparation and reference.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Indexed by case name.

Safeguards: Records are filed in the Litigation office and secured after working hours.

Retention and disposal: Files are retired when case finally closed.

System manager(s) and address: Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: U.S. Circuit Courts of Appeals and parties to proceedings.

FCC/OGC—14

System name: Parties With Pending Civil Cases Before Any District Court That Affect the Commission—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Any individual who has a miscellaneous case before any District Court that involves the Commission.

Categories of records in the system: Letters, Memoranda, Briefs, Bankruptcy papers.

Authority for maintenance of the system: Section 402 of the Communications Act of 1934, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record information is used by Commission attorneys to update information or furnish additional data for the Government Agency handling the case.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are maintained by the individual's name filing the claim.

Safeguards: Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day.

Retention and disposal: The records are maintained for three years and then sent to the National Archives. The General Counsel recommends to the Record Center that these files be retained for three years before disposal.

System manager(s) and address: Office of the General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Justice Dept., U.S. Attorneys, Other Federal Agencies.

FCC/OGC—15

System name: Private or Civil Injury Claimants—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Any individual who files a tort claim against the Commission or commits a tort against a Commission employee.

Categories of records in the system: Accidents reports, tort claim vouchers, correspondence, memoranda, medical and payment receipts, repair and payment receipts, pictures.

Authority for maintenance of the system: Federal Tort Claims Act, 28 U.S.C. Section 2672.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record information is used by attorneys in the Office of General Counsel to determine whether a tort claim filed against the Commission should be paid and for reference when assigned a similar case. If it is determined that the claim should not be paid or in cases when, pursuant to the limitations set out in 28 U.S.C. Section 2672, the Commission cannot make the final determination whether or not to pay a claim, the record is routinely transferred to the appropriate agency charged with the responsibility of disposition.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are retrieved by the name of the individual who filed the claim.

Safeguards: Records are kept in an unlocked file cabinet in an office that is locked at the end of each business day. Since only one or two office persons routinely access this system, unauthorized examination during business hours would be easily detected.

Retention and disposal: Records are maintained for up to 3 years, then sent to National Archives; they are destroyed 3 years later.

System manager(s) and address: Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Witnesses, General Counsel, Executive Director.

FCC/OGC—16

System name: Recess and Interim Appointments of Employees—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Commissioners and other employees who have been considered for short term or long term appointments.

Categories of records in the system: Memoranda, letters.

Authority for maintenance of the system: Sections 4(f)(1) and (2) and (g) of the Communications Act of 1934, as amended; 5 U.S. Code Section 56.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used by General Counsel Attorneys and the Chairman's office for reference purposes when working on a similar case.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are retrieved by employee name.

Safeguards: Records are kept in file cabinets in offices that are secured at the end of each business day.

Retention and disposal: At present, records are maintained permanently. After the file becomes too bulky to maintain on a permanent basis, it will be broken and files older than 3 years will be sent to National Archives. Destruction will occur 3 years later.

System manager(s) and address: Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FCC/OGC—17

System name: Witness Appearance Request File—FCC/OGC

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Commission employees requested to appear as witnesses and to testify on Commission matters or to testify on knowledge obtained through Commission work.

Categories of records in the system: Witness subpoenas, orders, other demands, memoranda; investigative reports; official notices of violations; copies of licenses.

Authority for maintenance of the system: Section 409 of the Communications Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record Information is used by staff attorneys to determine whether or not to grant a request for appearance and to determine when an employee.s appearance is repeatedly requested.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are maintained by the name of employee requested to appear.

Safeguards: Records are kept in unlocked file cabinets in an office that is secured at the end of each business day. Certain members of the secretarial staff are always present in this office; thus, unauthorized examination of records would be easily detected.

Retention and disposal: At present, records are maintained permanently. When file becomes too bulky to maintain on a permanent basis, it will be broken and information older than 3 years sent to National Archives. Destruction shall take place 3 years later.

System manager(s) and address: Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Party requesting appearance, e.g., U.S. Attorneys, private law firms.

FCC/OOR—1

System name: Employee Records—FCC/OOR

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees and former employees of the Office of Opinion and Review, professional and non-professional.

Categories of records in the system: Personal data of a factual nature: e.g., education, career history, birth date, service computation date, emergency telephone number; memoranda in support of promotions or ingrade increases or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports; training records; recommendations for awards.

Authority for maintenance of the system: U.S. Code Sections 631, 2001, 2061, 2121, and 2301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff supervisors and administrative personnel in the office of Chief: to provide personal data and career history; to support requests for personnel actions, e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine the days and hours during which annual or sick leave is taken; to log and document recommendations for training courses, incentive and hi quality awards and to justify disapproval of same.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, card files.

Retrievability: All records are retrievable by employee name.

Safeguards: Records are kept in a locked file cabinet in the office of the chief which is locked at the close of each business day.

Retention and disposal: Records in this system are retained until the administrative need for them is completed, then destroyed. Time and attendance records are maintained for a minimum of 2 years, then destroyed.

System manager(s) and address: Chief, Office of Opinions and Review, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Employee supervisors, other office employees.

FCC/OPP—1

System name: Employee Records—FCC/OPP

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees and former employees of the Office of Plans and Policy, professional and non-professional.

Categories of records in the system: Personal data of a factual nature: e.g., education, career history, birth date, service computation date, emergency telephone number; memoranda in support of promotions or ingrade increases or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports; training records; recommendation for awards.

Authority for maintenance of the system: 5 U.S. Code Sections 631, 2001, 2061, 2121, and 2301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the office chief and certain administrative personnel: to provide personal data and career history; to support requests for personnel actions, e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine the days and hours during which annual or sick leave is taken; to log and document recommendations for training courses, incentive and hi quality awards and to justify disapproval of same.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, card file.

Retrievability: All records are retrievable by employee name.

Safeguards: Records are maintained in a locked file cabinet in the Office of Plans and Policy in an office which is locked at the end of each business day.

Retention and disposal: Records in this system are retained until the administrative need for them is completed, then destroyed. Time and attendance records are maintained for a minimum of 2 years, then destroyed.

System manager(s) and address: Chief, Office of Plans and Policy, 1919 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Employee supervisors, other office employees.

FCC/RB—1

System name: Employee Records—FCC/RB

System location: 1919 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees and former employees of the Review Board, professional and non-professional.

Categories of records in the system: Personal data of a factual nature: e.g., education, career history, birth date, service computation date, emergency telephone number; memoranda in support of promotions or ingrade increases or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports; training records; recommendations for awards.

Authority for maintenance of the system: 5 U.S. Code Sections 631, 2001, 2061, 2121, and 2301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the Chairman, Review Board and certain administrative personnel: to provide personal data and career history; to support requests for personnel actions, e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine employee productivity; to determine the days and hours during which annual or sick leave is taken; to log and document recommendations for training courses, incentive and hi quality awards and to justify disapproval of the same.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, card files.

Retrievability: All records are retrievable by employee name.

Safeguards: Records are kept in a locked storage cabinet in the Office of the Review Board. The Chairman of the Review Board, the Chief for Law and the administrative assistant are the only ones who routinely access this system. Thus, unauthorized examination would be easily detected.

Retention and disposal: Records in this system are retained until the administrative need for them is completed, then destroyed by tearing into pieces.

System manager(s) and address: Chairman of the Review Board, 1919 M Street, N.W. Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Employee supervisors, other office employees.

FCC/SSRSB—1

System name: Amateur and Citizen License Fees, Refunded or Uncollected—FCC/SSRSB

System location: 2025 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Applicant who was issued a refund by Gettysburg Field Office or Washington, D.C. Office. Applicant whose check was returned by bank for such things as: insufficient funds, account closed, payment stopped, etc.

Categories of records in the system: Information substantiating a refund issued to applicant; or information indicating remittance was returned by bank as unnegotiable.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used by administrative personnel as reference material.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are filed and retrieved by name of applicant involved in the transaction.

Safeguards: Records are maintained on a division level in file cabinets in offices which are locked at the end of each business day.

Retention and disposal: Records are retained for two years, then forwarded to Federal Records Center.

System manager(s) and address: Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: For refunds information is initiated and supplied by applicant and by bureau employees. For uncollected fees, information is furnished by banks; Fee Unit, Financial Management Division, or Washington Processing Section of the Amateur and Citizens Division act as collectors.

FCC/SSRSB—2

System name: Application and License File—FCC/SSRSB

System location: 2025 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Radio service applicants and licensees under Parts 81, 87, 89, 91, 93, 95, and 99 of the Commissions Rules.

Categories of records in the system: Applications, licenses, and correspondence maintained by various radio categories: Aeronautical and Fixed Group, Aircraft Group, Alaskan Group, Amateur, Automobile Emergency, Aviation Auxiliary Group, Aviation Radio Navigation Land, Business, Citizens Class A, Citizens Class C and D, Civil Air Patrol, Coastal Group, Disaster, Fire, Forest Products, Forestry Conservation, Highway Maintenance, Industrial Radio Location, Interurban Passenger (Motor Carrier), Interurban Property (Motor Carrier), Local Government, Manufacturers, Marine Auxiliary Group, Marine Radar Land, Motion Picture, Operational Fixed Microwave, Petroleum, Police, Power, Radio Amateur Civil Emergency Service (R.A.C.E.S.), Railroad, Relay Press, Ship Group, Special Emergency, Special Industrial, State Guard, Taxicab, Telephone Maintenance, Urban Passenger (Motor Carrier), Urban Property (Motor Carrier).

Authority for maintenance of the system: Sections 301, 303 of the Communications Act of 1934, and amendments.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used to administer the Commission's programs relating to radio categories listed above including licensing, enforcement, rulemaking, and other actions requiring record information; to evaluate unique systems; to provide a service of information for the general public. Selected informational elements are incorporated in the Commission's central computer facility to maintain a current inventory of licensees for those services which are computerized.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In appropriate files in boxes or cabinets.

Retrievability: Records are filed alphabetically by name of applicant/licensee within each radio service.*

Safeguards: Records are maintained on division level in appropriate files in boxes or cabinets in offices which are locked at the end of each business day.

Retention and disposal: Records are normally retained as long as the station remains licensed, although some bulky files may be divided and older material sent to the Federal Records Center. Records for stations not renewed are retained for one year and then sent to the Federal Records Center.

System manager(s) and address: Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above. *In order to facilitate the location of a specific record, the name of the radio category under which the application was filed and the call sign of the license issued should be included with the request.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Original applications and supplemental material submitted by applicants; correspondence from complainants; inspection reports, application processors.

FCC/SSRSB—3

System name: Conditional Amateur Licensees—FCC/SSRSB

System location: 2025 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Conditional amateur licensees subject to recall for a Commission supervised examination because of failure to appear for or failure to pass a Commission supervised examination.

Categories of records in the system: Name, address, date of birth (if known) and authorization code of staff member who placed name in the file; license record information.

Authority for maintenance of the system: Title 47, U.S.C. Sections 301, 303 and 309(e).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A computer print-out is used as a reference by selected staff employees at Commission headquarters and field installations to determine whether an applicant for an amateur license is eligible under Section 97.35(a) of the Commission's Rules.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On magnetic tape and computer print-out.

Retrievability: Information is filed alphabetically by name of individual in a computer and is retrieved periodically through computer print-out.

Safeguards: Control is exercised over information entering the computer; computer print-outs are available to selected staff personnel and are maintained on division level in file cabinets in offices which are locked at the end of each business day.

Retention and disposal: The previous computer print-out is destroyed by tearing into pieces when a new list is distributed. Individual names on this list may be retained for a maximum of six years.

System manager(s) and address: Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is obtained by Commission personnel from the applicant.

FCC/SSRSB—4

System name: Current Projects File (Applications that may not comply with rules; Licensees whose systems may not comply with rules)—FCC/SSRSB

System location: 2025 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Applicants and licensees under Parts 89, 91, and 93 of the Rules whose communication systems may not be in compliance with FCC Rules; and applicants for rule waivers.

Categories of records in the system: Pleadings, letters of complaint, correspondence, technical information, annual reports, and supporting documentation relating to the communication system and its operation.

Authority for maintenance of the system: Section 308(b) of the Communications Act of 1934, and amendments.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used by Commission employees to resolve whether the system is in compliance with FCC Rules.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are filed and retrieved by name of applicant or licensee involved.

Safeguards: Records are maintained on a division level in file cabinets in offices which are locked at the end of each business day.

Retention and disposal: Records are retained for two years after decision is reached, then destroyed by tearing into pieces.

System manager(s) and address: Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Letters of petition or complaint initiate action. Letters of complaint are referred to licensees to advise them and to obtain additional information in response to the complaint.

FCC/SSRSB—5

System name: Employee Activity Report—FCC/SSRSB

System location: 2025 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees of the Bureau.

Categories of records in the system: The total number of hours devoted to specific areas of work, number of hours absent, number of hours on business.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Individual reports compiled by Divisions into monthly totals. Report of totals (without names) is sent to Budget Office for their use in computing manpower hours; to report to the Commission total number of hours put forth in a specific category of work; to document how an employee uses his work time during a two-week period.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are retrieved by employee name and by reporting period.

Safeguards: Records are kept in locked file cabinets in the offices of Bureau and Division Chiefs which are locked at the close of each day.

Retention and disposal: Records are kept during the current fiscal year then destroyed.

System manager(s) and address: Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above. 12

Same as above.

Contesting record procedures: Same as above.

Record source categories: Bureau employee.

FCC/SSRSB—6

System name: Employee Records—FCC/SSRSB

System location: 2025 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All employees and former employees of the Safety and Special Radio Services Bureau.

Categories of records in the system: Personal data of a factual nature: e.g., education, career history, birth date, service computation date, telephone number; letters of reference written on behalf of employees, or concerning them; memoranda in support of reclassification, promotions or ingrade increases, or for documentation of grievances or adverse actions; performance evaluations of various kinds; time and attendance reports including special working hours and requests for leave; designations as special representative; work assignments and productivity data.

Authority for maintenance of the system: 5 U.S. Code, Sections 631, 2001, 2121, and 2301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff supervisors and administrative personnel in the Office of Bureau Chief: to provide personal data and career history; to support requests for personnel action, e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine productivity in a variety of job assignment categories; to provide models for writing letters of reference; to determine the days and hours during which annual or sick leave is taken (such records are transferred to the Payroll Office for use in computing pay); to document a work schedule that differs from normal duty hours; to provide a record of employees designated to serve on a special activity such as emergency building evacuation, fund drives, etc.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders or card files.

Retrievability: All records are retrievable by name; some records are also retrievable by the date employee is eligible for promotion or within grade increase.

Safeguards: Records are maintained on a bureau and division level in file cabinets in offices which are locked at the close of each business day.

Retention and disposal: Most records in this system are retained until the administrative need is completed, then destroyed by tearing into pieces; certain performance records are retained temporarily at the Bureau, then forwarded to the Personnel Division, Office of Executive Director; time and attendance records are maintained at the Bureau until the Payroll Office conducts the annual audit, verifying totals and so notifying the Bureau, then destroyed by tearing into pieces.

System manager(s) and address: Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Employee supervisors; Personnel Division and Financial Management Division, Office of Executive Director.

FCC/SSRSB—7

System name: Employee Travel Records—FCC/SSRSB

System location: 2025 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: All bureau employees who have traveled to conduct official FCC business.

Categories of records in the system: Name of traveler, date of trip, where, for what purposes, and related travel information.

Authority for maintenance of the system: None.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used by administrative personnel as a reference for planning and approving current travel requests and in preparing budget estimates.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are filed by Fiscal Year but can be retrieved by employee name.

Safeguards: Records are maintained by administrative personnel on a division level in file cabinets in offices which are locked at the end of each business day.

Retention and disposal: Records are retained for a two year period, then destroyed by tearing into pieces.

System manager(s) and address: Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information for these records is gathered from the Bureau's secretaries who maintain all travel information for their particular Division or Branch.

FCC/SSRSB—8

System name: Licensees or Unlicensed Persons Operating Radio Equipment Improperly—FCC/SSRSB

System location: 2025 M Street, N.W., Washington, D.C. 20554.

Categories of individuals covered by the system: Licensees operating under Parts 81, 83, 87, 89, 91, 93, 95, and 97 of the Rules in violation of the Commission Rules or the Communications Act of 1934. Unlicensed persons operating radio equipment.

Categories of records in the system: Enforcement case history cards; license record information on microfilm and computer printouts; name, address, date of birth (if known) and authorization code of staff member who placed name in the file.

Authority for maintenance of the system: Title 47 U.S.C. 301, 303, 309(e), 312, 362, 364, 386, 507, and 510.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by bureau employees on enforcement cases to document, to evaluate, to impose sanctions, and to maintain appropriate records for reference. Selected information is maintained in a computer data base and a computer print-out is used as a reference by bureau employees at

Commission headquarters and field installations to determine whether applications should be granted or set for hearing.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders, card files, microfilm, magnetic tape and computer print-out.

Retrievability: Records are filed and retrieved by name of licensee or unlicensed individual. Information in the computer is printed periodically for staff use.

Safeguards: Records are maintained on a division level in appropriate file cabinets in offices which are locked at the end of each business day. Computer print-outs at field installations are maintained in file cabinets in offices which are locked at the end of each business day.

Retention and disposal: The documentation portion of these records is retained in active files for no more than 2 years, and are maintained in the Federal Records Center for five years, after which they are destroyed. The case history card portion of these records is retained for 25 years and then destroyed when no longer useful. Microfilm and computer print-out portions of the records are reproduced periodically and the older superseded material destroyed by cutting or tearing into pieces. Individual names in the computer data bank may be retained for a maximum of six years.

System manager(s) and address: Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above

Record source categories: Information originates from various sources: FCC Field Engineers; private citizens; Department of Justice; other Commission personnel

Systems exempted from certain provisions of the act: Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 522(a), and from sections 0.554-0.557 of the Commission's Rules because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to Section 552(k)(2) of the Act.

APPENDIX A

FEDERAL COMMUNICATIONS COMMISSION, FIELD OPERATIONS BUREAU

ADDRESS LIST OF DISTRICT OFFICES AS OF JULY 25, 1975.

The sequential number below refers to the District Number assigned by the Field Operations Bureau.

1 BOSTON, Massachusetts, 1600 Customhouse, India and State Streets 02109. Phone: (617) 223-6608.

2 NEW YORK, New York, 201 Varick Street 10014. Phone: (212) 620-5745.

3 PHILADELPHIA, Pennsylvania, 1005 U.S. Customhouse, 2nd and Chestnut Streets 19106. Phone: (215) 597-4410.

4 BALTIMORE, Maryland, 819 Federal Building, 31 Hopkins Plaza 21201. Phone: (301) 962-2727.

5 NORFOLK, Virginia, Military Circle, 870 North Military Highway 23502. Phone: (804) 461-4000.

6 ATLANTA, Georgia, 1602 Gas Light Tower, 235 Peachtree Street, N.E., 30303. Phone: (404) 526-6381. Sub-office: SAVANNAH, Georgia, P.O. Box 8004, Room 238, Federal Building and Courthouse 31402. Phone: (912) 232-7602.

7 MIAMI, Florida, Room 919, 51 S.W. First Avenue 33130. Phone: (305) 350-5541. Sub-office: TAMPA, Florida, 738 Federal Office Building, 500 Zack Street 33602. Phone: (813) 228-2605.

8 NEW ORLEANS, Louisiana, 829 F.Ed. Hebert Fed. Building, 600 South Street 70130. Phone: (504) 589-2094. Sub-office: MOBILE, Alabama, 439 U.S. Courthouse and Customhouse 36602. Phone: (205) 690-2808.

9 HOUSTON, Texas, New Federal Office Building, 515 Rusk Avenue, Room 5636, 77002. Phone: (713) 226-4306. Sub-office: BEAUMONT, Texas, 323 Federal Building, 300 Willow Street 77701. Phone: (713) 838-0271.

10 DALLAS, Texas, Earle Cabell Federal Building, U.S. Courthouse, Room 13E7, 1100 Commerce Street 75202. Phone: (214) 749-3243.

11 LOS ANGELES, California, Room 1758 U.S. Courthouse, 312 No. Spring Street 90012. Phone: (213) 688-3276/3277. Sub-office: SAN DIEGO, California, Fox Theatre Building, 1245 Seventh Avenue 92101. Phone: (714) 293-5460.

12 SAN FRANCISCO, California, 323-A Customhouse (555 Battery Street) 94111. Phone: (415) 556-7700.

13 PORTLAND, Oregon, 1220 S.W. 3rd Avenue, 1782 Federal Office Building 97204. Phone: (503) 221-3097.

14 SEATTLE, Washington, 3256 Federal Building, 915 Second Avenue 98174. Phone: (206) 442-7653.

15 DENVER, Colorado, 504 U.S. Customhouse, 19th Bet. California and Stout Streets 80202. Phone: (303) 837-4053.

16 ST. PAUL, Minnesota, 691 Federal Building and U.S. Courthouse, 316 North Robert Street 55101. Phone: (612) 725-7819.

17 KANSAS CITY, Missouri, 1703 Federal Building, 601 East 12th Street 64106. Phone: (816) 374-5526.

18 CHICAGO, Illinois, 230 So. Daerborn Street 60604. Phone: (312) 353-5388.

19 DETROIT, Michigan, 1054 Federal Building, Washington Blvd. and Lafayette Street 48226. Phone: (313) 226-6077.

20 BUFFALO, New York, 1305 Federal Building, 111 West Huron Street 14202. Phone: (716) 842-3216.

21 HONOLULU, Hawaii, 502 Federal Building, P.O. Box 1021, 96808. Phone: (808) 546-5640.

22 SAN JUAN, Puerto Rico, SPO Box 2987, 322-323 Federal Building 00903. Phone: (809) 722-4562.

23 ANCHORAGE, Alaska, Room G-63 U.S.P.O. and Courthouse Building, P.O. Box 644, 99510. Phone: (907) 272-1822.

24 WASHINGTON, D.C., 1919 M Street, N.W., Room 411, 20554. Phone: (202) 632-7000.

APPENDIX B

FEDERAL COMMUNICATIONS COMMISSION

Description of organizational abbreviations used in the Federal Communications Commission System of Records.

BCB—Broadcast Bureau
CCB—Common Carrier Bureau
COMM—Commissioners
CTB—Cable Television Bureau
FOB—Field Operations Bureau
OALJ—Office of Administrative Law Judges
OCE—Office of Chief Engineer
OED—Office of Executive Director
OGC—Office of General Counsel
OOR—Office of Opinions and Review
OPP—Office of Plans and Policy
RB—Review Board
SSRSB—Safety and Special Radio Services Bureau

[FR Doc.76-25986 Filed 9-1-76;2:48 pm]

federal register

WEDNESDAY, SEPTEMBER 22, 1976



PART VI:

SECURITIES AND EXCHANGE COMMISSION

■

PRIVACY ACT OF 1974

Systems of Records

SECURITIES AND EXCHANGE COMMISSION PRIVACY ACT OF 1974

Systems of Records

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register at 40 FR 39253 and 41 FR 5318 and 11631 continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4) as added by section 3 of the Privacy Act of 1974.

By the Commission.

August 30, 1976.

George A. Fitzsimmons,
Secretary.

SEC—1

System name: Registration Statements Filed Pursuant to Provisions of the Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Duplicate copies may be maintained in SEC Regional and Branch Offices.

Categories of individuals covered by the system: Records include information on officers, directors, principal shareholders, and certain other persons having a relationship with or a transaction with a registrant.

Categories of records in the system: The records describe the individual's relationship to a registrant and other relevant material business information about the individual.

Authority for maintenance of the system: Title 15, United States Code, Sections 79e, 77f, 77g, 77h and 77j; 78l, 78m, 78n, 78o(d), and 78p; and 80a-8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By SEC staff in the processing of registration statements and periodic reports filed with the Commission under provisions of the Federal securities laws; may also be used to respond to inquiries from Members of Congress and the public concerning registrants and in preparing no-action letters.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State, or local licensing authority for possible disciplinary action.

5. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local government authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. A record from this system of records may be disclosed to a Federal, State or local governmental authority in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

8. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

9. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form or microform.

Retrievability: Records are accessed by name and/or file number assigned to registration statement. Individual name access is available through the Commission's Name-Relationship Index system.

Safeguards: Records contain public information and are available through Public Reference Section. Records are maintained in central records office, which is locked at night. Building where records are maintained has a 24-hour security guard.

Retention and disposal: These records are retained indenfinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information is obtained from registration statements that are filed with the Commission under the Securities Act of 1933, Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, and the Investment Company Act of 1940.

SEC—2

System name: Applications for Registration/Exemption under the Securities Exchange Act of 1934, Investment Advisers Act of 1940, and Investment Company Act of 1940.

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records also may be maintained in the SEC Regional and Branch Offices.

Categories of individuals covered by the system: Records are maintained on broker-dealers and investment advisers and officers, directors, certain shareholders, general and limited partners, and other associated persons of broker-dealers, investment advisers and investment companies.

Categories of records in the system: Records contain information pertaining to the individual's relationship to and transactions with the registrant, past securities violations, and business and financial data. Also may contain some personal data such as name, date of birth, and social security number of individuals.

Authority for maintenance of the system: Title 15, United States Code, Sections 78o(b), 80a-6, 80b-3, and 80b-61.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By SEC personnel in processing applications for registration and applications for exemption from the registration requirements under the Securities Exchange Act of 1934, Investment Advisers Act of 1940 and Investment Company Act of 1940 and by SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State, or local licensing association for possible disciplinary action.

4. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

5. A record from this system of records may be disclosed to a Federal, State or local governmental authority in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

6. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

7. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

8. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

9. To respond to requests from Members of Congress and the public for information concerning whether an individual is registered with the Commission or is exempt from registration.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form and stored on shelving.

Retrievability: Records are accessed by name and/or file number assigned to applicant. Individual name access is available through the Commission's Name-Relationship Index.

Safeguards: Records contain public information and are available through Public Reference Section. They are maintained in central records office, which is locked at night, and the building where the records are maintained has a 24-hour security guard.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W. Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Applications and Notifications for registration or exemption, which are filed under the applicable Federal securities act.

SEC—3

System name: Notification of Exemption from Registration under the Securities Act of 1933—SEC

System location: These records are maintained in the Commission's Regional and Branch Offices for the geographical areas covered by those offices. Duplicate copies also may be maintained in the headquarters office in Washington, D.C.

Categories of individuals covered by the system: Records include information on officers, directors, principal shareholders, and certain other persons having a relationship with or a transaction with a registrant that has utilized one of the exemptions, such as Regulations A, B, E and F under the Securities Act of 1933.

Categories of records in the system: The records describe the individual's relationship to a registrant and other relevant material business information about the individual.

Authority for maintenance of the system: Title 15, United States Code, Section 77c(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information in the records may be used as follows:

1. By SEC personnel in processing registration statements and periodic reports and other documents required to be filed with the Commission under provisions of the Federal securities laws; may also be used in responding to inquiries from Members of Congress or the public concerning a registrant and in preparing no-action letters.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

4. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

5. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

6. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

7. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

8. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be

subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form and are stored on shelving.

Retrievability: Records are accessed by name and/or file number assigned to applicant. Individual name access is available through the Commission's Name-Relationship Index system.

Safeguards: Records contain public information and are available through Public Reference Section. Records are maintained in central records office, which is locked at night.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Documents and other information required to be filed under Regulations A, B, E, and F promulgated pursuant to provisions of the Securities Act of 1933.

SEC—4

System name: Acquisition, Tender Offer, and Solicitation Records Filed under the Securities Exchange Act of 1934—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records contain information concerning persons acquiring directly or indirectly more than 5 percent of any equity security of a class which is registered pursuant to section 12 of the Securities Exchange Act of 1934 and persons making a tender offer to acquire 5 percent of such equity securities.

Categories of records in the system: The record discloses that the individual has made the acquisition or will make the tender offer and contains other relevant, material information concerning the individual's relationship to the issuer and his role in the transaction.

Authority for maintenance of the system: Title 15, United States Code, Section 78m(d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. By the SEC staff to verify information contained in other filings and in preparing no-action letters.

2. To respond to requests from Members of Congress and the public concerning tender offers, acquisitions or solicitations of securities.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

6. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

7. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

10. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to

perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form and are stored on shelving.

Retrievability: Records are accessed by name and/or file number assigned to registrant. No individual name access is provided, although the Commission's Name-Relationship Index system cross-indexes names of individuals with registrants.

Safeguards: Records contain public information and are available through Public Reference Section. Records are maintained in central records office, to which access is limited to authorized personnel. That office is locked at night and the building where the records are maintained has a 24-hour security guard.

Retention and disposal: While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information is from reports that are required by statute to be filed with the Commission.

SEC—5

System name: Ownership Reports and Insider Trading Transaction Records Filed under the Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records contain information on individuals who are required by statute or rule to file reports concerning their beneficial ownership of certain securities and changes in that ownership.

Categories of records in the system: The records contain the initial information and changes regarding beneficial ownership of the securities of certain issuers. Such information includes the name of the reporting person, the insider control number assigned to him, the relationship of the reporting person to the issuer of the security, the social security number of the reporting person, the nature of the ownership, and financial transaction data with regard to the securities holdings of the reporting person.

Authority for maintenance of the system: Title 15, United States Code, Sections 78p, 79q, 80a-9, 80a-10, 80a-16, 80a-17, and 80a-30.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. To prepare for publication on a monthly basis the Commission's "Official Summary" of security transactions of insiders which is made available for purchase by the public.

2. To prepare special reports which identify short-swing trading, late reporting, and ownership histories.

3. To respond to requests by Members of Congress and the public for information concerning insider trading with respect to particular issuers.

4. By SEC personnel for use in processing filings and other documents filed with the Commission.

5. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

6. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

7. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

8. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

9. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

11. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

12. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's

rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form and on magnetic tape and cards.

Retrievability: Records are accessed by name and/or file number assigned to registrant. Individual name access may be gained in computer listing, through the Commission's Name-Relationship Index system.

Safeguards: Records contain public information and are made available to the public through the Official Summary, which is published monthly. Access to the underlying records is limited to authorized personnel. The records are kept in an office that is locked at night and in a building having a 24-hour security guard.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, NW., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, NW., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information for these records is extracted from reports required to be filed by beneficial owners and corporate insiders pursuant to the applicable sections of the various securities acts and regulations adopted pursuant thereto.

SEC—6

System name: Periodic Reports Filed under the Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940 and Investment Advisers Act of 1940.

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records may also be maintained in SEC Regional and Branch Offices.

Categories of individuals covered by the system: Records include information concerning officers, directors and certain shareholders of issuers required to file periodic reports with the Commission.

Categories of records in the system: The records describe lawsuits, shareholdings, business transactions, relationships to the issuer and other relevant material business information about the individual.

Authority for maintenance of the system: Title 15, United States Code, Sections 78m, 79n, 80a-30, and 80b-4, and rules and regulations adopted by the Commission under the Securities Act of 1933, the Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following purposes:

1. By SEC staff in the processing of filings.

2. Records may be used to respond to inquiries from Members of Congress and the public concerning an issuer; may also be used in preparing no-action letters.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

6. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

7. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an investigation of an employee, the issuance of a security clearance, the reporting of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

10. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters,

records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form or microform.

Retrievability: Records are accessed by name and/or file number assigned to registrant. No individual name access is provided, although the Commission's Name-Relationship Index system cross-indexes the names of individuals with registrants.

Safeguards: Records contain public information and are available through the Public Reference Section. Records are maintained in central records office, which is locked at night and the building where the records are maintained has a 24-hour security guard.

Retention and disposal: These records are retained indefinitely. After approximately three years they are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Periodic reports filed by registrants under the applicable Federal securities laws.

SEC—7

System name: Proposed Sale of Securities Records Filed under the Securities Act of 1933—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records also may be maintained in SEC Regional and Branch Offices.

Categories of individuals covered by the system: Records contain information on persons for whose account securities are proposed to be sold pursuant to Rules adopted by the Commission such as Rules 144, 236, 237 and 240 under the Securities Act of 1933.

Categories of records in the system: These records contain information about individuals who propose to sell a specific number of securities, and include information on the class of securities, the name of the issuer, the name of the seller, and the seller's relationship to the issuer, the seller's social security number or IRS tax number, and the date of the sale.

Authority for maintenance of the system: Title 15, United States Code, Sections 77c(b), 77d(1); 17 CFR 230.144; 17 CFR 230.236(c); 17 CFR 230.237(a); 17 CFR 230.240(h).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. To aid the Commission's staff in reviewing documents filed with the Commission and for verification and recording of block sales of securities; may also be used to respond to inquiries by Members of Congress or the public concerning sales of securities and in preparing no-action letters.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

5. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information, or after pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. A record from this system of records may be disclosed to a Federal, State or local government authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

8. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

9. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form and on magnetic tape and cards.

Retrievability: Records are accessed by name and/or file number assigned to the issuer. The magnetic media is accessed by special computer programs on a periodic basis. No individual name access is provided, although the Commission's Name-Relationship Index system cross-indexes names with registrants.

Safeguards: Records contain public information and are available to the public at the Commission's Public Reference Room. Access to the records is limited to authorized personnel. The records are maintained in an office which is locked at night in a building which has a 24-hour security guard.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Notices of proposed sale of securities filed under Rules 144, 236, 237 and 240 which have been promulgated under the Securities Act of 1933.

SEC—8

System name: Proxy Soliciting Material Filed under the Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940.

System location: Securities and Exchange Commission, Washington, D.C. 20549. Duplicate copies may be maintained in SEC Regional and Branch Offices.

Categories of individuals covered by the system: Records include information on officers, directors and certain stockholders of an issuer and persons other than management who are required to file proxy soliciting material with the Commission in advance of its use.

Categories of records in the system: The records describe business relationships and transactions of directors, lawsuits, investigations, affiliations with other companies, and other relevant personal and business information about the individual that is material to the use of the proxy soliciting materials.

Authority for maintenance of the system: Title 15, United States Code, 78n, 79l and 80a-20.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By SEC personnel in connection with the processing of proxy statements and proxy soliciting materials; may also be used to respond to requests from Members of Congress and the public concerning proxy contests and the necessity for accurate proxy materials and in preparing no-action letters.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

5. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. A record from this system of records may be disclosed to a Federal, State or local government authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a

license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

8. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

9. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form or microform.

Retrievability: Records are accessed by name and/or file number assigned to registrant. No individual name access is provided, although the Commission's Name-Relationship Index system cross-indexes individuals with registrants.

Safeguards: The records contain public information and are available through Public Reference Section. The records are maintained in central records office, which is locked at night and the building where the records are maintained has a 24-hour securities guard.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information is obtained from proxy soliciting material filed with the Commission under the Federal securities laws.

SEC—9

System name: Administrative Audit System—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records also may be maintained by Regional and Branch Offices.

Categories of individuals covered by the system: Records are maintained on all individuals, companies, or other agencies indebted to or due an indebtedness from the SEC.

Categories of records in the system: The individual's company, or agency name, the object and/or service provided, the cost and/or periodic rental charge, any and all necessary contractual language on purchase orders, contracts, invoices, travel authorizations, and other miscellaneous forms.

Authority for maintenance of the system: Title 31, United States Code, Chapters 1a and 2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. To insure that all obligations and expenditures other than those in the pay and leave system are in conformance with laws, existing rules and regulations, and good business practice.

2. To maintain subsidiary records at the proper account and/or organizational level where responsibility for control of costs exists, giving due consideration to the fixed and variable cost characteristics of each cost category.

3. To provide appropriate audit documentation for Treasury, GAO, other appropriate agencies and for agency use.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Appropriate accounting data is shown in computer printouts supported by the originals of hard copy (purchase orders, memorandum form, subsidiary ledgers, and other miscellaneous invoices and other documents).

Retrievability: These records (original hard copies) are indexed by name of individuals, companies, and other agencies in alphabetical sequence.

Safeguards: Only those people authorized by the Office of the Comptroller and certain governmental agencies approved by law, are given access to any of these records.

Retention and disposal: The records are maintained and disposed of by appropriate GSA records schedules.

System manager(s) and address: Comptroller, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washing-

ton, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: The sources for the records are purchase orders, vouchers, invoices, contracts, and other miscellaneous documents, submitted to this Office by employees, vendors and other miscellaneous sources, including claims filed by witnesses in SEC actions.

SEC—10

System name: Administrative Law Judge Assignments and Dispositions of Administrative Proceedings—SEC

System location: Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on Administrative Law Judges.

Categories of records in the system: The records identify each pending administrative proceeding and the administrative law judge to whom it is assigned. They also contain statistical data relating to number of assignments and the time involved in disposition of assignments.

Authority for maintenance of the system: Title 15, United States Code, Section 78d; P. L. 87-592, 76 Stat. 394; 17 CFR Sections 200.30-9. 200.30-10.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records and the information in the records may be used as follows:

1. To determine workload and accomplishment of each administrative law judge.
2. To aid the Chief Administrative Law Judge in determining appropriate assignments to administrative proceedings.
3. To aid in projecting budget requirements for the Office of Administrative Law Judges.
4. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders and are compiled in typewritten form.

Retrievability: The system is indexed by the name of administrative law judge.

Safeguards: The records are stored in private office of the Chief Administrative Law Judge. Physical security is provided by a 24-hour security guard at the main entrance to the building.

Retention and disposal: Records are maintained for at least a ten (10) year period, after which they are disposed of by shredding.

System manager(s) and address: Chief Administrative Law Judge, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information is obtained from orders issued to individual administrative law judges by Chief Administration Law Judge and from information and reports submitted to Chief Administrative Law Judge by individual administrative law judges.

SEC—11

System name: Administrative and Litigation Release System—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records in this system also may be maintained at the SEC Regional and Branch Offices.

Categories of individuals covered by the system: Records are maintained on persons who have been named as respondents or defendants in administrative, civil or criminal proceedings involving allegations of violations of the Federal securities laws or related statues.

Categories of records in the system: Releases pertaining to administrative proceedings are limited essentially to an identification of the respondents, a brief reference to the general nature of the underlying charges, and when appropriate, an identification of the particular securities involved. Releases pertaining to litigation matters relate to court enforcement actions brought under the Federal securities laws.

Authority for maintenance of the system: Title 15, United States Code, Section 78d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used for the following:

1. Giving public notice of the institution and disposition of an administrative, civil, or criminal proceeding brought under the Federal securities laws or related statutes.
2. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).
3. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.
4. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.
5. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
6. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in paper from in binders.

Retrievability: Records may be retrieved by the name of the individual through use of index cards, the Securities Violation Bulletin, and the Commission's Name-Relationship Index system.

Safeguards: The releases are kept in a building having a 24-hour security guard.

Retention and disposal: These records are kept indefinitely.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Official files of Federal and State court and administrative proceedings.

SEC—12

System name: Administrative Proceedings—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records also may be maintained by the Regional or Branch Office that was involved in the proceeding.

Categories of individuals covered by the system: Records are maintained on individual respondents, witnesses, attorneys and others involved in administrative proceedings instituted by the Commission.

Categories of records in the system: Records include pleadings, transcripts of testimony, documentary evidence and other relevant documents, and correspondence relating to the proceeding.

Authority for maintenance of the system: Title 15, United States Code, Sections 77u, 78v, 79s, 80a-40 and 80b-12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information in these records may be used as follows:

1. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

4. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

5. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statiscal information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

8. To aid in responding to inquiries from Members of Congress, the press and the public.

9. In connection with the processing of registration statements and other filings made with the Commission.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form.

Retrievability: Individual name access is provided through the SEC Name-Relationship Index system.

Safeguards: Most of the files compiled in connection with public administrative proceedings are available to the public. Access to other records is limited to authorized personnel only. Physically, the records are maintained in a building that has 24-hour security.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, NW., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, NW., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information for these records is obtained from pleadings, transcripts of testimony, documents, including evidence introduced in the proceeding and correspondence relating to the proceeding.

SEC—13

System name: Administrative Proceedings Record Cards—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on persons involved in administrative proceedings instituted by the Commission.

Categories of records in the system: Records contain names and addresses of persons who are parties, respondents, and witnesses in SEC administrative proceedings.

Authority for maintenance of the system: Title 15, United States Code, Sections 77u, 78v, 79s, 80a-40, and 80b-12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. To identify individuals who are involved in administrative proceedings so that they can be served with documents filed in the proceeding and to record all actions taken in the proceeding.

2. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

3. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise in an official capacity.

4. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

5. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

6. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

7. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

8. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on 5x8 inch cards and stored in filing boxes.

Retrievability: Individual name access for parties and witnesses provided through computer search of the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Records are kept in a locked office in a building having a 24-hour security guard.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Administrative Proceedings service list, notices of appearance, transcripts of testimony.

SEC—14

System name: Applications for Relief From Disqualification Filed Under the Securities Act of 1933 and the Commission's Rules of Practice.

System location: Securities and Exchange Commission, Washington, D.C. 20549. Applications for relief from disqualification under Regulation A may be maintained by the SEC Regional and Branch Offices.

Categories of individuals covered by the system: The records contain information with respect to attorneys, accountants, and other professionals seeking relief from SEC orders suspending or barring them from appearing or practicing before the SEC or imposing some other sanction or requirements under the Commission's Rules of Practice and information concerning officers, directors, principal shareholders, promoters, partners, underwriters, and other persons associated with the registrant who are seeking to vacate or modify any disqualification imposed by the Commission.

Categories of records in the system: Records contain information pertaining to SEC orders which temporarily or permanently suspend attorneys, accountants, and other professionals from appearing or practicing before the SEC or otherwise sanction them pursuant to the Commission's Rules of Practice. Also contain the individual's application for relief of disqualification under the Rules of Practice and applications for relief from disqualifications under the Securities Act of 1933.

Authority for maintenance of the system: Title 15, United States Code, Sections 77c, 77s, 78w, 79t, 77sss, 80a-37, and 80b-11; 17 CFR 202.2(e); 17 CFR 230.252(f).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. By the Commission's staff to process requests for relief from SEC orders or disqualification or disqualifications imposed by or from provisions of applicable Federal securities laws and rules promulgated thereunder.

2. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

3. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.735-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form in individual files.

Retrievability: Records are accessed by name of individual or issuer or registrant.

Safeguards: Applications for relief from disability under Regulations A and F of the Securities Act of 1933 are made avilable to the public. Information regarding Rule 2(e) of the Commission's Rules of Practice is non-public. Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. All records are kept in an office that is locked at night and in a building having a 24-hour security guard.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: 1. Applications for relief of disqualifications under the Securities Act of 1933: Director, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549. 2. Applications for relief of disqualifications imposed under the Commission's Rules of Practice: General Counsel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information concerning individuals is extracted from applications filed with the Commission for relief from disqualifications.

SEC—15

System name: Comments on Commission and Securities Self-Regulatory Organization Rules Changes—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Persons submitting comments on Commission proposals to adopt or change rules or in connection with rules proposed, adopted, or changed by securities self-regulatory organizations.

Categories of records in the system: Written statements or comments, including transcripts of statements made at Commission hearings on proposed or adopted rules or changes in rules.

Authority for maintenance of the system: Title 5, United States Code, Section 553.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. To assist the Commission in developing regulatory and enforcement policies designed to carry out its functions under the Federal securities laws and to assist it in fulfilling its oversight function with respect to securities self-regulatory organizations.

2. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form.

Retrievability: Records maintained in official file designated by the matter under consideration such as the rule number.

Safeguards: These comments are public information. They are maintained in a building having a 24-hour security guard.

Retention and disposal: These records are retained indefinitely.

System manager(s) and address: Records Officer, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Letters and other statements received from public commentators.

SEC—16

System name: Complaint Processing System (CMP)—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on members of the public and others making complaints to the Commission against broker-dealers and others who are subject to the Commission's jurisdiction.

Categories of records in the system: Records contain the name of the complainant, the name of the entity involved in the complaint, the type of complaint, and the dates relating to the disposition of the complaint.

Authority for maintenance of the system: Voluntary.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By the SEC staff to analyze and compile data relating to, among other things, the frequency of complaints against particular entities or individuals. This data is reported to the Division of Enforcement for consideration.

2. To respond to inquiries from Members of Congress, the press or the public concerning the status of particular complaints.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

10. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

11. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on magnetic tape or cards and accessed by special computer programs on a periodic or "on request" basis.

Retrievability: No individual name access is provided but the reports are in alphabetical sequence by the name of the subject of the complaint, or the complainant's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Records are maintained in a building having a 24-hour security guard.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director, Office of Reports and Information Services, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information is received from individuals through letters, telephone calls, or personal visits to headquarters or regional offices.

SEC—17

System name: Correspondence Files Pertaining to Registered Broker-Dealers—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records also are maintained in the SEC Regional and Branch Offices.

Categories of individuals covered by the system: Individuals who are registered with the Commission as broker-dealers and persons associated with a registered broker-dealer.

Categories of records in the system: Records contain information relating to an individual's activities and transactions as a registered broker-dealer and information concerning the relationship of other persons to the broker-dealer.

Authority for maintenance of the system: Title 15, United States Code, Sections 78a et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. These records are used to maintain a continuity within the SEC as to each registered broker-dealer and to provide the SEC staff with the background and results of earlier examinations of registered broker-dealers as well as an insight into current regulatory problems, if any, concerning each registrant.

2. To aid in responding to requests from Members of Congress and the public relating to particular registered broker-dealers.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

9. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the insuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal

banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in paper form and bound in file folders.

Retrievability: Information is indexed by name of registrant. Information regarding individuals may be obtained through the use of index systems.

Safeguards: These records generally are available for inspection by the public in the Public Reference Room. Except for such public disclosure only authorized persons are given access to the raw files. Records are maintained in a building that has a 24-hour security guard.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: In addition to containing correspondence between the registered broker-dealer and the Commission, these files include copies of staff examination reports; information also is received from various segments in the industry and securities self-regulatory organizations.

SEC—18

System name: Correspondence Files Pertaining to Registered Investment Advisers—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records also are maintained by the SEC's Regional and Branch Offices.

Categories of individuals covered by the system: Investment advisers registered with the Commission and persons associated with registered investment advisers.

Categories of records in the system: Records contain information relating to an investment adviser, his business, his compliance with provisions of the Federal securities laws. Records also include information on persons associated with investment advisers.

Authority for maintenance of the system: Title 15, United States Code, Sections 78d, 80b-1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. By SEC personnel to determine whether a registered investment adviser is complying fully with applicable requirements.

2. To aid in responding to requests from Members of Congress and the public concerning the status of a registered investment adviser.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implemeting the statute, or rule, regulation or order issued pursuant thereto.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

9. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a licence, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary the requesting agency's decision on the matter.

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained

or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in paper form and bound in a file folder.

Retrievability: Information is indexed by name of the registrant. Information regarding individuals may be obtained through the Commission's Name—Relationship Index system.

Safeguards: These records generally are available for inspection by the public in the Public Reference Room. Except for public disclosure only authorized persons are given access to the raw files. The records are maintained in a building that has a 24-hour security guard.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: In addition to containing correspondence between the investment adviser and the Commission, these files include copies of staff examination reports, information received from various segments of the industry, including the financial press and other items pertaining to each individual investment adviser or to any complex of investment companies with which it is affiliated.

SEC—19

System name: Correspondence Files Pertaining to Registered Investment Companies--SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records are also maintained by SEC Regional and Branch Offices.

Categories of individuals covered by the system: Individuals associated with registered investment companies.

Categories of records in the system: Records contain information relating to an individual's relationships and transactions with a registered investment company.

Authority for maintenance of the system: Title 15, United States Code, Sections 78d(b) and 80a-1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. By SEC personnel to monitor compliance with the provisions of the Investment Company Act of 1940.

2. To aid in responding to requests from Members of Congress and the public relating to particular registered investment companies.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to any agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

9. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained

or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in paper form and bound in a file folder.

Retrievability: Information is indexed by name of registrant. Information regarding individuals may be obtained through the use of index systems and the Commission's Name-relationship Index system.

Safeguards: The records generally are available for inspection by the public in the Public Reference Room. Except for public disclosure only authorized persons are given access to the raw files. Records are maintained in a building that has a 24-hour security guard.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: In addition to containing correspondence between the registered investment company and the Commission, these files include copies of staff examination reports, information received from various segments of the industry, including the financial press and other items pertaining to each individual investment company or to the complex of investment companies with which it is affiliated.

SEC—20

System name: Defendant Index—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on persons involved in legal actions with the SEC or in which violations of the Federal securities laws are alleged. These include injunctive, subpoena enforcement, civil and criminal and contempt actions.

Categories of records in the system: Records contain information regarding all legal actions filed by the SEC and information regarding actions brought against the SEC. They may also contain information with respect to criminal actions prosecuted by the Department of Justice. The records include the name of the case, the court's case number, any court designation, and type of action.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s,77t, 78u, 79r, 77uuu, 80a-41, and 80b-9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. By SEC personnel to locate and identify a particular court case.

2. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

3. To respond to requests from Members of Congress or the public for information concerning litigation matters.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's

rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on 3 x 5 inch index cards and stored in filing boxes.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked steel cabinets that are kept in a locked office and in a building having a 24-hour security guard.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Legal documents filed in civil, administrative and criminal proceedings.

SEC—21

System name: Division of Corporate Regulation Bankruptcy Act Records—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549, SEC New York Regional Office, New York, New York 10007, SEC Chicago Regional Office, Chicago, Illinois 60604, SEC Los Angeles Regional Office, Los Angeles, California 90012, SEC San Francisco Branch Office, San Francisco, California 90012, and SEC Seattle Regional Office, Seattle, Washington 98174.

Categories of individuals covered by the system: Records are maintained on attorneys for debtors, trustees, attorneys for trustees, United States District Court judges, and United States Bankruptcy judges.

Categories of records in the system: The records contain the following types of information: addresses, information contained in court pleadings, memoranda regarding findings of SEC investigations, SEC staff memoranda regarding various aspects of court proceedings.

Authority for maintenance of the system: Title 11, United States Code, Sections 572, 608, 665a and Chapter XI Rule 11-6, Official Form Nos. 11-F1 and 11-F2 promulgated by the United States Supreme Court under 28 U.S.C. Section 2075.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By SEC staff in preparation for participation in all phases of Chapter X and XI debtor relief proceedings, including court hearings and meetings with trustees, counsel, presiding judges, and with other interested parties. Files also are used in responding to inquiries of Congressmen, public investors, and other agencies with respect to pending or terminated bankruptcy proceedings.

2. In any proceeding where the federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

3. By SEC personnel for purposes of investigating possible violations of the federal securities laws.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the a-propriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are kept in hard copy form in filing cabinets.

Retrievability: The records are indexed by case name or company name and case number. Information on individuals may be retrieved through use of SEC Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. The office where records are maintained is locked at night and a 24-hour security guard limits access to building.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Division of Corporate Regulation, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Records are sent to SEC by courts and attorneys. Some unsolicited information is obtained from members of the public, and information also is received from individuals including those to whom the records relate.

SEC—22

System name: Division of Corporation Finance Branch Working Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on officers, directors, shareholders, and other persons having relationships with registrants.

Categories of records in the system: The information in the system generally includes material concerning registrants filed with the SEC under the Securities Act of 1933 and the Securities Exchange Act of 1934 and may describe relationships or transactions named individuals may have with such registrants.

Authority for maintenance of the system: Title 15, United States Code, Sections 77e, 77g, 77h and 77j; 78l, 78m, 78n, 78o(d), and 78p; 77eee.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. To process registration statements, proxy statements, periodic reports and other reports required by statute or rule to be filed with the Commission.

2. To aid in responding to inquiries from Members of Congress, the press and the public regarding registrants.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. In any proceeding where the federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. A record from this system of records may be disclosed as a "routine use" to a federal, state or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

9. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in hard copy form and stored on shelving.

Retrievability: The records are indexed by the name of the registrant. The Commission's Name-Relationship Index system, however, cross-indexes names of individuals with the names of registrants.

Safeguards: Access to these files is limited to authorized persons. The records are maintained in a building that has a 24-hour security guard.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Director, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: The information is obtained through informal meetings and conversations with registrants and their representatives; documents that are filed with the Commission; communications from other members of the Commission's staff; publications; notes and letters from registrants, their counsel, and other interested persons, including shareholders, investors, and individuals including where practicable those to whom the information relates, and internal working papers prepared by members of the staff.

SEC—23

System name: Division of Corporation Finance Index for Filings on Schedule 13D and Filings under Regulations A and B—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: The categories of individuals on whom records are maintained in the system are (1) all persons filing a Schedule 13D, and (2) all persons filing as registrants under Regulations A or B.

Categories of records in the system: The information in this system indicates whether individuals have filed a Schedule 13D and if so for what registrants. It also indicates whether or not such individuals have filed as registrants in offerings under Regulation A or B.

Authority for maintenance of the system: Title 15, United States Code, Sections 77c(b), 78m(d) and 78n(d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By SEC personnel to maintain a control system over such public filings; to determine whether named persons have made such filings; and to verify information concerning such filings, as such information may be disclosed in other filings.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of 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 other issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. To aid in responding to requests for information from Members of Congress, the press and the public concerning such filings and offerings.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in

connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on index cards.

Retrievability: The record for schedule 13D is indexed alphabetically both by name of the bidder and the registrant. The Regulation A and B records are indexed by the name of the registrant. The SEC Name-Relationship Index system cross-indexes the names of individuals with the names of registrants.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. The records are maintained in a building that has a 24-hour security guard.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: The information is extracted from Schedule 13D filings and Regulation A and B filings, which are required by regulation to contain specified information concerning certain individuals.

SEC—24

System name: Division of Enforcement Investigative Working Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records also may be maintained by Regional and Branch Offices with respect to investigations conducted by those Offices.

Categories of individuals covered by the system: Records are maintained on individuals, corporations, partnerships, and other entities that engage in activities which may involve violations of the Federal securities laws or the rules of securities self-regulatory organizations. These records also may contain information concerning investors or other individuals who become involved in Commission investigations.

Categories of records in the system: The information in this system is derived from many sources, including documents filed with the Commission, court records, articles from publications, published financial data, information from corporations, securities brokerage firms, banks, public utilities, credit agencies and Federal, State, local and foreign law enforcement and securities self-regulatory organizations. Information also may be gathered from individuals, including, where practicable, the individual under investigation.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s, 77t, 78u, 79r, 77uuu, 80a-41; 80b-9; 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

4. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

5. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

6. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

7. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

8. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

10. By the Commission to prepare and publish information concerning violations of the Federal securities laws as authorized by 15 U.S.C. 78u(a), as amended.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national secu-

rities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders, binders and index cards and in separate notebooks.

Retrievability: The system is indexed only by the name of the case although information regarding an individual can often be obtained through use of the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Physical security is primarily obtained by limitation of access to the building in which the records are maintained.

Retention and disposal: The records are generally maintained until the case has been closed, at which time the originals are sent to the formal investigative files. A file containing extra copies of certain of the documents in the formal file may be maintained by the person working on the case for some period of time thereafter. These personal files on closed cases are generally destroyed when the person maintaining them leaves the Commission's employ.

System manager(s) and address: Director, Division of Enforcement, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information for these records is obtained from the Commission's files, newspaper articles, court papers, securities brokerage firms, corporations, banks, public utilities, credit organizations, individuals, and Federal, State, local, and foreign law enforcement and securities self-regulatory organizations.

SEC—25

System name: Division of Enforcement Liaison Working Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records also may be maintained by regional and branch offices.

Categories of individuals covered by the system: Records are maintained on persons who have been involved in activities which violated or may have violated Federal, State or foreign laws relating to transactions in securities, the conduct of a securities business or investment advisory activities, and banking or other financial activities.

Categories of records in the system: The system contains information contained in filings made with the Commission, court records, information gathered during SEC investigations, staff memoranda, SEC orders, correspondence, articles from publications, published financial data, securities brokerage firms data, information supplied by individuals and Federal, State, local and foreign regulatory and law enforcement organizations, and securities self-regulatory organizations.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s, 77u, 78u, 79r, 77uuu, 80a-41, 80b-9, and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. To coordinate law enforcement activities between the SEC and other Federal, State, local or foreign law enforcement agencies, and securities self-regulatory organizations.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its

request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

9. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are kept on individual pieces of paper in file folders, binders and file cabinets.

Retrievability: The system is indexed by the name of the person or entity to which the file primarily relates. Cross-reference to the individual is possible through the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. The records are kept in a building having a 24-hour security guard.

Retention and disposal: If a formal investigation is opened the records generally are transferred to the person having responsibility for the investigation. If no formal investigation is opened, the records are usually maintained as long as the information contained therein appears to be relevant to possible future enforcement actions. When records cease to be relevant, they are destroyed.

System manager(s) and address: Director, Division of Enforcement, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Records are obtained from public filings made with the SEC; reports of investigations made by SEC personnel; transcripts, documents and other material acquired by SEC personnel as a result of investigations; publications, court documents, information from individuals, including where practicable the individuals to whom the information relates, securities self-regulatory organizations, securities brokerage firms, corporations, individuals, State, local, and foreign law enforcement organizations, and miscellaneous other sources.

SEC—26

System name: Division of Enforcement Preliminary Market Surveillance Inquiries—SEC

System location: Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Categories of individuals covered by the system: Broker-dealers and persons associated with them and other persons involved in the trading of securities; individuals associated with companies whose securities are traded and individuals trading securities on national securities exchanges or over-the-counter.

Categories of records in the system: The system contains information filed with the SEC, articles from publications, market price-volume information, market trading data, corporate information, securities brokerage firm data, and other information relating to particular securities.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s, 77t, 78u, 79r, 77uuu, 80a-1, and 80b-9 and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and

whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

4. A record from this system of records may be disclosed as a "Routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

5. A record from this system of records maybe disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

6. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

7. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

8. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

9. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders, index cards and notebooks.

Retrievability: The system is indexed by the name of the security that is the subject of the inquiry, but access to individual information may be gained through use of the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Physical security is primarily provided by security guards who limit access to the building in which the records are maintained.

Retention and disposal: If a formal investigation is opened the records are transferred to the person having responsibility for the investigation. If no formal investigation is opened, after 3 years the records are usually sent to the formal files or destroyed.

System manager(s) and address: Director, Division of Enforcement, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information is obtained from SEC filings, findings and orders, publications, securities self-regulatory organizations, securities brokerage firms, corporations, individuals, including where practicable those to whom the records relate, market transaction information provided by financial reporting services and other miscellaneous sources.

SEC—27

System name: Division of Investment Management Regulation Correspondence and Memoranda Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: The records concern individuals who have requested "no-action" or interpretive advice and general correspondence from investment advisers and persons associated with them or investment companies.

Categories of records in the system: The records contain interpretations of the Federal securities laws as they apply to a certain set of facts. Facts may describe the individual's relationship to a company or his role in a transaction. Addresses of individuals are included in the records.

Authority for maintenance of the system: Most of the information in the files was submitted voluntarily. To the extent that information was solicited, such solicitation was done in reliance upon the Commission's general power to enforce the Investment Company Act, 15 U.S.C. 80a-41, the Investment Advisers Act, 15 U.S.C. 806-9, the Securities Exchange Act of 1934, 15 U.S.C. 78u, and the Securities Act of 1933, 15 U.S.C. 77s.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By the staff to aid in processing current requests for no-action or interpretative letters.

2. To assist in processing registration statements and reports and other documents filed with the Commission under the Investment Company Act or the Investment Advisers Act.

3. To respond to inquiries from Members of Congress, the press or the public concerning matters arising under the Investment Company Act and the Investment Advisers Act.

4. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

5. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

6. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

7. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

8. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

9. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

11. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

12. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index cards and paper copies of memoranda and items of correspondence are kept in file cabinets.

Retrievability: These records are indexed by name of registrant. Cross-indexing to individuals is available through the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. They are maintained in a building having 24-hours security guards.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Division of Investment Management Regulation, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, NW., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Personal information primarily is supplied by the individual. Some information may be supplied from other SEC personnel as a result of an investigation, litigation or documents filed by the individual or including information about the individual that are filed by an investment company or investment adviser.

SEC—28

System name: Employee Photograph File—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: All current employees of the SEC.

Categories of records in the system: Name and photograph of each SEC employee.

Authority for maintenance of the system: 41 CFR 101-20.301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. To identify current SEC employees for internal agency purposes or to assist other governmental agencies in determining whether an individual is a current employee of the Commission.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Photographs are attached to index cards.

Retrievability: The system is alphabetically indexed by name of employee.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. The records are maintained in a lockable office with limited access. The building has a security guard present on a 24-hour basis.

Retention and disposal: Records are destroyed upon termination of employment.

System manager(s) and address: Service Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Photographs are obtained when each individual is issued an official identification card.

SEC—29

System name: Employees Current Card File—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: All current employees of the SEC.

Categories of records in the system: Name, Social Security number, SEC identification number, office room number, and telephone number of each current SEC employee.

Authority for maintenance of the system: 41 CFR 101-35.503 and 101-20.301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information in these records may be used as follows:

1. The records compose the master file from which the SEC telephone directory is periodically compiled.

2. These records also are used for reference purposes in reissuing SEC identification cards.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained on index cards.

Retrievability: The system is alphabetically indexed by name of employee.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Individual cards are destroyed when employment with the SEC is terminated.

System manager(s) and address: Service Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information is obtained from each employee and/or the administrative assistant of his Office or Division within the SEC.

SEC—30

System name: Equal Employment Opportunity Complaints—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained of SEC employees making equal employment opportunity complaints and employees involved in the investigation of such complaints.

Categories of records in the system: Records contain information pertaining to employee discrimination complaints and the results of investigations into those complaints.

Authority for maintenance of the system: Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information in these records may be used for the following:

1. To process employment discrimination complaints.

2. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

3. These records may be used by the SEC in any litigation or administrative action by an employee or others in which the SEC's Equal Employment Opportunity program activities are in issue.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are kept in paper form in file folders and filing cabinets.

Retrievability: The records are indexed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. The records are kept in a building having a 24-hour security guard.

Retention and disposal: The records are kept indefinitely.

System manager(s) and address: Executive Director, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: The information in the records is obtained from the complainant, the complainant's co-workers and supervisors, the investigator and the Commission Equal Employment Opportunity counsellor.

SEC—31

System name: Executive/Congressional Personnel Referrals—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on applicants for employment.

Categories of records in the system: Records contain names of applicants, Members of Congress or other individuals who recommend specified individauls for employment and the basis for the recommendation.

Authority for maintenance of the system: Records are unsolicited.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. To identify candidates for current and prospective job vacancies within the Commission

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in paper form in file folders and storage cabinets.

Retrievability: Records are indexed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Records are kept in a building having a 24-hour security guard.

Retention and disposal: Records are kept indefinitely.

System manager(s) and address: Executive Director, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Records are obtained from persons in the executive and legislative branches of the Federal government and in some cases persons in State governments.

System name: Freedom of Information Act Requests—SEC

SEC—32

System name: Freedom of Information Act Requests—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records may also be maintained by SEC Regional and Branch Offices.

Categories of individuals covered by the system: Records are maintained on persons requesting files, documents or other information from the Commission pursuant to provisions of the Freedom of Information Act, 5 U.S.C. 552 et seq., as amended.

Categories of records in the system: Records identify the individual requesting access to information, and the information sought and also may describe the individual's reasons for seeking the information.

Authority for maintenance of the system: 5 U.S.C. 552, et seq., as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. By SEC personnel to process requests made under the Freedom of Information Act, as amended.

2. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

3. In connection with any litigation challenging or seeking to enjoin actions by the Commission under the Freedom of Information Act, as amended.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in hard copy form.

Retrievability: These records are indexed by name. Access to and use of these records is limited to those persons whose duties require such access.

Safeguards: These records are kept in a locked office in a building having a 24-hour security guard.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director, Office of Reports and Information Services, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents

of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Communications from individuals for information pursuant to the Freedom of Information Act, as amended.

SEC—33

System name: General Correspondence Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Each SEC Regional and Branch Office may retain its own general correspondence file system.

Categories of individuals covered by the system: Records are maintained on persons who write to the Commission seeking information, registering complaints or just making known their views.

Categories of records in the system: The records contain only information that is volunteered by the individual who wrote it.

Authority for maintenance of the system: Voluntary.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. By SEC personnel to respond to the inquiry, complaint or statement.
2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.
3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
4. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.
5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.
6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.
7. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.
8. To compile monthly statistical reports indicating the numbers of complaints received with respect to particular entities which are referred to the Division of Enforcement and, where appropriate, other Federal agencies or securities self-regulatory organizations.
9. To respond to requests from Members of Congress relating to constituent inquiries.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form and stored on shelving.

Retrievability: Records are indexed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Physically, the records are kept in a locked office in a building having a 24-hour security guard.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information is derived from letter and other communications received by the Commission from individuals who generally are seeking information, registering complaints or making a statement.

SEC—34

System name: Hearings, Proceedings and Studies—SEC

System **location:** Securities and Exchange Commission, Washington, D.C. 20549. Duplicate copies of these records may be maintained by SEC Regional and Branch Offices.

Categories of individuals covered by the system: Records are maintained on persons who testify, submit statements or otherwise participate in Commission hearings or proceedings such as the Commission Rate Hearings and hearings held in connection with the Institutional Investor Study.

Categories of records in the system: Records include transcripts of testimony and documents filed by witnesses and others in such hearings or proceedings.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s, 77t(a), 77(u), 78s, 78u, 78v, 79s, 79t, 77sss, 77ttt, 77uuu, 80a-37, 80a-38, 80a-39, 80a-40, 80b-11 and 80b-12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information in these records may be used as follows:

1. To assist the Commission in developing regulatory and enforcement policies to carry out its functions under the Federal securities laws.

2. To assist the Commission in preparing studies and analyses to be transmitted to the Congress and make public concerning matters within the Commission's jurisdiction or matters that may be appropriately committed to the Commission's jurisdiction.

3. In connection with investigations by the Commission into possible violations of the Federal securities laws.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form.

Retrievability: Individual name access is provided through the SEC Name-Relationship Index system.

Safeguards: Records generally are available for public inspection. They are kept in an office that is locked at night and in a building having a 24-hour security guard.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Transcripts of hearings, documents, reports and other submissions made to the SEC.

SEC—35

System name: Investigations and Actions Index System—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on persons against whom the SEC has authorized an investigation or enforcement action.

Categories of records in the system: Records indicate the date when an investigation or enforcement action was authorized and instituted.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s, 77t, 78u, 79r, 77uuu, 80a-41, and 80b-9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. To aid in responding to requests from Members of Congress, the press and the public relating to the status of enforcement actions or investigations.

2. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

3. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

4. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

5. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

6. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are kept in paper form in file folders, binders and filing cabinets.

Retrievability: Records are indexed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Records are kept in a building having a 24-hour security guard.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Division of Enforcement, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Official action taken by the Commission and reflected in Commission Minute Orders.

SEC—36

System name: Investigatory Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Main files may be maintained in the SEC Regional or Branch Office which conducted the investigation.

Categories of individuals covered by the system: Records are maintained on defendants, respondents, witnesses, and other individuals involved in investigations and enforcement actions instituted by the SEC.

Categories of records in the system: The system contains information gathered by the Commission's staff in connection with investigations by it into possible violations of the Federal securities laws. Such information may be derived from materials filed with the Commission, court records, articles from publications, published financial data, corporate information, securities brokerage firm data, bank information, telephone data, information received from securities self-regulatory organizations, information supplied by individuals and Federal, State, local and foreign law enforcement organizations, and from other sources. This record also contains the work product of SEC personnel involved in the investigation.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s, 77t, 78u, 79r, 77uuu, 80a-41, 80b-9; and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

3. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

4. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

5. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personal management functions.

10. To respond to inquiries from Members of Congress which relate to specific matters that the Commission has investigated.

11. To prepare and publish information relating to violations of the Federal securities laws as provided in 15 U.S.C. 78u(a), as amended.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or

state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form or microform.

Retrievability: Records are accessed by individual name through computer search of the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Files are maintained in buildings that have 24-hour security guards.

Retention and disposal: Records are retained in the Commission's files or periodically sent to a Federal Records Center for storage. They are destroyed after twenty-five years.

System manager(s) and address: Director, Division of Enforcement, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable, those to whom the information relates, witnesses, banks, corporations, or other entities during course of inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other foreign, Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—37

System name: Investor Service Complaint Index—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on persons registering complaints with the SEC.

Categories of records in the system: Records contain the name of the complainant and the disposition of the complaint.

Authority for maintenance of the system: Voluntary.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. To process complaints received from the public.
2. To aid in responding to inquiries from Members of Congress, the press and the public regarding the status of complaints.
3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.
4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.
6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.
7. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of

Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in paper form in file folders, binders and filing cabinets.

Retrievability: Records are indexed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Records are kept in a building having a 24-hour security guard.

Retention and disposal: Records are kept indefinitely.

System manager(s) and address: Director, Office of Reports and Information Services, 1100 L Street, N.W., Washington, D.C.20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Complaints received from various sources relating to matters that may be under the jurisdiction of the Commission.

SEC—38

System name: Litigation Files (Civil and Criminal)--SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Duplicate files may be maintained in the SEC Regional and Branch Offices which conducted the litigation.

Categories of individuals covered by the system: Records are maintained on individuals involved in civil and criminal actions.

Categories of records in the system: Records include transcripts of testimony, documents and other evidentiary matter, pleadings and other documents filed in court and orders issued by the court and correspondence relating to litigation matters.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s, 77t, 78u, 79r, 77uuu, 80a-41, and 80b-9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them are used for the following:

1. By SEC personnel and the personnel of other agencies of the Federal government, including the Department of Justice, to prosecute civil and criminal actions for, among other things, violations of the Federal securities laws; may also be used by these personnel to prepare appeals from court orders in such cases.

2. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

3. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

4. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

5. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form or microform.

Retrievability: Records are accessed by individual name through the Commission's Name-Relationship Index system.

Safeguards: Information contained in these records is public inasmuch as the documents were filed in a public court proceeding (unless the court ordered otherwise).

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in this system is derived from documents, litigation, transcripts of testimony, evidence introduced into court, orders entered by a court and correspondence relating to litigation.

SEC—39

System name: Mailing Address Labels (MAL)--SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on all parties receiving official SEC material by mail on a regular basis. This category includes active registrants, issuers, and a select group of non-filing recipients receiving courtesy copies. It also applies to persons receiving various SEC survey questionnaires.

Categories of records in the system: The records are computerized and contain name and address labels, file number (if applicable), category of mailing and number of copies.

Authority for maintenance of the system: The information contained in the system is volunteered by the individual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. To facilitate and expedite the mailing of SEC material utilizing the computer and automated addressing equipment. Listings of address labels for particular categories of recipients are produced daily as required.

2. To provide statistical information on the number of persons receiving materials on a regular basis.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored on magnetic tape.

Retrievability: The records are indexed alphabetically.

Safeguards: All data files are maintained in the tape and disc library area in the Office of Data Processing. Access to the computer room is limited to authorized members of the staff, and access to the library is limited to the librarian and authorized supervisory personnel of the Office of Data Processing. During nonworking hours, both doors leading into the computer operations area are locked, and periodic checks of the area are made by a government guard assigned to the SEC. Master data files are stored in a fireproof safe. Tape and disc files can be obtained only through the librarian or chief of operations, who make the files available only to those members of the staff of the Office of Data Processing authorized to use them.

Retention and disposal: Only current address label files are kept. No historical files on out-of-date address information is retained.

System manager(s) and address: Director, Office of Data Processing, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Registration statements under the various securities acts as submitted by the registrants, survey questionnaire lists prepared by the Commission, personal requests by individuals to be placed on the courtesy mailing lists.

SEC—40

System name: Manpower Reporting System (MPR)—SEC

System location: Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549

Categories of individuals covered by the system: Past and current SEC employees.

Categories of records in the system: The records are computerized and contain information about Commission employees including the employee's name, employee identification number, hours worked during each pay period, compensation data, and work-activity classifications for each pay period.

Authority for maintenance of the system: Applicable sections in chapters 21 through 89 of Title 5 of the United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

1. As a data source for management information for production of summary descriptive statistics and analytical studies reflecting the Commission's allocations of cost and man-hours by budget activity. Reports generated by this system are used by the Commission and the staff to substantiate requests to Congress and others for personnel allocation and utilization; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

2. For any court litigation or administrative action involving review of personnel action.

3. For responding to requests from Members of Congress or the Executive branch or other agencies for statistical information concerning manpower utilization and needs.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders, magnetic tape and punched cards.

Retrievability: The records are indexed by the employee's identification number and name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are maintained on magnetic tape on a permanent basis. Tape and disk files on which data is stored are available only through the librarian or chief of operations of the Office of Data Processing. Back-up master files on type are stored in the Federal Record Center in Suitland, Maryland.

System manager(s) and address: Comptroller, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system or records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, NW., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: The data sources are the bi-weekly manpower reporting forms submitted by the individual employees of the SEC. The Pay-Time-Leave System is accessed for the compensation information relating to the employee.

SEC-41

System name: Minutes Regarding Action Taken by the Commission--SEC

System location: Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Categories of individuals covered by the system: Individuals who are the subject of official action taken by the SEC, including individuals who are named defendants or respondents in civil actions or administrative proceedings brought by the Commission.

Categories of records in the system: Records are maintained on official matters that are considered by the SEC and action taken thereon. They describe the matter presented, any recommendations of the staff, and identify the Commissioners present and voting.

Authority for maintenance of the system: Title 15, United States Code, Section 78d(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information in the records may be used as follows:

1. In response to requests from Members of Congress, other Federal or State or local governmental authorities or securities self-regulatory organizations to indicate the official action of the Commission on a particular matter.

2. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

3. They are distributed to senior supervisory personnel on the Commission's staff for informational purposes.

4. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on magnetic cards and in a Bowne Word One System.

Retrievability: These records are indexed by name.

Safeguards: Minutes are kept in locked safe. Index cards are kept in locked card files and the building in which these records are located has a 24-hour security guard.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Secretary, Securities and Exchange Commission, 500 North Capital Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, NW., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Records are compiled at meetings of the Commission.

SEC—42

System name: Name-Relationship Index System (NRS)—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on principals and other individuals listed in filings by corporate issuers of securities; principals and other individuals listed in applications for registrations and amendments thereto filed by broker-dealers and investment advisers; individuals who are required to file ownership reports as corporate insiders; individuals, including defendants, respondents and witnesses, named in investigations and enforcement actions relating to securities violations; individuals on the organized crime list established by the Department of Justice.

Categories of records in the system: The records are computerized and contain index information that relates the name of the individual to the docketed name of the formal filing or the case name when an enforcement or litigation proceeding is involved. The records include the SEC file numbers, date information on the relationships, the social security number of the individual (if available), disposition of cases (if applicable), and violations alleged (if any).

Authority for maintenance of the system: Title 15, United States Code, 77e, 77f, 77g, 77j, 77n, and 77o; 78e, 78f, 78l, 78m, 78n, 78o, 78p, 78q, and 78u; 79c, 79f, 79g, 79j, 79n, 79r, and 79s; 77eee, 77mmm, 77nnn, 77sss, 77ttt, and 77uuu; 80a-8, 80a-20, 80a-29, 80a-32, 80a-40, 80a-44, and 80a-45; 80b-3, 80b-4, 80b-12, and 80b-16.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information in these records may be used as follows:

1. By authorized SEC personnel in connection with their official functions including, but not limited to, the processing of documents filed with the Commission, the conduct of investigations into possible violations of the Federal securities laws, and other matters relating to the Commission's regulatory and law enforcement functions.

2. To conduct name searches upon the request of authorized individuals in other governmental agencies (Federal, State, local or foreign) or securities self-regulatory organizations for purposes of carrying out their designated functions.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

10. To aid in responding to inquiries from Members of Congress, the press and the public concerning matters that are within the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on magnetic tape and disc.

Retrievability: Information is retrieved by the name of the individual. Access for inquiry purposes is by special request forms that are then keypunched and processed daily.

Safeguards: The special request forms must be authorized by the division or office head or by a member of the staff pursuant to delegated authority. Direct data access via on-line terminals is currently under development and when available will be limited to certain authorized personnel through use of special identification codes and other automatic restrictions.

Retention and disposal: A record of search transactions is maintained on magnetic tape on a permanent basis. Tape and disc files, on which the data is stored, are available only through the librarian or chief of operations of the Office of Data Processing. Backup master files on tape are stored in the Federal Record Center in Suitland, Maryland. The content of these tapes is not identified on the storage boxes. Records of the Name-Relationship Index system are maintained indefinitely at this time.

System manager(s) and address: Director, Office of Data Processing, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during mormal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: The sources include filings made by issuers, broker-dealers, investment advisers, insiders, and others; documents relating to enforcement actions; and organized crime lists furnished by the Justice Department. The enforcement documents are comprised of SEC opinions and orders, recommendations from SEC enforcement officials for institution of docketed investigations, court pleadings, and findings and orders issued by State and Federal courts, State securities boards, national securities exchanges, and the National Association of Securities Dealers, and individuals, including the individual to whom the information relates. Information also may be received from other State, local or foreign law enforcement or regulatory organizations.

SEC—43

System name: No-action and Interpretative Letters—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on persons requesting interpretative advice from the Commission's staff regarding statutes administered by the Commission, or requesting a statement that the Commission's staff will not recommend any enforcement action based on the facts presented.

Categories of records in the system: Records contain interpretations of the Federal securities laws as they apply to a set of facts that have been presented by an individual or company. The facts given may describe the individual's relationships with the company or his role in the transaction or give other details concerning individuals.

Authority for maintenance of the system: Information is voluntarily submitted by the person requesting the no-action or interpretative letter.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By SEC personnel to process requests for no-action or interpretative positions.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for staistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. To respond to inquiries from Members of Congress and the public concerning the applicability of the Federal securities laws to particular situations.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained as part of the general files of the Commission in hard copy form.

Retrievability: Individual name access is provided in cross-reference index maintained in the Classification Unit of the Office of Records.

Safeguards: No-action and interpretative letters are generally made available to the public (See 17 CFR 200.81) and are available

through the Commission's Public Reference Section. Except for public disclosurel access to these records is limited to authorized individuals and the records are kept in a locked office in a building having a 24-hour security guard.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Communications sent to the Commission's staff requesting interpretations or no-action position.

SEC—44

System name: Office of the Chief Accountant Working Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Accountants and accounting firms.

Categories of records in the system: The records contain information pertaining to accounting practices, problems, and opinions and information concerning the activities of individual accountants in connection with whether they should be named in a Commission enforcement action or in a proceeding pursuant to the Commission's Rules of Practice.

Authority for maintenance of the system: Title 15, United States Code, Sections 77g, 78l(b), 17 CFR 200.22.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. To assist that Office in performing the functions assigned to it by the Commission (See 17 CFR 200.22) including the formulation of accounting policies to be applicable in the case of documents required to be filed with the Commission.

2. To respond to inquiries from Members of Congress, the press and the public concerning accounting matters.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

7. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

8. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

9. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File index cards and file folders.

Retrievability: Alphabetically by individual, subject, and firm. Information with respect to individuals is available through the Commission's Name-Relationship Index system.

Safeguards: Records are kept in locked filing cabinets and maintained in a building which has a 24-hour security guard.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: The information contained in the system is derived from official SEC records, letters and inquiries from the public, SEC staff memoranda, which may include information derived from investigations, litigation, and other submissions, and professional auditing and accounting literature and information received from individuals including where practicable those to whom the records relate.

SEC—45

System name: Office of General Counsel Work Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on persons who are subjects of SEC investigations, persons involved in litigation with the SEC, persons involved in administrative proceedings, persons involved in litigation of interest to the SEC, persons communicating with the SEC, SEC personnel against whom complaints have been lodged by others.

Categories of records in the system: Records contain information relevant to SEC investigations, court pleadings, documents, and orders filed in civil, administrative and criminal proceedings; letters detailing requests, complaints, and other topics of interest to the person writing; investigative material regarding allegations of possible staff misconduct; and other memoranda gathered and prepared by staff in performance of their duties.

Authority for maintenance of the system: Title 15, United States Code, Section 78d(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By the staff of the Office to render legal advice concerning SEC investigations and actions, to represent the SEC in all judicial proceedings in which the SEC is involved as a party or as amicus curiae, to keep the staff informed as to litigation which may be of interest to the SEC, to respond to communications made to the SEC, to investigate and make recommendations regarding complaints of misconduct by SEC employees, to render legal advice regarding SEC orders suspending an attorney, accountant or other professional from appearing or practicing before the SEC, to represent SEC personnel who are being sued, to prepare comments on pending legislation and to draft proposed legislation, to review articles, treatises, and speeches made by Commission personnel relating to the Commission or to statutes and rules administered by the Commission, to deal with problems arising under the various Federal statutes, to assist in any SEC matter where legal advice is needed.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

4. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

5. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

6. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a securities clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

7. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel managment functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in paper form in file folders, binders and filing cabinets.

Retrievability: Records may be accessed by relevant name, although there is not necessarily a method by which the name of a particular individual can be accessed.

Safeguards: The records are generally retained in the files of the attorney assigned to the particular matter. They are kept in a building that has a 24-hour security guard.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: General Counsel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission; Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Records are obtained from administrative and court pleadings, transcripts, documents, and orders; SEC personnel; other SEC files; communications to the SEC; evidence gathered in connection with any matter within the jurisdiction of the SEC and from individuals, including where practicable, those to whom the records relate.

SEC—46

System name: Office of Opinions and Review Working Files—SEC

System location: Securities and Exchange Commission, 1100 L Street, NW., Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on individuals who were or are respondents in administrative proceedings instituted by the Commission.

Categories of records in the system: These records include duplicate copies of documents formally filed and entered in administrative proceedings brought before the SEC and internal memoranda prepared by the staff of the Office of Opinions and Review in the Course of the decision making process in administrative proceedings.

Authority for maintenance of the system: Title 15, United States Code, Sections 77u, 78v, 79s, 77ttt, 80a-39, and 80b-12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used as follows:

1. By SEC personnel to prepare opinions for the Commission in connection with pending reviews of administrative decisions.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

5. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. To respond to requests from Members of Congress or the public regarding the status or result of an administrative proceeding.

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. In proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

10. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

11. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular

A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders which are stored in filing cabinets.

Retrievability: The records are indexed by case name. Individual information can be acquired through use of the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those individuals whose official duties require such access. Physical security is provided by a 24-hour security guard at the entrance to the building.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Office of Opinions and Review, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20540.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by the parties in the administrative proceeding before the SEC, their counsel, and administrative law judges.

SEC—47

System name: Office of Personnel Code of Conduct and Employee Performance Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Such records also may be maintained in other Offices and Divisions in the Commission and Regional and Branch Offices.

Categories of individuals covered by the system: SEC employees, past and present.

Categories of records in the system: The system of records includes information in the following categories of records: (a) Initial performance evaluations; (b) Employee questionnaire; (c) Reports on employees completing their probationary year of employment; (d) Award recommendations; (e) Adverse action cases, regulatory appeal files, grievances and complaints relating to an employee; (f) Code of conduct files—established under SEC employee conduct regulations (17 CFR 200.735-1 et seq.): Rule 2—Outside employment material; Rule 3—Employee securities transactions; Rule 4—Actions in cases of personal interest; Rule 5—Negotiations for private employment; Rule 6—Practice by former members and employees of the SEC; Rule 7—Employee debts; Rule 9—Statements of employment and financial interest (GS 15's and above); Rule 10—Statements of employment and financial interest (Special Employees); (g) Investigatory materials gathered in connection with the individual's initial appointment to the agency as well as materials gathered in connection with investigations into allegations of employee misconduct.

Authority for maintenance of the system: 5 CFR, Sections 315, 351, 430, 451, 511, 735, 752, 771, Civil Service Regulations promulgated thereunder and 17 CFR 200.735-1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these files may be used for the following:

1. SEC staff uses records in category (a) above to identify problems, poor placements, and training needs.

2. SEC staff uses records in category (b) above to identify employee placement problems; if problems exist, an Office of Personnel employee may discuss the problem with the employee and, with employee's permission, with supervisor and/or administrative assistant of employee's office.

3. SEC staff uses records in category (c) above to determine whether employee should be retained on the job.

4. SEC staff uses records in category (d) above to prepare—(i) statistical reports, (ii) annual awards report, which goes to all SEC employees in booklet form and lists winners of SEC awards during preceding year, (iii) justifications for approved awards, which are posted on bulletin boards for employee review per union contract and are sent to supervisors who want sample guides to use in preparing recommendations for awards.

5. SEC Staff uses records in category (e) above to establish records of action/grievance as required by Civil Service Commission and provide information on action/grievance to employee or supervisor concerned or to their designated representatives.

6. Assigned Office of Personnel staff uses records in category (f) above to verify employee compliance with SEC Conduct Regulations. If employee appears in violation of any Rules, file may be reviewed by Director of Personnel or his designee, with the advice and counsel of the Counselor for the Commission, employee's supervisors and/or, if appropriate, the Chairman or the Commission.

7. Any of the above records may be used by the Commission in connection with any action or proceeding brought by an employee before another agency or a court of law to review personnel action taken by the Commission or the Commission's failure to take action.

8. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

9. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

10. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

11. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

12. For referral to another agency to determine whether the conduct of an employee may have violated a criminal statute.

13. To aid in responding to inquiries from Members of Congress, the press or others concerning personnel action with respect to a specific employee.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in folders in file cabinets. A computer listing of employee securities holdings is stored under an ID number system to which only the members of the Personnel Office and Data Processing Staffs who are responsible for administering the systems have access.

Retrievability: Records are indexed by employee name. Data on computer listing is retrieved by special ID number as described above.

Safeguards: Materials are pulled and refiled by Office of Personnel staff only and the office containing the records is locked each evening. The computer listing is meaningless without access to the ID numbers which are kept under lock.

Retention and disposal: Records in categories (a)-(c) are kept 2 years from date of employee's appointment or job change and then discarded. Records in categories (d)-(e) are retained 2 years and then discarded. Records in category (f) are kept for 5 years and then discarded. When employee leaves the SEC, his/her conduct files are stored for 2 years by the Office of Records and then destroyed; the computer listing of his/her securities transactions is destroyed upon his/her separation from the SEC. The Rule 6 file, established when a former employee returns to practice before the SEC, is retained indefinitely.

System manager(s) and address: Director of Personnel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Records in category (a) are obtained from the employee concerned and his/her supervisor; records in category (b) are obtained from employee concerned; records in category (c) are obtained from the supervisor of employee concerned; records in category (d) are obtained from the nominating official—usally employee's immediate supervisor; records in category (e) are obtained from the supervisor/manager(s) initiating action, employee concerned and his/her designated representative; and other individuals making complaints; records in category (f) are obtained from employee concerned. Employee concerned submits information re: Rules 2-6 and 9-10. Both alleged creditor and employee concerned submit information in Rule 7 (employee debts) file. Information in category (g) is gathered, where practicable, from the individual as to whom the information pertains and other individuals including former employers and associates, friends, coworkers, relatives, neighbors. Information also may be received from Federal, State or local law enforcement authorities or other governmental agencies.

SEC—48

System name: Office of Personnel Employee Listings—SEC

System location: Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on SEC employees, past and present.

Categories of records in the system: The system of records includes information in the following categories of records: (a) employee payroll number; and (b) employee directory comprised of a computer listing of employees, showing their organizational code, and indicating their date of birth and Social Security number.

Authority for maintenance of the system: Applicable sections in Cahpters 21 through 89 of Title 5 of the United States Code.

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:

1. To assign payroll numbers to new employees and by the Office of Personnel as a device to locate employees; may also be used as an aid to complete employee training forms which require certain information including the employee's date of birth and Social Security number.

2. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

3. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to any agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

5. For internal personnel action involving the employee.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on magnetic tape and reprinted in booklet form.

Retrievability: Records are retrieved by name.

Safeguards: Records are used by Office of Personnel staff only and the office where they are maintained is locked each evening. The building where they are maintained has a 24-hour security guard.

Retention and disposal: New listings are run semi-annually and old employee directories are destroyed. Employee number listings are retained for 10 years and then destroyed.

System manager(s) and address: Director, Office of Personnel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information contained in these records is obtained from the employees concerned.

SEC—49

System name: Office of Personnel Employment and Staffing Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. (Items (h) and (i) below are kept in the Washington, D.C., headquarters and in the Commission's Regional and Branch Offices across the country. Each Regional and Branch Office maintains records on only the employees assigned to it.)

Categories of individuals covered by the system: Records are maintained on applicants for SEC employment and present and past employees.

Categories of records in the system: The system of records includes the following category of records: (a) Applicant files (Standard Forms 171 and resumes, attorney supplements to applications, applicant correspondence and evaluations, and summer employment files); (b) Official personnel folders (Civil Service Commission Files); (c) Service record cards; (d) Merit promotion posting files, including superviosry appraisals for jobs advertised under SEC Merit Promotion Program; (e) Request to Civil Service Commission for Schedule C personnel actions; (f) Chronological copies of personnel actions (Standard Forms 50); (g) Civil Service Commission clerk-typist and clerk-steno examination papers for applicants tested under SEC's delegated recruiting authority; (h) Division/Office/Region employee record cards; (i) Regional Office employee files, including copies of applications and notifications of personnel action (Standard Forms 50) on the employee concerned.

Authority for maintenance of the system: 5 CFR, Sections 213, 293, 302, and 335; 5 U.S.C. 3109 and Civil Service Regulations promulgated thereunder.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. Records in category (a) above are used by SEC staff to make referrals to supervisors or administrative assistants in offices with vacancies for which applicants may be considered. Offices may retain copies of applications/resumes and evaluations of candidates they interview whom they feel may be contenders for employment offers later in the year.

2. SEC staff uses records in category (b) above for (i) retention of official personnel documents; (ii) verification of employment; (iii) determination of qualifications for jobs and eligibility for training; (iv) processing of personnel actions.

3. SEC staff uses records in category (c) above for (i) computation of personnel strength of divisions/offices; (ii) verification of employment for credit checks or job applications; (iii) recording of personnel actions processed.

4. SEC staff uses records in category (d) above to maintain records required by Civil Service Commission of competitive promotion actions, including (i) records to determine how an announcement for a particular job reads; (ii) records for statistical reports; (iii) records for program effectiveness studies (to send questionnaires to supervisors who made selections under the program, for example). Supervisory appraisals are scored and used in determining employee's overall standing among all applicants for the job; they are sent to selecting supervisors for review if the employee is certified for consideration (interview).

5. SEC staff uses records in category (e) above to identify Civil Service Commission control numbers for Schedule C postions and to aid in preparing new submissions.

6. SEC staff uses records in category (f) above for statistical reports.

7. SEC staff forwards records in category (g) above to the Civil Service Commission at the end of each month if the applicant is not hired; if applicant is hired, records are retained for one year and then destroyed.

8. SEC staff uses records in category (h) above to monitor personnel actions concerning their staffs (i.e., date of employee's last promotion, employee's position description number, etc.) and to record date personnel action requests and reports were forwarded to the Office of Personnel.

9. SEC Regional Offices use records in category (i) above as a reference in perparing personnel actions requests on employees, determining employee eligibility for training or career development counseling and for back-up data in preparing award nominations, etc.

10. Any of the records described above may be used by the Commission in connection with any action or proceeding brought by an employee before another agency or a court of law to review personnel action taken by the Commission or the failure by the Commission to take action.

11. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

12. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaing civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

13. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

14. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

15. To aid in responding to inquiries from an employee, Member of Congress, the press or others concerning personnel action taken with respect to a sepcified employee or employees.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in categories (a) and (c)-(f) are kept in folders in file cabinets. Records in categories (b) and (g) are kept in a Diebold power file. Records in category (c) are kept in Kardex file drawers. Records in category (h) are kept in Kardex file drawers or file boxes. Records in category (i) are kept in folders in locked cabinets.

Retrievability: Records are indexed by name.

Safeguards: Records in categories (a)-(g) are pulled and refiled by Office of Personnel staff only and that Office is locked each evening. Access to Official Personnel Folders is limited to employee concerned, his/her supervisors and administrative assistant, supervisors/administrative assistants considering him/her for a job or employee's designated representative; access by other individuals on official business is on a need-to-know basis as approved by the Director or Assistant Director of Personnel. Personnel folders are locked in the Diebold file each evening. Division/Office Directors and Regional Administrators are responsible for keeping employee record cards or employee files (Regional Offices only) under lock and for assuring that their confidentiality is maintained. The building where the records are maintained has a 24-hour security guard.

Retention and disposal: Records in category (a) are retained 6 months and then destroyed. Records in category (b) are forwarded to Federal Records Center 30 days after the employee leaves the SEC by retirement, resignation or death or forwarded to agency to which employee transfers as soon as new agency requests them. Records in category (c) are retained indefinitely. Records in category (d) are retained two years and then destroyed. Records in category (e) are retained indefinitely. Records in category (f) are retained 5 years and then destroyed. Records in category (g) are sent to Civil Service Commission at the end of the month if the applicant is hired. If the applicant is not hired, records are retained one year and then destroyed. Records in category (h) are retained indefinitely. Records in category (i) are retained while employee is assigned to office and forwarded to new SEC office if he/she transfers or destroyed if employee leaves the SEC.

System manager(s) and address: Director of Personnel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Records in category (a) are obtained from applicant concerned and interviewer evaluating the applicant.

Records in category (b) are obtained from employee and supervisors concerned. Records in category (c) are obtained from official personnel folder of the employee concerned. Records in category (d) are obtained from employees applying for job and their supervisors. Records in category (e) are obtained from employees and supervisors concerned. Records in category (f) are obtained from employees and supervisors concerned. Records in category (g) are obtained from applicant. Records in category (h) are obtained from official personnel actions, employees and supervisors concerned. Records in category (i) are obtained from official personnel actions, employees and supervisors concerned.

SEC—50

System name: Office of Personnel Position Classification Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on SEC employees, present and past.

Categories of records in the system: This system of records contains the following categories of records: (a) official position descriptions; (b) classification and audit reports; (c) organization charts; (d) super-grade position submissions (correspondence with Civil Service Commission requesting new super-grade allocations or changes to existing ones); and (e) annual performance rating and position classification certifications.

Authority for maintenance of the system: 5 CFR, Sections 305, 430, 511 and Civil Service Regulations promulgated thereunder.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. Official position descriptions indicate the duties to be performed by employees, in particular grade or pay positions and are utilized in connection with position management and control and for organizational job alignment purposes.

2. Classification and audit reports are used to indicate to employees, supervisors, and administrative assistants how title, grade, and series for a particular job was determined.

3. Organization charts are used to locate individuals in a specific organization and to identify their titles and grades in that organization.

4. Super-grade position submissions are used in processing current submissions.

5. Annual performance ratings and position classification certifications are used to compile statistical information. These ratings are made a part of the employee's personnel file and may be used in connection with personnel action.

6. These records may be used by the Commission in connection with any administrative or legal action by an employee brought before other governmental agencies, or in a court of law.

7. To aid in responding to inquiries from Members of Congress or other agencies concerning personnel actions taken against an employee.

8. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

9. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in folders and ringbinders in bookcase and file cabinets.

Retrievability: Position descriptions are retrieved by number assigned to job at time duties are classified; other data is retrieved by name.

Safeguards: Materials are pulled and refiled by Office of Personnel staff only and the Office containing the records is locked each evening. The building where the records are maintained has a 24-hour security guard.

Retention and disposal: All but one copy of each record described in (a) is destroyed when position is abolished or description is superceded. That copy is retained 5 years and then destroyed. Records described in (b), (c) and (e) above are retained 2 years and then discarded. Records described in (d) above are retained indefinitely.

System manager(s) and address: Director of Personnel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Records are obtained from interviews by position classifiers and/or management analysis staff of Executive Director's Office with employee and his/her supervisor(s) and administrative assistant.

SEC—51

System name: Office of Personnel Training Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on SEC employees, present and past.

Categories of records in the system: The system of records contains the following categories of records: (a) requests for training, and (b) training evaluations.

Authority for maintenance of the system: 5 CFR, Section 410 and Civil Service Regulations promulgated thereunder.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. SEC staff uses records in category (a) above for statistical reports and employee career counseling.

2. Records in category (b) above are used to determine whether specific class/training source is worth utilizing again. If the decision is made that the class/source should not be reused, the employee's comments may be given to the training facility concerned for use in improving the class which the employee evaluated.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in folders in file cabinets.

Retrievability: Records are indexed by name.

Safeguards: Materials are pulled and refiled by Office of Personnel staff only and the Office containing the records is locked each evening. The building where the records are maintained has a 24-hour security guard.

Retention and disposal: Records are retained two years and then destroyed.

System manager(s) and address: Director of Personnel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Records in category (a) are submitted by employee's supervisor or administrative assistant. Records in category (b) are submitted by employees concerned.

SEC—52

System name: Office of Public Information Records—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records may be maintained by regional and branch offices.

Categories of individuals covered by the system: Records are maintained on SEC Commissioners and other SEC officials, business and financial reporters and editors.

Categories of records in the system: Records include speeches by Commissioners and other Commission officials; telephone numbers and addresses of reporters and editors.

Authority for maintenance of the system: Information is given voluntarily to the Office of Public Information.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. To contact members of the press when information of interest to their respective publications is made public.
2. To respond to requests for copies of speeches given by SEC Commissioners.
3. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The speeches are kept in a filing cabinet and the press list is kept in a card index box.

Retrievability: Speeches are indexed by name and date. The presslist is indexed by name and publication.

Safeguards: Office of Public Information is locked after working hours. The building where the records are maintained has a 24-hour security guard.

Retention and disposal: Records are kept indefinitely.

System manager(s) and address: Director, Office of Public Information, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information is given voluntarily by reporters and editors and persons requesting copies of speeches.

SEC—53

System name: Pay and Leave System—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records also may be maintained by Regional and Branch offices.

Categories of individuals covered by the system: Records are maintained on all individuals employed by the SEC in a current calendar year.

Categories of records in the system: Payroll, leave, attendance, and history records on magnetic tape or disc, card, printout, and other miscellaneous forms (i.e., W-4, retirement card).

Authority for maintenance of the system: Title 5, United States Code, appropriate sections within chapters 21 to 89.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. To transmit any lawful compensation to an employee for time employed and/or special awards earned in the performance of official duties.
2. To compile tax withholding, retirement contributions and other types of deductions for transmission to designated authorized recipients (e.g., charity, unions, etc.), other Federal agencies (i.e., IRS, CSC, Treasury, etc.), or State taxing authorities.
3. To provide certain agencies (i.e., OMB, GAO) documents in substantiation of agency expenditures for salaries and personnel benefits by individual and/or by Office within the Commission.
4. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Appropriate data is stored on magnetic tape or disc and is shown on computer printouts. Such data is supported by the originals of hard copies (e.g., time attendance cards, tax withholding statements from employees).

Retrievability: These records are indexed for individuals in alphabetical sequence by name or in numerical order by their agency employee numbers.

Safeguards: Only those people authorized by the Office of the Comptroller and certain governmental agencies, approved by law, are granted access to any of these records.

Retention and disposal: These records are maintained and disposed of pursuant to the regulations imposed by GSA Records Schedule 2, "Payrolling and Pay Administration Records."

System manager(s) and address: Comptroller, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: The sources for the records are personnel action forms, time and attendance cards, withholding certificates, and other related documents, submitted by employees and the Office of Personnel.

SEC—54

System name: Personnel Security Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Present and former agency employees.

Categories of records in the system: Investigatory information relating to personnel investigations conducted by the U.S. Civil Service Commission and other Federal Agencies and Departments for the purpose of granting security clearances and making suitability determinations.

Authority for maintenance of the system: Executive Orders 10450 and 11652.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

2. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. Any of these records may be used by the Commission in connection with any action or proceeding brought by an employee before another agency or a court of law to review personnel action taken by the Commission or the failure by the Commission to take action.

5. To aid in responding to inquiries from an employee, Member of Congress, the press or others concerning personnel action taken with respect to a specified employee or employees.

6. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files

Retrievability: Indexed by name.

Safeguards: The records are maintained in locked safes. Access is had only by the Personnel Security Officer and his secretary, both of whom have been cleared for access to top secret information relating to personnel investigations.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: United States Civil Service Commission, other Federal, State and local agencies, previous employers, colleges and other educational institutions, references, and public sources.

SEC—55

System name: Public Utility Regulation Branch Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on attorneys, public utility holding company officials, intervenors and parties in public utility holding company civil and administrative proceedings, and legislators who actively are involved in public utility regulations.

Categories of records in the system: The records may include the following types of information: addresses, telephone numbers, business relationships, and information disclosed in public utility holding company proceedings and investigations.

Authority for maintenance of the system: Much information is unsolicited. Public Utility Holding Company Act proceedings and investigations are held pursuant to Title 15, United States Code, Sections 79c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, t, v, x, z, z-1, z-2, z-3, z-4, z-5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. To process public utility holding company applications, to answer inquiries, and to prepare and issue notices and orders under the Public Utility Holding Company Act.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with

enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copies of records are kept in file cabinets.

Retrievability: Records on individuals may be retrieved through use of index card system or the SEC Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. The office where records are kept is locked at night and a security guard watches building 24 hours a day.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Director, Division of Corporate Regulation, Securities and Exchange Commission, 1100 L Street, N. W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Records are obtained from company filings with the Commission and other regulatory authorities, State public utility commission, other Federal agencies, correspondence from investors and other interested persons, witnesses, documents, informers, court documents, investigative reports prepared by the SEC staff, and individuals, including where practicable those to whom information in the system relates.

SEC—56

System name: Rule 2(e) of the Commission's Rules of Practice—Appearing or Practicing Before the Commission—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records may also be maintained by the SEC Regional and Branch Offices.

Categories of individuals covered by the system: Records contain information on attorneys, accountants and other professionals who appear and practice before the Commission.

Categories of records in the system: Records contain information such as court rulings, and rules in administrative proceedings and other materials compiled in the course of Commission investigation on individual professionals who appear and practice before the Commission.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s, 78w, 79t, 77sss, 80a-37, 80b-11; 17 CFR 201.2(e).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By the Commission's staff to determine whether to recommend to the Commission that action be instituted against an individual professional pursuant to the Rules of Practice.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

5. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if

necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

8. In proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

9. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form.

Retrievability: Records are accessed by individual name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Storage: The records are stored on paper and on computer records. Records are retained in a locked file room in a building having 24-hour security guards.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: General Counsel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, NW., D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information contained in the records is acquired from the individual, from court documents, the records from an administrative proceeding, and from investigation material gathered by the SEC staff from various sources.

SEC—57

System name: SECO Files—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Records also may be maintained by Regional and Branch Offices.

Categories of individuals covered by the system: Records are maintained on registered broker-dealers who are not members of a national securities association and persons who are associated with such non-member broker-dealers.

Categories of records in the system: The system contains information regarding non-member broker-dealers and persons associated with them and includes personal, educational and employment background, and business associations of the broker-dealer or associated persons. The system also contains information concerning any disciplinary proceedings or court actions brought against the individual.

Authority for maintenance of the system: Title 15, United States Code, Section 78o(b); 17 CFR 240.15b8-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. This system of records is routinely used in connection with the regulation by the Commission of non-member broker-dealers and persons associated with non-member broker-dealers pursuant to Section 15(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78o(b).

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant

records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. To aid in responding to inquiries from Members of Congress, the press or the public regarding matters under the Commission's jurisdiction.

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Retrievability: The system is indexed by the name of the nonmember broker-dealer or by the name of the associated person.

Safeguards: The building in which the records are maintained has 24-hour security guards.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: The information in the system is derived from Forms SECO II (soon to be amended and redesignated Form U-4), submitted pursuant to Rule 15b8-1, 17 CFR 240.15b8-1 by the broker-dealer with which an applicant is associated and by the applicant for status as an associated person.

SEC—58

System name: Securities Violations Records and Bulletin—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549. Copies of the Securities Violations Bulletin are maintained by the SEC Regional and Branch Offices.

Categories of individuals covered by the system: Records are maintained on persons involved in actions for violations of foreign, Federal or State securities laws or the rules of securities self-regulatory organizations.

Categories of records in the system: Records contain any and all of the following information: An individual's name, address, information from other governmental agencies concerning the individual, a biographical sketch, his business associations, any charges, arrests, indictments, or convictions, and any court documents and orders in cases involving the individual. The Securities Violations Bulletin contains information pertaining to official actions taken by foreign, Federal and State courts and commissions and by self-regulatory organizations with respect to securities violations reported to the SEC within the preceding three months.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s, 77t, 78u, 79r, 77uuu, 80a-41, and 80b-9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By SEC personnel to compile the Securities Violations Bulletin and supplements thereto, for distribution to authorized SEC personnel, other Federal agencies, State securities regulatory authori-

ties, other Federal, State, local and foreign regulatory bodies with law enforcement functions, and nongovernmental consumer organizations.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

4. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

5. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in conneetion with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form and on magnetic tape and cards.

Retrievability: No individual name access is provided but the reports are in alphabetical sequence by name and can be accessed in that manner.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Records are kept in a locked office in a building with a 24-hour security guard.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20594.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549

Contesting record procedures: See Record access procedures above.

Record source categories: Commission actions, State, Federal, local and foreign regulatory and enforcement agencies, and securities self-regulatory organizations.

SEC—59

System name: Staff Transfer and Promotion Records—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on SEC past and present personnel.

Categories of records in the system: Records contain information pertaining to career histories of SEC personnel, including information as to transfers and promotions.

Authority for maintenance of the system: Title 15, United States Code, Section 78d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. To identify candidates for current and prospective job vacancies.

2. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

3. For use in any administrative matter before any tribunal, including the Civil Service Commission, involving review of personnel action or the failure to take personnel action with regard to an SEC employee.

4. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision con-

cerning the hiring or retention of an employee, the issuance of a security clearancen the letting of a contract, or the issuance of a license, grant or other benefit.

5. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are kept in paper form in file holders, binders and file cabinets.

Retrievability: Records are indexed by the employee's name and organizational unit within the agency.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Records are kept in a building have a 24-hour security guard.

Retention and disposal: Records are updated periodically, and out-of-date records are destroyed.

System manager(s) and address: Executive Director, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Records contain information supplied by the employee, and his supervisors, the Office of the Executive Director and the Office of Personnel.

SEC—60

System name: Subject File Index—SEC

System location: Securities and Exchange Commission, Washington, D.C. 20549.

Categories of individuals covered by the system: Records are maintained on persons who make general inquiries of the Commission or who complain of matters under the Commission's jurisdiction.

Categories of records in the system: Contains the name of the person making the inquiry or complaint and indicates the subject file where the communication has been filed.

Authority for maintenance of the system: Inquiries are voluntary.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. To classify general inquiries and complaints.

2. For compiling statistics with respect to the number and nature of requests to be used in formulating budgetary and manpower recommendations.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on 3 x 5 inch index cards and stored in filing boxes.

Retrievability: Records are indexed by individual name.

Safeguards: Records maintained in Classification Unit for staff use only. They are kept in a locked office in a building having a 24-hour security guard.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Records Officer, Securities and Exchange Commission, 1100 L Street, N.W., Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Communications from persons making general inquiry or complaining of matters under the Commission's jurisdiction.

SEC—61

System name: Atlanta Regional Office General Index of Files—SEC

System location: Atlanta Regional Office, Suite 788, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309.

Categories of individuals covered by the system: Individuals on whom records are maintained in this system are generally from within the region covered by this office and are from one or more of the following categories:

Actual and prospective purchasers and sellers of securities; registered investment advisers, and associated persons who have been named in any notice, application, questionnaire, report, or other document submitted to the Commission or its staff pursuant to the Federal securities or bankruptcy laws; persons who were or are actual or prospective subjects of investigation in connection with possible violations of Federal securities laws; defendants, respondents or other parties in administrative, civil and criminal proceedings involving alleged violations of Federal securities laws or involving the application of Federal bankruptcy laws; persons who have communicated with the SEC or its staff concerning any person within one or more of the foregoing categories.

Categories of records in the system: This system contains information about individuals of a type which the regional office considers reasonably necessary to carry out its enforcement and regulatory duties. In addition to an individual's name, documents in the system may reflect detailed information about him concerning one or more of the following matters: his background (including, but not limited to, address, education, occupation, financial condition, and family relationships); qualifications to engage in one or more activities regulated by the SEC; business relationships; business activities, including specific transactions; possible involvement in conduct violative (in whole, or in part) of Federal, State, or foreign laws and rules pertaining to securities and/or prohibiting any fraudulent conduct; prior violations of any Federal, State or foreign laws or rules, or the rules of any self-regulatory entity. This system also includes a general informational index providing access to other SEC records systems.

Authority for maintenance of the system: Title 15, United States Code, Section 78d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By the SEC staff to prepare, collect and preserve documentary materials related to:

(a) formal investigations and matters under preliminary investigation, except related material preserved in employee work files;

(b) the regulation of specific entities by the Commission, including, but not limited to, copies of communications with or concerning issuers, underwriters, promoters, broker-dealers, investment advisers, and documents filed with the regional office by or on behalf of such entities; except related material in employee work files;

(c) communications with the public concerning aspects of the Commission's enforcement or regulatory duties;

(d) administrative, civil and criminal proceedings in which the Commission has any interest in the performance of its statutory duties, except Commission litigation releases, securities violations bulletins, and related material in employee work files.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

6. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

7. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

8. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

9. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of

possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in paper form in file folders and binders.

Retrievability: Records are indexed by individual name, entity name, file and/or release number.

Safeguards: Records are kept in area available only to agency personnel and building staff. Only authorized personnel have access to the records. The buildings in which the records are maintained has a 24-hour security staff and program.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Regional Administrator, Securities and Exchange Commission, Suite 140, 1371 Peachtree Street, N.E., Atlanta, Georgia 30309.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Federal, State, local and foreign regulatory and law enforcement agencies; securities self-regulatory organizations; securities broker-dealers, investment advisers, investment companies, securities issuers, various publicly-owned businesses and their employees; filings with the SEC required of organizations and individuals; courts, and a variety of individuals, including where practicable the individual under investigation.

SEC—62

System name: Atlanta Regional Office Investigative Files—SEC

System location: Atlanta Regional Office, Suite 788, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws including broker-dealers, investment advisers, and investment companies.

Categories of records in the system: All correspondence relevant to the investigation, all internal staff memoranda, Commission minutes and Commission orders relevant to the investigation, copies of all subpoenas issued in the course of the investigation, affidavits, transcripts of testimony taken in the investigation and exhibits thereto, copies of pleadings and exhibits in related private or governmental actions, documents and records or copies thereof obtained in the course of any investigation, working papers of the staff and all other documents and records relating to the investigation, and opening reports, progress reports and closing reports.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a), and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, the press and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders, binders and on file cards.

Retrievability: The records are retrieved by the name under which the case is filed or the investigation is made. Access to information about an individual may be through the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. During the continuation of the enforcement action, the records are normally maintained by the individual working on the matter. That individual is supervised by supervisory personnel.

Retention and disposal: After the case is completed, the file is sent to the headquarters office in Washington, D.C.

System manager(s) and address: Administrator, Securities and Exchange Commission, 1371 Peachtree Street, N.E., Atlanta, Georgia 30309.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals including where practicable, those to whom the information relates, witnesses, banks, corporations, or other entities during course of inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other foreign, Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—63

System name: Boston Regional Office Investigation Index File—SEC

System location: Securities and Exchange Commission, Boston Regional Office, 150 Causeway Street, Boston, Massachusetts, 02114.

Categories of individuals covered by the system: Individuals who are subjects of complaints, investigations, or who were witnesses called in connection with investigations.

Categories of records in the system: Information includes the individual's name and his relationship to the matter under investigation, the investigation file number, if any, and refers to relevant Commission releases or Securities Violations Bulletin materials. The SEC attorney and investigator assigned to the matter also are noted.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s, 77t, 78u, 79r, 77uuu, 80a-41, and 80b-9; 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information in these records may be used for the following:

1. By SEC personnel for purposes of investigating possible violators of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

4. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

5. To aid in responding to inquiries from Members of Congress, the press or the public, concerning individual complaints or matters under investigation.

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other revelent enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision conerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in paper form in file folders and binders.

Retrievability: Records are indexed alphabetically by an individual's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Records are maintained in a locked office in a building that has a 24-hour security guard.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Regional Administrator, Securities and Exchange Commission, 150 Causeway Street, Boston Massachusetts 02114.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: The information contained in these records is obtained from individuals, including complainants, witnesses and, where practicable, the individual under investigation. Information also is obtained from Commission records, including the Securities Violations Bulletin and from Federal, State or local agencies or securities self-regulatory organizations.

SEC—64

System name: Boston Regional Office Investigative Files—SEC

System location: Boston Regional Office, 150 Causeway Street, Boston, Massachusetts 02114.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws.

Categories of records in the system: All correspondence relevant to the investigation, all internal staff memoranda, Commission minutes and Commission orders relevant to the investigation, copies of all subpoenas issued in the course of the investigation, affidavits, witnesses' statements, transcripts of testimony taken in the investigation and exhibits thereto, copies of pleadings and exhibits in related private or governmental actions, documents and records or copies thereof obtained in the course of any investigation, working papers of the staff and all other documents and records relating to the investigation, and opening reports, progress reports and closing reports.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a), and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, the press and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders, binders and on file cards.

Retrievability: The records are retrived by the name under which the case is filed or the investigation is made. Access to information about an individual may be through the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. During the investigation, the records are normally maintained by the individual working on the matter. That individual is supervised by supervisory personnel.

Retention and disposal: After the case is completed, the file is sent to the headquarters office in Washington, D.C. A duplicate file normally is retained for 2-3 years and then destroyed.

System manager(s) and address: Administrator, Securities and Exchange Commission, 150 Causeway Street, Boston, Massachusetts 02114.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable, those to whom the information relates, witnesses, banks, corporations, or other entities during course of inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other foreign, Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—65

System name: Chicago Regional Office Index Cards—SEC

System location: Chicago Regional Office, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Room 1708, Chidago, Illinois 60604.

Categories of individuals covered by the system: Individuals who are associated with registered broker-dealers and investment advisers and individuals who have been named defendants or respondents in administrative, civil or criminal cases.

Categories of records in the system: Records contain personal information pertaining to an individual, i.e., name, address, business affiliations and his relationships or transactions with broker-dealers, investment advisers and others. These records refer also to SEC releases and indicate the dispositions of court or administrative proceedings; they also contain information regarding SEC investigations or administrative, civil or criminal proceedings in which an individual has been involved.

Authority for maintenance of the system: Title 15, United States Code, Section 78d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

4. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

5. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

10. To aid in responding to inquiries by Members of Congress, the press and the public concerning matters that are within the scope of the SEC's jurisdiction under the Federal securities laws.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form, on microfiche, and on microfilm.

Retrievability: System is indexed by name.

Safeguards: Staff personnel maintain and safeguard materials during regular working hours. At night and during weekends, office doors are locked and building guarded. Only authorized personnel are permitted in building or in office at night and during weekends. Members of public are permitted access only to public information. Nonpublic, investigative records are maintained in special file room to which public is not admitted. Persons arriving at office are admitted only through reception desk.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Regional Administrator, Securities and Exchange Commission, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Room 1708, Chicago, Illinois 60604.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable those to whom the information relates, witnesses, banks, corporations, or other entities gathered during the course of an inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc.; Postal Inspection Service, Department of Juesice, State Securities Commission, or other foreign, Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—66

System name: Chicago Regional Office Investigative Files—SEC

System location: Chicago Regional Office, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Room 1708, Chicago, Illinois 60604.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws.

Categories of records in the system: All correspondence relevant to the investigation, all internal staff memoranda, Commission minutes and Commission orders relevant to the investigation, copies of all subpoenas issued in the course of the investigation, affidavits, statements from witnesses, transcripts of testimony taken in the investigation and exhibits thereto, copies of pleadings and exhibits in related private or governmental actions, documents and records or copies thereof obtained in the course, of any investigation, working papers of the staff and all other documents and records relating to the investigation, and opening reports, progress reports and closing reports.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a), and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority or professional organization for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, the press and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders, binders, microfilm, and on file cards.

Retrievability: The records are retrieved by the name under which the case is filed or the investigation is made. Access to information about an individual may be through the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. During the continuation of any investigation or subsequent enforcement action, the records are normally maintained by individuals working on the matter or in a private file room. Individuals are supervised by supervisory personnel.

Retention and disposal: After the matter is concluded, original documents are returned to the person or agency supplying the record. Other documents may be destroyed, sent to the headquarters office in Washington, D.C., or sent to the Federal Records Center for storage. Opening, closing and progress reports, as well as criminal references, litigation and administrative records may be maintained indefinitely by this Office.

System manager(s) and address: Regional Administrator, Securities and Exchange Commission, Chicago Regional Office, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Room 1708, Chicago Illinois 60604.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Secu-

rities and Exchange Commission, Public Reference Section, Washington D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable, those to whom the information relates, witnesses, banks, corporations, or other entities during the course of inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—67

System name: Cleveland Branch Office Broker-Dealer Files—SEC

System location: Cleveland Branch Office, 899 Anthony J. Celebrezze Federal Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

Categories of individuals covered by the system: (1) Broker-dealers registered with the Commission pursuant to the Securities Exchange Act of 1934 and persons associated with such broker-dealers located in Ohio and assigned to the Cleveland Branch Office for inspection by the Chicago Regional Office. (2) broker-dealers against whom complaints have been filed or about whom inquiries have been made. (3) Open broker-dealer complaint file containing complaints against broker-dealers which are being processed and not yet resolved.

Categories of records in the system: Formal filings, applications and general correspondence relating to registered broker-dealers in the geographical area covered by this office, letters of complaint or inquiry concerning the broker-dealer, inner-office memoranda and work papers in connection with a complaint or inquiry as against a broker-dealer, broker-dealer inspection reports prepared by Cleveland Branch Office staff.

Authority for maintenance of the system: Title 15, United States Code, Sections 78a et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. To aid in processing documents to be filed with the Commission by registered broker-dealers.

2. To aid in responding to inquiries from Members of Congress, the press or the public relating to broker-dealers.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4.Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulator organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State, or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are filed in locked file cabinets located in rooms not available to the public. The Open Complaint File is located in a file cabinet in the outer office that is locked and accessible to the secretary processing such complaints.

Retrievability: The system is indexed by name alphabetically.

Safeguards: File cabinets containing these files are located in non-public rooms and locked.

Retention and disposal: Open complaint files, when closed, are placed in the appropriate broker-dealer file; broker-dealer files forwarded to Cleveland Branch Office for inspection are returned to the Chicago Regional Office after inspection; broker-dealer files containing complaints and inquiries are retained until broker-dealer ceases doing business, after which time they are forwarded to the home office in Washington, D.C.

System manager(s) and address: Attorney-in-Charge, Securities and Exchange Commission, 899 Anthony J. Celebrezze Federal Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Documents required to be filed with the Commission by registered broker-dealers; information received from public, securities self-regulatory organizations and other Federal or State and local regulatory or law enforcement authorities.

SEC—68

System name: Cleveland Branch Office Index Cards—SEC

System location: Cleveland Branch Office, 899 Anthony J. Celebrezze Federal Bldg., 1240 East Ninth Street Cleveland, Ohio 44199.

Categories of individuals covered by the system: Records include information concerning individuals against whom the Commission has taken enforcement action, i.e., civil or administrative or who were defendants in criminal cases in which the Commission has an interest; individuals making complaints or seeking information from the staff, individuals involved in investigations conducted by the staff, and individuals about whom information was received from other Federal, State, local or foreign regulatory or law enforcement authorities or securities self-regulatory organizations.

Categories of records in the system: Docket Cards that indicate individuals against whom the Commission has taken enforcement action as reported in the SEC Docket; cards briefing incoming mail from all sources; complaint cards that show the individual complainant, the broker-dealer or issuer involved, the attorney assigned to the matter, date notice of complaint sent to the Chicago Regional Office, date letters of acknowledgement and inquiry are sent to complainant and broker-dealer or issuer involved and the date the matter is closed; E 10-1 Cards, which show the location of correspondence from individuals; E 10-2 Cards, which cross-reference the individual's name to a broker-dealer involved in an inquiry or complaint; case index cards which contain names of individuals against whom a case has been opened cross-referenced to the proper case file; Regulation A Filing Cards (these cards are kept for reference purposes; they are not up-to-date since they no longer are received from the Chicago Regional Office or the Washington Home Office); and tickler cards which contain the names of individuals from whom correspondence or information is due in order to remind attorney handling the matter as to whether or not that information has been received.

Authority for maintenance of the system: Title 15, United States Code, Sections 77a(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a) and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

4. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

5. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information on these cards is typewritten on 3x5 inch cards and stored in file cabinets located in the Cleveland Branch Office's file room, except cards briefing incoming mail and tickler cards which are stored in the Cleveland Branch Office's reception area. The file room is not open to the public.

Retrievability: All cards are indexed alphabetically except tickler cards which are indexed by the date.

Safeguards: File cabinets containing index cards are located in our general file room which is a private room open only to members of the staff of the Cleveland Branch Office. Indexed incoming mail brief cards and tickler cards are located in an outer room in a file cabinet located adjacent to the secretary preparing the cards.

Retention and disposal: Cards are retained for future reference.

System manager(s) and address: Attorney-in-Charge, Securities and Exchange Commission, 899 Anthony J. Celebrezze Federal Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contestin g the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable, the individual to whom the record pertains, incoming mail, SEC Dockets, telephone or walk-in complaints and information received from Federal, State, local or foreign regulatory or law enforcement authorities or securities self-regulatory organizations.

SEC—69

System name: Cleveland Branch Office Investigatory Files—SEC

System location: Cleveland Branch Office, 899 Anthony J. Celebrezze Federal Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws including issuers, broker-dealers, investment advisers and investment companies.

Categories of records in the system: All correspondence relevant to the investigation, all internal staff memoranda and work papers, Commission Minutes and Commission Orders relevant to the investigation, copies of all subpoenas issued in the course of the investigation, transcripts of testimony taken in the investigation, statements and affidavits taken from investor witnesses, copies of pleadings and exhibits in related private or governmental actions, documents and records or copies thereof obtained in the course of the investigation; all other documents and records relating to the investigation.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a) and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, the press and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are filed in file folders, investor envelopes, document envelopes and file binders.

Retrievability: The system is indesed alphabetically by name.

Safeguards: Files are kept in a locked file cabinet in a file room which is not open to the public.

Retention and disposal: Investigatory files are kept in the Cleveland Branch Office as long as space permits, after which time those which are no longer needed are forwarded to the home office in Washington, D.C.

System manager(s) and address: Attorney-in-Charge, Securities and Exchange Commission, 899 Anthony J. Celebrezze Federal Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals including where practicable those to whom the information relates, witnesses, banks, corporations, partnerships, or other entities during the course of an inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, State Securities Divisions, or other foreign, Federal State or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State, or local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—70

System name: Cleveland Branch Office Investment Adviser Files—SEC

System location: Cleveland Branch Office, 899 Anthony J. Celebrezze Federal Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

Categories of individuals covered by the system: (1) Investment advisers registered with the Commission pursuant to the Investment Advisers Act of 1940 and persons associated with such investment advisers who are located in Ohio and assigned to the Cleveland Branch Office for inspection by the Chicago Regional Office and (2) investment advisers against whom complaints have been filed or of whom inquiries have been made.

Categories of records in the system: Formal filings, applications and general correspondence relating to registered investment advisers in the geographical area covered by this office, letters of complaint or inquiry concerning the investment adviser, inner-office memoranda and work papers in connection with a complaint or inquiry as against an investment adviser and investment adviser inspection reports prepared by Cleveland Branch Office staff.

Authority for maintenance of the system: Title 15, United States Code, Section 80b-1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. To aid in processing documents to be filed with the Commission by registered investment advisers.
2. To aid in responding to inquiries from Members of Congress, the press or the public relating to investment advisers.
3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.
4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.
6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.
7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.
8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are filed in locked file cabinets located in rooms not open to the public. The complaint files are located in a file cabinet in the outer office that is locked and accessible to the secretary processing such complaints.

Retrievability: The system is indexed by name alphabetically.

Safeguards: File cabinets containing these files are located in non-public rooms and locked.

Retention and disposal: Open complaint files, when closed, are placed in the appropriate investment adviser file; investment adviser files forwarded to the Cleveland Branch Office for inspection are returned to the Chicago Regional Office after inspection; investment adviser files containing complaints and inquiries are retained until investment adviser ceases doing business, after which time they are forwarded to the Commission's headquarters office in Washington, D.C.

System manager(s) and address: Attorney-in-Charge, Securities and Exchange Commission, 899 Anthony J. Celebrezze Federal Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Documents required to be filed with the Commission by registered investment advisers; information received from public, securities self-regulatory organizations and other Federal or State and local regulatory or law enforcement authorities.

SEC—71

System name: Denver Regional Office Investigative Files—SEC

System location: Denver Regional Office, Two Park Central, 1515 Arapahoe Street, Denver, Colorado 80202.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws.

Categories of records in the system: All correspondence relevant to the investigation, all internal staff memoranda, Commission minutes and Commission orders relevant to the investigation, copies of all subpoenas issued in the course of the investigation, affidavits, transcripts of testimony taken in the investigation and exhibits thereto, copies of pleadings and exhibits in related private or governmental actions, documents and records of copies thereof obtained in the course of any investigation, working papers of the staff and all other documents and records relating to the investigation, and opening reports, progress reports and closing reports.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a), and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposed of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation of potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its

request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, the press and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders, binders, microform and on file cards.

Retrievability: The records are retrieved by the name under which the case is filed or the investigation is made. Access to information about an individual may be through the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. During the investigation, the records are normally maintained by the individual working on the matter. That individual is supervised by supervisory personnel.

Retention and disposal: After the case is completed, documents normally are returned to owners and the remaining records are sent to the headquarters office in Washington, D.C.

System manager(s) and address: Administrator, Securities and Exchange Commission, Two Park Central, 1515 Arapahoe Street, Denver, Colorado 80202.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable, those to whom the information relates, witnesses, banks, corporations, or other entities during course of inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other foreign, Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—72

System name: Denver Regional Office Regulation A Control Cards—SEC

System location: Denver Regional Office, 640 Two Park Central, 1515 Arapahoe Street, Denver, Colorado 80202.

Categories of individuals covered by the system: Individuals who have relationships with issuers of securities pursuant to Regulation A under the Securities Act of 1933 and persons who have been connected with such securities offerings filed with the region covered by the Denver Regional Office.

Categories of records in the system: The record discloses the individual's relationship to the issuer of the securities and to the security offering and includes personal information concerning the individual including name, address, date of birth, relationship to the issuer or the offering, where appropriate.

Authority for maintenance of the system: Title 15, United States Code, Section 77c(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. To process filings made pursuant to Regulation A under the Securities Act of 1933.

2. To respond to inquiries from Members of Congress, the press and the public concerning offerings under Regulation A.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4.Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

7. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.735-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on 5x8 inch index cards.

Retrievability: The records are indexed by number and name of the issuer of securities, although through the cross-reference index file system and the Name-Relationship Index system in the home office all files which contain information about an individual named in these files who is connected with an issuer of securities can be retrieved

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Records are maintained in a building that has a 24-hour security guard.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Regional Administrator, Securities and Exchange Commission, 640 Two Park Central, 1515 Arapahoe Street, Denver, Colorado 80202.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Data is obtained from documents filed with the Commission by registrants, correspondence from individuals and other Commission files.

SEC—73

System name: Denver Regional Office and Salt Lake Branch Office Cross Reference Index Cards—SEC

System location: Denver Regional Office, 640 Two Park Central, 1515 Arapahoe Street, Denver, Colorado 80202; Salt Lake Branch Office, Federal Reserve Bank Bldg., 3rd Flr., 120 South State Street, Salt Lake City, Utah 84111. At the Salt Lake Branch Office, the card index does not contain all of the entries that are in the system which is located in Denver.

Categories of individuals covered by the system: Records are maintained on individuals included in the index who are named in filings made with the Denver Regional Office under Regulations A and F, and Rule 240 under the Securities Act of 1933, broker-dealer registration statements, investment adviser registration statements, individuals who are subjects of investigations and who are connected with subjects of investigations, defendants in litigation files, respondents in administrative proceeding files, informants, investors and witnesses.

Categories of records in the system: The index contains the name of the individual and includes only a cross-reference to other files.

Authority for maintenance of the system: Title 15, United States Code, Section 78d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By SEC personnel to retrieve other files that contain information about the individual and to aid in processing filings made with the Commission.

2. To aid in responding to requests from Members of Congress, the press and the public for information concerning matters under the Commission's jurisdiction.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

9. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are kept on 3 x 5 inch paper index cards.

Retrievability: System is indexed by name.

Safeguards: Access to system is limited to authorized personnel. Records are maintained in a building that has a 24-hour security guard.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: 1. For materials maintained in the Denver Office: Administrator, Securities and Exchange Commission, 640 Two Park Central, 1515 Arapahoe Street, Denver, Colorado 80202. 2. For materials maintained in the Salt Lake City Office; Attorney-in-Charge, Securities and Exchange Commission, Federal Reserve Bank Building, 3rd Floor, 120 South State Street, Salt Lake City, Utah 84111.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Files described under "Category of Individual."

SEC—74

System name: Detroit Branch Office Broker-Dealers Files—SEC

System location: Detroit Branch Office, 1044 Federal Building, 231 W. Lafayette, Detroit, Michigan 48226.

Categories of individuals covered by the system: Broker-dealers registered with the Commission pursuant to the Securities Exchange Act of 1934, located in Michigan and northern Ohio, or elsewhere, assigned to the Detroit Branch Office for inspection by the Chicago Regional Office and persons associated with such broker-dealers and broker-dealers against whom complaints have been filed or of whom inquiries have been made.

Categories of records in the system: Formal filings, applications and general correspondence relating to registered broker-dealers in the geographical area covered by this office; letters of complaint or

inquiry concerning the broker-dealer; inner-office memoranda and work product and papers in connection with a complaint or inquiry as against a broker-dealer; broker-dealer inspection reports prepared by Detroit Branch Office.

Authority for maintenance of the system: Title 15, United States Code, Sections 78a et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. To aid in processing documents to be filed with the Commission by registered broker-dealers.

2. To aid in responding to inquiries from Members of Congress, the press or the public, relating to broker-dealers.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.735-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are filed in locked file cabinets located in rooms not available to the public.

Retrievability: The system is indexed by name alphabetically.

Safeguards: File cabinets containing these files are located in non-public rooms and locked.

Retention and disposal: Complaint files, when closed, are placed in the appropriate broker-dealer file; broker-dealer files forwarded to the Detroit Branch Office for inspection purposes are returned to the Chicago Regional Office after the inspection has been completed; broker-dealer files containing complaints and inquiries are retained until the broker-dealer ceases doing business, after which time they are forwarded to the Chicago Regional Office.

System manager(s) and address: Attorney-in-Charge, Detroit Branch Office, SEC, 1044 Federal Building, Detroit, Michigan 48226.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Documents required to be filed with the Commission by registered broker-dealers; information received from the public, securities self-regulatory organizations and other Federal or State and local regulatory or law enforcement authorities.

SEC—75

System name: Detroit Branch Office Index Cards—SEC

System location: Detroit Branch Office, 1044 Federal Building, 231 W. Lafayette, Detroit, Michigan 48226.

Categories of individuals covered by the system: Case index cards which contain the names of individuals against whom a case has been opened, or who are subjects of an investigation or inquiry not yet formally opened, cross-referenced to the proper case files.

Categories of records in the system: See description of Category of Individual, above.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a) and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

4. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

5. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

10. To respond to inquiries from Members of Congress, the press and the public for information on matters within the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information on these cards is typewritten on 3x5 inch cards and stored in small file boxes in the Detroit Branch Office file room, which is not open to the public.

Retrievability: All cards are indexed alphabetically.

Safeguards: File boxes containing index cards are located in a file room not open to the general public.

Retention and disposal: Cards are retained for future reference and are not disposed of.

System manager(s) and address: Attorney-in-Charge, Detroit Branch Office, 1044 Federal Building, 231 W. Lafayette, Detroit, Michigan 48226.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, incoming mail, SEC dockets and records, telephone or walk-in complaints, and other regulatory agencies.

SEC—76

System name: Detroit Branch Office Investigatory Files—SEC

System location: Detroit Branch Office, 1044 Federal Building, 231 W. Lafayette, Detroit, Michigan 48226.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws, including issuers, broker-dealers, investment advisers and investment companies.

Categories of records in the system: All correspondence relevant to the investigation; all internal staff memoranda and work papers; Commission Minutes and Commission Orders relevant to the investigation; copies of all subpoenas issued in the course of the investigation; transcripts of testimony taken in the investigation; statements and affidavits taken from investor and other witnesses; copies of pleadings and exhibits in related private or governmental actions; documents and records or copies thereof obtained in the course of the investigation; internal memoranda pertaining to an investigation; and all other documents and records relating to the investigation.

Authority for maintenance of the system: Title 15, United States Code, Sections 77a(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a) and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, the press and the public, relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are filed in file folders, investor envelopes, document envelopes and file binders.

Retrievability: The system is indexed alphabetically by name.

Safeguards: Files are kept in locked file cabinets in one or more rooms not open to the public.

Retention and disposal: Investigatory files are kept in the Detroit Branch Office so long as space permits, after which time those which are no longer needed are forwarded to the Commission's headquarters office in Washington, D.C.

System manager(s) and address: Attorney-in-Charge, Securities and Exchange Commission, Detroit Branch Office, 1044 Federal Building, 231 W. Lafayette, Detroit, Michigan 48226.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including, where practicable, those to whom the information relates, witnesses, banks, corporations, partnerships, or other entities during the course of inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, State Securities Divisions, or other foreign, Federal, State or local bodies of law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State or local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—77

System name: Detroit Branch Office Investment Adviser Files—SEC

System location: Detroit Branch Office, 1044 Federal Building, 231 W. Lafayette, Detroit, Michigan 48226.

Categories of individuals covered by the system: (1) Investment Advisers registered with the Commission pursuant to the Investment Advisers Act of 1940 located in Michigan and assigned to the Detroit Branch Office for inspection by the Chicago Regional Office and persons associated with such investment advisers and (2) investment advisers against whom complaints have been filed or of whom inquiries have been made.

Categories of records in the system: Formal filings, applications and general correspondence relating to registered investment advisers in the geographical area covered by this office, letters of complaint or inquiry concerning the investment adviser, intra-office memoranda and work papers in connection with a complaint or inquiry as against an investment adviser and investment adviser inspection reports prepared by Detroit Branch Office staff.

Authority for maintenance of the system: Title 15, United States Code, Sections 80b-1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. To aid in processing documents to be filed with the Commission by registered investment advisers.
2. To aid in responding to inquiries from Members of Congress, the press or the public relating to investment advisers.
3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.
4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.
6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.
7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.
8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with

the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are filed in lockable file cabinets located in rooms not available to the public.

Retrievability: The system is indexed by name alphabetically.

Safeguards: File cabinets containing these files are located in non-public rooms.

Retention and disposal: Complaint files, when closed, are placed in the appropriate investment adviser file; investment adviser files forwarded to the Detroit Branch Office for inspection are returned to the Chicago Regional Office after inspection; investment adviser files containing complaints and inquiries are constantly retained until investment adviser ceases doing business, after which time they are forwarded to the Commission's headquarters office in Washington, D.C.

System manager(s) and address: Attorney-in-Charge, 1044 Federal Building, 231 W. Lafayette, Detroit, Michigan 43226.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Documents required to be filed with the Commission by registered investment advisers; information received from public, securities self-regulatory organizations and other Federal or State and local regulatory or law enforcement authorities.

SEC—78

System name: Fort Worth Regional Office and Houston Branch Office General Indices—SEC

System location: Fort Worth Regional Office, 503 U.S. Court House, 10th and Lamar Streets, Forth Worth, Texas 76102; Houston Branch Office, Federal Office and Courts Bldg., 515 Rusk Avenue, Room 7615, Houston, Texas 77002.

Categories of individuals covered by the system: Individuals involved in investigations and enforcement actions taken by the SEC and other law enforcement authorities and individuals who are affiliated with issuers filing notifications pursuant to Regulation A under the Securities Act of 1933.

Categories of records in the system: The indices show the relationship between an individual and investigations and law enforcement actions and filings pursuant to Regulation A.

Authority for maintenance of the system: Title 15, United States Code, Section 78d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. By the SEC staff to correlate information concerning an individual and, where appropriate, to recommend a formal investigation involving the individual.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. A record from this system of records may be disclosed as a "Routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

9. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions of manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

11. To aid in responding to requests from Members of Congress, the press and the public concerning matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in paper form in file folders and binders.

Retrievability: System is indexed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclusre. Records are safeguarded by a 24-hour security guard at the building's entrance.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: 1. For information maintained in the Fort Worth Regional Office: Regional Administrator, Securities and Exchange Commission, 503 United States Courthouse, 10th and Lamar Streets, Fort Worth, Texas 76102. 2. For information maintained in the Houston Branch Office: Attorney-in-Charge, Houston Branch Office, Federal Office and Courts Building, 515 Rusk Avenue, Room 7615, Houston, Texas 77002.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable those to whom the records relate, by witnesses, banks, corporations, or other entities gathered during the course of an inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other foreign, Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made withthe SEC pursuant to law and information from other offices within the Commission.

SEC—79

System name: Fort Worth Regional Office Investigative Files—SEC

System location: Fort Worth Regional Office, 503 U.S. Courthouse, 10th and Lamar Streets, Fort Worth, Texas 76102.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws.

Categories of records in the system: All correspondence relevant to the investigation, all internal staff memoranda, Commission minutes and Commission orders relevant to the investigation, copies of all subpoenas issued in the course of the investigation, affidavits, transcripts of testimony taken in the investigation and exhibits thereto, copies of pleadings and exhibits in related private or governmental actions, documents and records or copies thereof obtained in the course of any investigation, working papers of the staff and all other documents and records relating to the investigation, and opening reports, progress reports and closing reports.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a), and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceddings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority or professional organization for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, the press and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders, binders, microform and on file cards.

Retrievability: The records are retrieved by the name under which the case is filed or the investigation is made. Access to information about an individual may be through the Commission's Name Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. During any investigation, the records are normally maintained by the individual working on the matter. That individual is supervised by supervisory personnel.

Retention and disposal: After the case is completed, the file (except for correspondence and other auxiliary records) is sent to the headquarters office in Washington, D.C. Witnesses' documents are returned to the witnesses. Correspondence and other auxiliary records are kept for about one year and then sent to the Federal Record Center at Fort Worth for storage.

System manager(s) and address: Regional Administrator, Fort Worth Regional Office, 503 U.S. Courthouse, 10th and Lamar Streets, Fort Worth, Texas 76102.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable, those to whom the information relates, witnesses, banks, corporations, or other entities during course of inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other foreign, Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—80

System name: Houston Branch Office Investigative Files—SEC

System location: Houston Branch Office, Federal Office and Courts Building, 515 Rusk Avenue, Room 7615, Houston, Texas 77002.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws.

Categories of records in the system: All correspondence relevant to the investigation, all internal staff memoranda, Commission minutes and Commission orders relevant to the investigation, copies of all subpoenas issued in the course of the investigation, affidavits, transcripts of testimony taken in the investigation and exhibits thereto, copies of pleadings and exhibits in related private or governmental actions, documents and records or copies thereof obtained in the course of any investigation, working papers of the staff and all other documents and records relating to the investigation, and opening reports, progress reports and closing reports.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a), and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, the press and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders, binders and on file cards.

Retrievability: The records are retrieved by the name under which the case is filed or the investigation is made. Access to information about an individual may be through the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. During any investigation the records are normally maintained by the individual working on the matters. That individual is supervised by supervisory personnel.

Retention and disposal: After the case is completed, the file (except for correspondence and other auxiliary records) is sent to the headquarters office in Washington, D.C. Witnesses' documents are returned to the witnesses. Correspondence and other auxiliary records are kept for about one year and then sent to the Federal Record Center at Fort Worth for storage.

System manager(s) and address: Attorney-in-Charge, Houston Branch Office, Federal Office and Courts Bldg., 515 Rusk Avenue, Room 7615, Houston, Texas 77002.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquirieis to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable, those to whom the information relates, witnesses, banks, corporations, or other entities during course of inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other foreign, Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—81

System name: Los Angeles Regional Office Broker-Dealer Files—SEC

System location: Los Angeles Regional Office, U.S. Courthouse, 312 North Spring Street, Los Angeles, California 90012. In September, 1975, the Los Angeles Regional Office will be relocated to 10960 Wilshire Boulevard, Los Angeles, California.

Categories of individuals covered by the system: Bfoker-dealers registered with the Commission pursuant to the Securities Exchange Act of 1934 and persons associated with such broker-dealers.

Categories of records in the system: Formal filings, applications and general correspondence relating to registered broker-dealers in the region covered by this Office.

Authority for maintenance of the system: Title 15, United States Code, Sections 78a et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used for the following:

1. To aid in processing documents to be filed with the Commission by registered broker-dealers.

2. To aid in responding to inquiries from Members of Congress, the press or the public relating to broker-dealers.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcment information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders, binders and on index cards.

Retrievability: By name of the broker-dealer.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Correspondence is retained while the broker-dealer is registered with the Commission. If the broker-dealer withdraws its registration or goes out of business, the files are normally sent within one year to the Federal Records Center in Washington, D.C.

System manager(s) and address: Regional Administrator, Securities and Exchange Commission, U.S. Courthouse, 312 North Spring Street, Los Angeles, California 90012.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Documents required to be filed with the Commission by registered broker-dealers; information received from public, securities self-regulatory organizations and other Federal or State and local regulatory or law enforcement authorities.

SEC—82

System name: Los Angeles Regional Office Investigative Files —SEC

System location: Los Angeles Regional Office, U.S. Courthouse, 312 North Spring Street, Los Angeles, California 90012. In September, 1975, the Los Angeles Regional Office will be relocated to 10960 Wilshire Boulevard, Los Angeles, California.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws including broker-dealers, investment advisers, and investment companies.

Categories of records in the system: All correspondence relevant to the investigation, all internal staff memoranda, Commission minutes and Commission orders relevant to the investigation, copies of all subpoenas issued in the course of the investigation, affidavits, transcripts of testimony taken in the investigation and exhibits thereto, copies of pleadings and exhibits in related private or

governmental actions, documents and records or copies thereof obtained in the course of any investigation, working papers of the staff and all other documents and records relating to the investigation, and opening reports, progress reports and closing reports.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a), and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes if investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, where civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State, or local licensing authority for posssible disciplinary action.

10. To aid in responding to inquiries from Members of Congress the press and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders, binders and on file cards.

Retrievability: The records are retrieved by the name under which the case is filed or the investigation is made. Access to information about an individual may be through the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. During any investigation, the records are normally maintained by the individual working on the matter. That individual is supervised by supervisory personnel.

Retention and disposal: After the case is completed, the file (except for correspondence) is sent to the headquarters office in Washington, D.C. Correspondence is kept for six years and then sent to the Federal Record Center for storage.

System manager(s) and address: Regional Administrator, Securities and Exchange Commission, U.S. Courthouse, 312 North Spring Street, Los Angeles, California 90012.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable, those to whom the information relates, witnesses, banks, corporations, or other entities during the course of an inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other foreign, Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—83

System name: Los Angeles Regional Office Investment Adviser Files—SEC

System location: Los Angeles Regional Office, U.S. Courthouse, 312 North Spring Street, Los Angeles, California 90012. In September, 1975, the Los Angeles Regional Office will be relocated to 10960 Wilshire Boulevard, Los Angeles, California.

Categories of individuals covered by the system: Investment advisers registered with the Commission pursuant to the Investment Advisers Act of 1940 and persons associated with such investment advisers.

Categories of records in the system: Formal filings, applications and general correspondence in the region covered by this Office relating to registered investment advisers.

Authority for maintenance of the system: Title 15, United States Code, Section 80b-1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These documents and the information contained in these records may be used for the following:

1. To aid in processing documents to be filed with the Commission by registered investment advisers.
2. To aid in responding to inquiries from Members of Congress, the press or the public relating to investment advisers.
3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.
4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.
6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.
7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.
8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders, binders and on index cards.

Retrievability: By name of investment adviser.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Retained while the investment adviser is registered with the Commission. If the investment adviser ceases to be registered the file is generally sent to Washington, D.C., after one year for storage in the Federal Records Center.

System manager(s) and address: Administrator, Securities and Exchange Commission, U.S. Courthouse, 312 North Spring Street, Los Angeles, California 90012.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Documents required to be filed with the Commission by registered investment adviser; information received from public, securities self-regulatory organizations and other Federal or State and local regulatory or law enforcement authorities.

SEC—84

System name: Miami Branch Office General Index of Files—SEC

System location: Miami Branch Office, Suite 701, 300 Biscayne Boulevard Way, Miami, Florida 33131.

Categories of individuals covered by the system: Individuals on whom records are maintained in this system are generally from within the region covered by this Office and are from one or more of the following categories:

Actual and prospective purchasers and sellers of securities; registered investment advisers, and associated persons who have been named in any notice, application, questionnaire, report, or other document submitted to the Commission or its staff pursuant to the Federal securities or bankruptcy laws; persons who were or are actual or prospective subjects of investigation in connection with possible violations of Federal securities laws; defendants, respondents or other parties in administrative, civil and criminal proceedings involving the application of Federal securities laws; persons who have communicated with the SEC or its staff concerning any person within one or more of the foregoing categories.

Categories of records in the system: This system contains information about individuals of a type which the branch office considers reasonably necessary to carry out its enforcement and regulatory duties. In addition to an individual's name, documents in the system may reflect detailed information about him concerning one or more of the following matters: his background (including, but not limited to, address, education, occupation, financial condition, and family relationships); qualifications to engage in one or more activities regulated by the SEC; business relationships; business activities, including specific transactions; possible involvement in conduct violative (in whole, or in part) of Federal, State, or foreign laws and rules pertaining to securities and/or prohibiting any fraudulent conduct; prior violations of any Federal, State or foreign laws or rules, or the rules of any self-regulatory entity.

Authority for maintenance of the system: Title 15, United States Code, Section 78d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By the SEC staff to prepare, collect and preserve all documentary materials related to:

(a) formal investigations and matters under preliminary investigation, except related material preserved in employee work files;

(b) the regulation of specific entities by the Commission, including, but not limited to, copies of communications with or concerning issuers, underwriters, promoters, broker-dealers, investment advisers, and documents filed with the regional office by or on behalf of such entities; except related material in employee work files;

(c) communications with the public concerning aspects of the Commission's enforcement or regulatory duties;

(d) administrative, civil and criminal proceedings in which the Commission has any interest in the performance of its statutory duties, except Commission litigation releases, securities violations bulletins, and related material in employee work files.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

6. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevent to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typ-

ing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in paper form in file folders and binders.

Retrievability: Records are indexed by individual name, entity name, file and/or release number.

Safeguards: Records are kept in area available only to agency personnel and building staff. Only authorized personnel have access to the records. The building in which the records are maintained has a 24-hour security staff and program.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Associate Regional Administrator, Securities and Exchange Commission, Dupont Plaza Center, 300 Biscayne Boulevard Way, Suite 701, Miami, Florida 33131.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Federal, local and foreign regulatory and law enforcement agencies, securities self-regulatory organizations; securities broker-dealers, investment advisers, investment companies, securities issuers, various publicly owned businesses and their employees; filings with the SEC required of organizations and individuals; courts, and a variety of individuals, including where practicable individuals who are under investigation.

SEC—85

System name: Miami Branch Office Investigative Files—SEC

System location: Miami Branch Office, Dupont Plaza Center, 300 Biscayne Boulevard, Miami, Florida 33131.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws.

Categories of records in the system: All correspondence relevant to the investigation, all internal staff memoranda, Commission minutes and Commission orders relevant to the investigation, copies of all subpoenas issued in the course of the investigation, affidavits, transcripts of testimony taken in the investigation and exhibits thereto, copies of pleadings and exhibits in related private or governmental actions, documents and records or copies thereof obtained in the course of any investigation, working papers of the staff and all other documents and records relating to the investigation, and opening reports, progress reports and closing reports.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a), and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records maybe disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personal management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority or professional organization for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, the press and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litiga-

tion or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders, binders and on file cards.

Retrievability: The records are retrieved by the name under which the case is filed or the investigation is made. Access to information about an individual may be through the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. During any investigation, the records are normally maintained by the individual working on the matter. That individual is supervised by supervisory personnel.

Retention and disposal: After the case is completed, the file (except for correspondence) is sent to the headquarters office in Washington, D.C. Witnesses' documents normally are returned. Correspondence is kept for six years and then sent to the Federal Record Center for storage.

System manager(s) and address: Associate Administrator, Securities and Exchange Commission, Dupont Plaza Center, 300 Biscayne Boulevard Way, Miami, Florida 33131.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable, those to whom the information relates, witnesses, banks, corporations, or other entities during course of inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commission, or other foreign, Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—86

System name: New York Regional Office Index of Complaints—SEC

System location: New York Regional Office, 26 Federal Plaza, New York, New York 10007.

Categories of individuals covered by the system: Records are maintained on registered broker-dealers and persons associated with such broker-dealers.

Categories of records in the system: Complaint received against broker-dealers or their associated persons. Includes the name and address of complainant, date of complaint, issue or issuer involved, the name of the broker-dealer involved and a record of correspondence in the matter and the disposition date.

Authority for maintenance of the system: Complaints are voluntary.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. To aid in processing complaints against broker-dealers and associated persons.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

6. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

7. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personel identification of individuals) under the Freedom of Information Act or to locate specific in-

dividuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and binders.

Retrievability: Records are indexed by name of the individual.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Office area is locked after duty hours and the building has a 24-hour security guard.

Retention and disposal: Records are destroyed after three years.

System manager(s) and address: Regional Administrator, Securities and Exchange Commission, 26 Federal Plaza, New York, New York 10007.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Letters of complaints and in-person complaints made by the public.

SEC—87

System name: New York Regional Office Investigative Files—SEC

System location: New York Regional Office, 26 Federal Plaza, New York, New York 10007.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws.

Categories of records in the system: All correspondence relevant to the investigation, all internal staff memoranda, Commission minutes and Commission orders relevant to the investigation, copies of all subpoenas issued in the course of the investigation, affidavits, transcripts of testimony taken in the investigation and exhibits thereto, copies of pleadings and exhibits in related private or governmental actions, documents and records or copies thereof obtained in the course of any investigation, working papers of the staff and all other documents and records relating to the investigation, and opening reports, progress reports and closing reports.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a), and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained

or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, the press and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders, binders and on file cards.

Retrievability: The records are retrieved by the name under which the case is filed or the investigation is made. Access to information about an individual may be through the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. During any investigation, the records are normally maintained by the individual working on the matter. That individual is supervised by supervisory personnel.

Retention and disposal: After the case is completed, the file (except for correspondence) is sent to the headquarters office in Washington, D.C. Correspondence is kept for six years and then sent to the Federal Record Center for storage.

System manager(s) and address: Administrator, Securities and Exchange Commission, 26 Federal Plaza, New York, New York 10007.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable, those to whom the information relates, witnesses, banks, corporation, or other entities during course of inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other foreign, Federal, State or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—88

System name: New York Regional Office Master Card Index—SEC

System location: New York Regional Office, 26 Federal Plaza, New York, New York 10007.

Categories of individuals covered by the system: Records are maintained on registered broker-dealers and investment advisers, and defendants, respondents and witnesses in enforcement actions; also include information on persons writing to the Office for information or to register complaints or for other purposes.

Categories of records in the system: Records include a summary of correspondence, the attorney and investigator assignment, the opening and closing dates of the investigation, if any, information concerning the appearance of witnesses in a matter and the Securities Violation Bulletin reference number, if any.

Authority for maintenance of the system: Title 15, United States Code, Section 78d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By SEC personnel to research correspondence, complaints and complainants, to record the assignment of attorneys and investigators to the matter, and to determine the status of a matter.

2. To record the names of witnesses and/or defendants or respondents in investigations or cases (whether civil, criminal or administrative) and to locate information about securities law violators.

3. To aid in responding to inquiries by Members of Congress, the press and the public concerning matters under the jurisdiction of the Commission.

4. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

5. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant

records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign, or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

6. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

7. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

8. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

9. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utlized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on index cards in filing drawers.

Retrievability: Records are indexed by name and/or number if appropriate. Cross-reference to information on any individual may be obtained through the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosures. File room is locked after duty hours and the building has a 24-hour security guard.

Retention and disposal: These records are retained indefinitely. While no formal schedule exists, these records periodically are sent to a Federal Records Center for storage.

System manager(s) and address: Regional Administrator, Securities and Exchange Commission, 26 Federal Plaza, New York, New York 10007.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Letters and other correspondence to the New York Regional Office from the public, internal memoranda, transcripts of testimony and other personnel, investigative work product, and Securities Violation Bulletin, information received from individuals including where practicable those to whom the information relates and information received from other Federal and State or local regulatory or law enforcement authorities.

SEC—89

System name: New York Regional Office Regulation A Work File—SEC

System location: New York Regional Office, 26 Federal Plaza, New York, New York 10007.

Categories of individuals covered by the system: Records are maintained on officers, directors and certain shareholders of issuers or firms filing notifications under Regulation A pursuant to the Securities Act of 1933.

Categories of records in the system: These records include the notification filed under Regulation A (including information as to the issuer, affiliates and principal security holders, officers, directors and promoters, counsel and underwriter); offering circular, certificate of incorporation, by-laws, underwriting agreements or other selling agreements, consent agreements, escrow agreements, amendments to offering circular, amendments to agree-

ments, reports of sales, withdrawn material, correspondence with issuer, its representatives, counsel, and others with regard to deficiencies, requests for other information and/or disclosures, internal memoranda, conference notes and staff processing notations.

Authority for maintenance of the system: Title 15, United States Code, Section 77c(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. To process applications for exemption under Regulation A and other filings in connection therewith.

2. To aid in responding to inquiries by Members of Congress, the press and the public relating to filings under Regulation A.

3. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. In an proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. In connection with proceedings by the Commission pursuant to rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

10. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

11. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utlized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and binders.

Retrievability: Information regarding individuals may be retrieved through the Name-Relationship Index system or through cross-index cards.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. File cabinets are locked after duty hours and the building has a 24-hour security guard.

Retention and disposal: Records are destroyed about two years after withdrawal or completion of offering.

System manager(s) and address: Regional Administrator, Securities and Exchange Commission, 26 Federal Plaza, New York, New York 10007.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: All material filed by the issuer in connection with the offering of exempt securities, correspondence with

the issuer, his representatives and other persons affiliated with the issue, and internal staff memoranda relating to the offering.

SEC—90

System name: Philadelphia Branch Office Investigative Files—SEC

System location: Philadelphia Branch Office, William J. Green Jr., Federal Bldg., 600 Arch Street, Philadelphia, Pennsylvania 19106.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws.

Categories of records in the system: All correspondence relevant to the investigation, all internal staff memoranda, Commission minutes and Commission orders relevant to the investigation, copies of all subpoenas issued in the course of the investigation, affidavits, transcripts of testimony taken in the investigation and exhibits thereto, copies of pleadings and exhibits in related private or governmental actions, documents and records or copies thereof obtained in the course of any investigation, working papers of the staff and all other documents and records relating to the investigation, and opening reports, progress reports and closing reports.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a), and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current license, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, the press and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.735-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders, binders and on file cards.

Retrievability: The records are retrieved by the name under which the case is filed or the investigation is made. Access to information about an individual may be through the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. During any investigation the records are normally maintained by the individual working on the matters. That individual is supervised by supervisory personnel.

Retention and disposal: After the case is completed, the file (except for correspondence and other auxiliary records) is sent to the headquarters office in Washington, D.C. Witnesses' documents

are returned to the witnesses. Correspondence and other auxiliary records are kept for about one year and then sent to the Federal Record Center for storage.

System manager(s) and address: Attorney-in-Charge, Philadelphia Branch Office, William J. Green Jr. Federal Bldg., 600 Arch Street, Philadelphia, Pennsylvania 19106.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable, those to whom the information relates, witnesses, banks, corporations, or other entities during course of inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other foreign, Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—91

System name: St. Louis Branch Office, Inquiry, Complaint and General Reference Files—SEC

System location: St. Louis Branch Office, Securities and Exchange Commission, 210 North Twelfth Street, St. Louis, Missouri 63101.

Categories of individuals covered by the system: Individuals who request information from or provide information to this office; individuals complaining about other entities or individuals registered with, or otherwise required to comply with the provisions of the Federal securities laws; individuals who have been the subject of an enforcement proceeding by the Commission, other Federal, foreign, State or local governmental authorities or securities self-regulatory organizations.

Categories of records in the system: Correspondence relevant to the inquiry or complaint along with summary notations of same; diary logs and memoranda of telephone calls and personal contacts; index cards and copies of releases in the "SEC Docket"; business cards, releases, media reports, bulletins, correspondence, complaints, charge memoranda, orders and court pleadings in connection with litigation or disciplinary proceedings brought by individuals, Federal, foreign, State and local governmental authorities or securities self-regulatory organizations.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 77t(a) and (b), 77uuu(a), 78(a), 79r(a), 80a-41(a), 80b-9(a) and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. For transmission in copy, paraphrase or summary form to the subject of the complaint or inquiry to expedite resolution of the individuals's complaint or inquiry.

3. To aid in responding to inquiries from other SEC offices, SIPC, Members of Congress, the public, the media, Federal, foreign, State and local governmental authorities and securities self-regulatory organizations.

4. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

5. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

8. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

9. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

11. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders and envelopes, binders and on file cards.

Retrievability: The records are retrieved by the name under which the case is filed or the investigation is made; routine complaints and inquiries generally are filed under the name of the person who is the subject of the inquiry or if that is inappropriate, under the name of the individual initiating the inquiry. Access to information about an individual may be through the SEC Name-Relationship Index system.

Safeguards: Personnel screening and adherence to the Commission's regulations relating to non-disclosure of confidential information are employed to prevent unauthorized disclosure.

Retention and disposal: Indexes of public information are maintained on a permanent basis along with the underlying releases; files on cases and investigations and those relating to persons registered with or otherwise subject to the Federal securities laws are maintained on a permanent basis; miscellaneous routine files are discarded after approximately six years.

System manager(s) and address: Attorney-in-Charge, St. Louis Branch Office, Securities and Exchange Commission, 210 North Twelfth Street, St. Louis, Missouri 63101.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Letters from individuals, filings made with the Commission, enforcement actions involving the Commission, internal staff investigations, interviews with individuals including where practicable, the individuals as to whom the records relate, public documents filed in courts or published elsewhere and from other Federal and State, local or foreign regulatory or law enforcement authorities or securities self-regulatory authorities.

SEC—92

System name: Saint Louis Branch Office Investigative Files—SEC

System location: Saint Louis Branch Office, Securities and Exchange Commission, 210 North Twelfth Street, St. Louis, Missouri 63101.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws, including broker-dealers, investment advisers and investment companies.

Categories of records in the system: All correspondence relevant to the investigation, all internal staff memoranda, Commission minutes and Commission orders relevant to the investigation, copies of all subpoenas issued in the course of the investigation, transcripts of testimony taken in the investigation, copies of pleadings and exhibits in related private or governmental actions, documents and records or copies thereof obtained in the course of the investigation, working papers of the staff and all other documents and records relating to the investigation, opening reports, progress reports and closing reports; and formal filings, applications and correspondence relating to broker-dealers, investment advisers and investment companies, while they are the subject of inspections or investigations.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 77u(a) and (b), 78u(a), 77uuu(a), 80a-41(a) and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules and Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, SIPC, the media and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state

securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders and envelopes, binders and file cards.

Retrievability: The records are retrieved by the name under which the case is filed or the investigation is made. Access to information about an individual may be through the SEC Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening and adherence to the Commission's regulations relating to non-disclosure of confidential information are employed to prevent unauthorized disclosure.

Retention and disposal: Files relating to open investigations are maintained in the "active" files, matters which are closed or not currently active for whatever reason are maintained in the "inactive" storage area. Documents or files loaned by individuals, other Commission offices, or from whatever source are returned to the lender after the purpose for which they were borrowed has been accomplished. Documents and files introduced into evidence in the course of litigation are left in the custody of the court or hearing tribunal, although file copies are retained to extent practicable.

System manager(s) and address: Attorney-in-Charge, St. Louis Branch Office, Securities and Exchange Commission, 210 North Twelfth Street, St. Louis, Missouri 63101.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable, those to whom the information relates, witnesses, banks, corporations, or other entities during course of inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other foreign, Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—93

System name: Salt Lake City Branch Office Investigative Files—SEC

System location: Salt Lake City Branch Office, Federal Reserve Bank Bldg., 120 South State Street, Salt Lake City, Utah 84111.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws.

Categories of records in the system: All correspondence relevant to the investigation, all internal staff memoranda, Commission minutes and Commission orders relevant to the investigation, copies of all subpoenas issued in the course of the investigation, affidavits, transcripts of testimony taken in the investigation and exhibits thereto, copies of pleadings and exhibits in related private or governmental actions, documents and records or copies thereof obtained in the course of any investigation, working papers of the staff and all other documents and records relating to the investigation, and opening reports, progress reports and closing reports.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a), and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosued as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, the press and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders, binders and on file cards.

Retrievability: The records are retrieved by the name under which the case is filed or the investigation is made. Access to information about an individual may be through the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. During any investigation the records are normally maintained by the individual working on the matter. That individual is supervised by supervisory personnel.

Retention and disposal: After the case is completed, documents normally are returned to the owners and the remaining records are sent to the headquarters office in Washington, D.C., through the Denver Regional Office.

System manager(s) and address: Attorney-in-Charge, Securities and Exchange Commission, Federal Reserve Bank Bldg., 120 South State Street, Salt Lake City, Utah 84111.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable, those to whom the information relates, witnesses, transfer agents, banks, corporations, or other entities during course of inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other foreign, Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—94

System name: San Francisco Branch Office Investigative Files—SEC

System location: San Francisco Branch Office, 450 Golden Gate Avenue, Box 36042, San Francisco, California 94102.

Categories of individuals covered by the system: Individuals who are involved in investigations into possible violations of the Federal securities laws including but not limited to broker-dealers, investment advisers, investment companies, corporations, officers and directors.

Categories of records in the system: All correspondence relevant to the investigation, all internal staff memoranda, Commission minutes and Commission orders relevant to the investigation, copies of all subpoenas issued in the course of the investigation, transcripts of testimony taken in the investigation, copies of pleadings and exhibits in related private or governmental actions, documents and records or copies thereof obtained during the course of the investigation, working papers of the staff and all other documents and records relating to the investigation, and opening reports, progress reports and closing reports.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 77uuu(a), 80a-41(a), 80b-9(a), and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, the press and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are filed in file folders, investor envelopes, document envelopes and file binders.

Retrievability: The records are retrieved by the name under which the case is filed or the investigation is made. Access to information about an individual may be through the commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. During the continuation of the enforcement action, the records are normally maintained by the individual who is assigned to the case.

Retention and disposal: After the case is completed, the file (except for correspondence) is sent to the headquarters office in Washington, D.C. Correspondence is kept for six years and then sent to the Federal Records Center for storage.

System manager(s) and address: Associate Regional Administrator, Securities and Exchange Commission, 450 Golden Gate Avenue, Box 36042, San Francisco, California 94102.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable those to whom the information relates, witnesses, banks, corporations, or other entities during the course of an inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other foreign, Federal, State, or

local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—95

System name: San Francisco Branch Office Regulation A Files—SEC

System location: San Francisco Branch Office, 450 Golden Gate Avenue, Box 36042, San Francisco, California 94102. After October 1, 1975, these records will be located in the Los Angeles Regional Office, 10960 Wilshire Boulevard, Los Angeles, California 90025.

Categories of individuals covered by the system: (a) Individuals who are involved in the filing of a notification for an offering of securities pursuant to Regulation A of the Securities Act of 1933, (17 CFR 230.251 et seq.), including but not limited to issuers, affiliates, underwriters, broker-dealers, corporations, officers, and directors. (b) Individuals affiliated with a Regulation A notification, who are involved in a staff review or investigation of the accuracy and adequacy of the disclosures made in such notification, including but not limited to persons enumerated in (a) above.

Categories of records in the system: All correspondence, internal staff memoranda, Commission minutes, Commission orders, transcripts of testimony taken, copies of pleadings and exhibits in related private or governmental actions, working papers of the staff and all other documents and records relevant to the notification, review, and investigation of an offering of securities pursuant to Regulation A. Copies of all subpoenas in the course of an investigation of an offering of securities pursuant to Regulation A.

Authority for maintenance of the system: Title 15, United States Code, Sections 77s(b), 78u(a), 79r(a), 7uuu(a), 80a-41(a), 80b-9(a), and 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in them may be used as follows:

1. By SEC personnel for purposes of reviewing and evaluating disclosures made in the notification to offer securities pursuant to Regulation A and for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

10. To aid in responding to inquiries from Members of Congress, the press and the public relating to matters under the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are filed in file folders, investor envelopes, document envelopes and file binders.

Retrievability: The records are retrieved by the name under which the case is filed or the investigation is made. Access to information about an individual may be through the Commission's Name-Relationship Index system.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. During the continuation of the enforcement action the records are normally maintained by the individual assigned to review the matters.

Retention and disposal: After the case is completed, the file (except for correspondence) is sent to the headquarters office in Washington, D.C. Correspondence is kept for six years and then sent to the Federal Records Center for storage.

System manager(s) and address: Associate Regional Administrator, Securities and Exchange Commission, 450 Golden Gate Avenue, Box 36042, San Francisco, California 94102.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these records is supplied by individuals, including where practicable, those to whom the information relates, witnesses, banks, corporations, or other entities during the course of an inquiry or investigation; information supplied by stock exchanges, the National Association of Securities Dealers, Inc., Postal Inspection Service, Department of Justice, State Securities Commissions, or other foreign, Federal, State, or local bodies and law enforcement agencies; information obtained from public sources, i.e., libraries, newspapers, television, radio, court records, filings with Federal, State and local bodies; information contained in filings made with the SEC pursuant to law and information from other offices within the Commission.

SEC—96

System name: Seattle Regional Office Master Card Index and Related Regulatory, Investigatory, and Legal Files System (MCI System)—SEC

System location: Seattle Regional Office, 3040 Federal Building, 925 Second Avenue, Seattle, Washington 98174.

Categories of individuals covered by the system: Individuals on whom records are maintained in this system are generally from within the region covered by this office and are from one or more of the following categories:

Actual and prospective purchasers and sellers of securities; registered investment advisers, and associated persons who have been named in any notice, application, estionnaire, report, or other document submitted to the Commission or its staff pursuant to the Federal securities or bankruptcy laws; persons who were or are actual or prospective subjects of investigation in connection with possible violations of Federal securities laws; defendants, respondents or other parties in administrative, civil and criminal proceedings involving the application of Federal securities laws; persons who have communicated with the SEC or its staff concerning any person within one or more of the foregoing categories.

Categories of records in the system: This system contains information about individuals of a type which the regional office considers reasonably necessary to carry out its enforcement and regulatory duties. In addition to an individual's name, documents in the system may reflect detailed information about him concerning one or more of the following matters: his background (including, but not limited to, address, education, occupation, financial conditions, and family relationships); qualifications to engage in one or more activities regulated by the SEC; business relationships; business activities, including specific transactions; possible involvement in conduct violative (in whole, or in part) of Federal, State, or foreign laws and rules pertaining to securities and/or prohibiting any fraudulent conduct; prior violations of any Federal, State, or foreign laws or rules, or the rules of any self-regulatory entity.

Authority for maintenance of the system: Title 15, United States Code, Section 78d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By the SEC staff to prepare, collect and preserve documentary materials related to;

(a) formal investigations and matters under preliminary investigation, except related material preserved in employee work files;

(b) the regulation of specific entities by the Commission, including, but not limited to, copies of communications with or concerning issuers, underwriters, promoters, broker-dealers, investment advisers, and documents filed with the regional office by or on behalf of such entities, except related material in employee work files;

(c) communications with Members of Congress and the public concerning aspects of the Commission's enforcement or regulatory duties;

(d) administrative, civil and criminal proceedings in which the Commission has any interest in the performance of its statutory duties, except Commission litigation releases securities violations bulletins, and related material in employee work files.

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

6. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

7. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

8. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

9. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the

Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in paper form, in file folders and binders.

Retrievability: Records are indexed by name.

Safeguards: Records in system are maintained in filing cabinets to which only authorized regional office personnel have access. The records are maintained in a building that has a 24-hour security gurad.

Retention and disposal: 1. Files for registered broker-dealers and investment advisers are retained during effective period of registration and for approximately one year thereafter, and then such files are sent to headquarters office in Washington, D.C.

2. Files for each unregistered offering of securities made pursuant to the exemptive provisions of Section 3(b) of the Securities Act of 1933 are discarded as waste paper under General Services Administration supervision approximately 12 months after such files appear to be no longer needed for regulation or enforcement purposes, except as to those portions of such files which have been sent to headquarters office in Washington, D.C.

3. Contents of investigative files no longer needed for enforcement purposes are sent to headquarters office or placed in Federal record storage center, depending upon the nature of the materials making up such files, after privately-owned materials have been removed for return to their owners.

4. Legal files are retained permanently by the regional office.

System manager(s) and address: Regional Administrator, Securities and Exchange Commission, 3040 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: The information in this system is obtained from persons fitting the categories described above under "Category of Individual," including where practicable the individuals to whom the records refer, other offices of the Commission, Federal, State, local or foreign governmental agencies and officers, securities self-regulatory entities, organizations and numerous public sources such as published articles, data or other information.

SEC—97

System name: Washington Regional Office Investigatory Files—SEC

System location: Securities and Exchange Commission, 4015 Wilson Blvd., Suite 300, Arlington, Virginia 22203.

Categories of individuals covered by the system: Persons under investigation or otherwise involved in an investigation as witnesses, informants or in other capacities.

Categories of records in the system: Records in this system include business records, books of account, financial statements and affidavits by witnesses, transcripts of investigative testimony.

Authority for maintenance of the system: Title 15, United States Code, Sections 77t(a), 78u(a), 80a-42(a), 80b-9(a); 17 CFR 202.5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

4. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

5. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investiga-

tion of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

10. To respond to inquiries from Members of Congress, the press and the public regarding matters that are within the Commission's jurisdiction.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in original form or on microfilm.

Retrievability: These records are indexed by name of corporation, partnership or other business entity or individual, if appropriate. Cross-reference to individuals is made through the SEC Name-Relationship Index system.

Safeguards: Access to an use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Records are maintained in locked offices.

Retention and disposal: These records are maintained until such time as the investigation and enforcement action, if any, has been concluded. Investigative transcripts, documents that were subpoenaed and other relevant documents are then sent to the Commission's Office of Records; other relevant investigatory materials are maintained in this Office indefinitely. Extraneous materials are discarded.

System manager(s) and address: Regional Administrator, Securities and Exchange Commission, 4015 Wilson Blvd., Arlington, Virginia 22203.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: Information in these files is obtained from the Commission's files, published materials, court papers, records of securities, brokerage firms, banks, utility companies, corporations, and other business entities, Federal, State, local and foreign law enforcement and regulatory agencies, securities self-regulatory organizations and individuals including, where practicable, the individual as to whom the record pertains.

SEC—98

System name: Washington Regional Office and Philadelphia Branch Office, Administrative Proceeding Files—SEC

System location: Securities and Exchange Commission, 4015 Wilson Blvd., Arlington, Virginia 22203; Securities and Exchange Commission, 600 Arch Street, Philadelphia, Pennsylvania 19106.

Categories of individuals covered by the system: Records are maintained with respect to persons who are respondents in administrative proceedings and other persons involved in administrative proceedings including witnesses and attorneys.

Categories of records in the system: Records include orders for proceedings, answers, motions, responses, orders, offers of settlement and other pleadings, transcripts of all hearings and documents introduced as evidence therein, other relevant documents and correspondence relating to proceedings.

Authority for maintenance of the system: Title 15, United States Code, Sections 77h(e), 78o-(b) and the Commission's Rules of Practice.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

2. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or

a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

5. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

9. To respond to inquiries from Members of Congress, the press and the public relating to pending or past administrative proceedings.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed by name of lead respondent. Cross-indexing to individual's name is available through the SEC Name-Relationship Index system.

Safeguards: In the case of public proceedings most of the records are available to the public. In other cases access is limited to authorized personnel who need access to perform their functions. Personnel screening is used to avoid unauthorized disclosures.

Retention and disposal: These records are retained indefinitely.

System manager(s) and address: Regional Administrator, Securities and Exchange Commission, 4015 Wilson Blvd., Suite 300, Arlington, Virginia 22203; Attorney-in-Charge, Securities and Exchange Commission, William J. Green, Jr., Federal Bldg., 600 Arch Street, Philadelphia, Pennsylvania 19106.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: These records are obtained from counsel involved in the administrative proceeding, internal Commission files, and from individuals including, where practicable, the individual as to whom the record pertains.

SEC—99

System name: Washington Regional Office and Philadelphia Branch Office Litigation Files—SEC

System location: Securities and Exchange Commission, 4015 Wilson Blvd., Suite 300, Arlington, Virginia 22203; Securities and Exchange Commission, 600 Arch Street, Room 2204, Philadelphia, Pennsylvania 19106.

Categories of individuals covered by the system: Records are maintained on individuals who are defendants in Commission injunctive actions and other persons involved in such proceedings including witnesses and attorneys.

Categories of records in the system: These records include complaints, motions, afidavits, answers, orders, judgments, and other pleadings and papers filed in connection with the lawsuit; transcripts of hearings and documents introduced as evidence therein, other documents and correspondence relating to the action.

Authority for maintenance of the system: Title 15, United States Code, Sections 77v, 78u(e), 79r(f), 80a-42(e), and 80b-9(e).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information contained in these records may be used as follows:

1. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or regulation or order issued pursuant thereto.

3. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

4. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

5. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

10. To respond to inquiries from Members of Congress, the press or the public that relate to pending or past litigation.

In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)), or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act, 15 U.S.C. 78u(g) or the Commission's rules of practice, 17 CFR 202.1 et seq. or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 202.785-1 et seq., and who assists in the investigation by the Commission of possible violations of Federal securities laws (as defined in section 21(g) of the Securities Exchange At of 1934, 15 U.S.C. 78u(g)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy form or on microfilm.

Retrievability: Records are indexed by name of the lead defendant. Cross-reference to individual is available through the SEC Name-Relationship Index system.

Safeguards: Most of these records are public records. Access to those that are not is limited to authorized individuals whose duties require access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: These records are retained indefinitely.

System manager(s) and address: Regional Administrator, Securities and Exchange Commission, 4015 Wilson Blvd., Suite 300, Arlington, Virginia 22203. Attorney-In-Charge, Securities and Exchange Commission, William J. Green, Jr. Federal Bldg.; 600 Arch Street, Room 2204 Philadelphia, Pennsylvania 19106.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street, N.W., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

Contesting record procedures: See record access procedures above.

Record source categories: These records are obtained from counsel invilved in litigation, internal Commission memoranda and documents, from individuals, including, where practicable, the individuals as to whom the record pertains.

Appendix A

commission's systems of records

¼Federal Register Vol. 40, No. 167, Wednesday, August 27, 1975)

(1) Registration Statements Filed Pursuant to Provisions of the Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940.

(2) Applications for Registration/Exemption under the Securities Exchange Act of 1934, Investment Advisers Act of 1940, and Investment Company Act of 1940.
(3) Notification of Exemption from Registration under the Securities Act of 1933.
(4) Acquisition, Tender Offer, and Solicitation Records Filed under the Securities Exchange Act of 1934.
(5) Ownership Reports and Insider Trading Transaction Records Filed under the securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940.
(6) Periodic Reports Filed under The Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940 and Investment Advisers Act of 1940.
(7) Proposed Sale of Securities Records Filed under the Securities Act of 1933.
(8) Proxy Soliciting Material Filed under the Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940.
(9) Administrative Audit System.
(10) Administrative Law Judge Assignments and Dispositions of Administrative Proceedings.
(11) Administrative and Litigation Release System.
(12) Administrative Proceedings.
(13) Administrative Proceedings Record Cards.
(14) Applications for Relief From Disqualification Filed Under the Securities Act of 1933 and the Commission's Rules of Practice.
(15) Comments on Commission and Securities Self-Regulatory Organization Rules Changes.
(16) Complaint Processing System.
(17) Correspondence Files Pertaining to Registered Broker-Dealers.
(18) Correspondence Files Pertaining to Registered Investment Advisers.
(19) Correspondence Files Pertaining to Registered Investment Companies.
(20) Defendant Index.
(21) Division of Corporate Regulation Bankruptch Act Records.
(22) Division of Corporation Finance Branch Working Files.
(23) Division of Corporation Finance Index for Filings on Schedule 13D and Filings under Regulations A and B.
(24) Division of Enforcement Investigative Working Files.
(25) Division of Enforcement Liaison Working Files.
(26) Division of Enforcement Preliminary Market Surveillance Inquiries.
(27) Division of Investment Management Regulation Correspondence and Memoranda Files.
(28) Employee Photograph File.
(29) Employee Photograph File.
(30) Equal Employment Opportunity Complaints.
(31) Executive/Congressional Personnel Referrals.
(32) Freedom of Information Act Requests.
(33) General Correspondence Files.
(34) Hearings, Proceedings and Studies.
(35) Investigations and Actions Index System.
(36) Investigatory Files.
(37) Investor Service Complaint Index.
(38) Litigation Files (Civil and Criminal).
(39) Mailing Address Labels (MAL).
(40) Manpower Reporting System (MRP).
(41) Minutes Regarding Action Taken by the Commission.
(42) Name-Relationship Index System (MRS).
(43) No-action and Interpretative Letters.
(44) Office of the Chief Accountant Working Files.
(45) Office of General Counsel Work Files.
(46) Office of Opinions and Review Working Files.
(47) Office of Personnel Code of Conduct and Employee Performance Files.
(48) Office of Personnel Employee Listings.
(49) Office of Personnel Employment and Staffing Files.
(50) Office of Personnel Position Classification Files.
(51) Office of Personnel Training Files.
(52) Office of Public Information Records.
(53) Pay and Leave System.
(54) Personnel Security Files.
(55) Public Utility Regulation Branch Files.
(56) Rule 2(e) of the Commission's Rules of Practice—Appearing or Practicing Before the Commission.
(57) SECO Files.
(58) Securities Violations Records and Bulletin.
(59) Staff Transfer and Promotion Records.
(60) Subject File Index.
(61) Atlanta Regional Office General Index of Files.
(62) Atlanta Regional Office Investigative Files.
(63) Boston Regional Office Investigation Index File.
(64) Boston Regional Office Investigative Files.
(65) Chicago Regional Office Index Cards.
(66) Chicago Regional Office Investigative Files.
(67) Cleveland Branch Office Broker-Dealer Files.
(68) Cleveland Branch Office Index Cards.
(69) Cleveland Branch Office Investigatory Files.
(70) Cleveland Branch Office Investment Adviser Files.
(71) Denver Regional Office Investigative Files.
(72) Denver Regional Office Regulation A Control Cards.
(73) Denver Regional Office and Salt Lake Branch Office Cross Reference Index Cards.
(74) Detroit Branch Office Broker-Dealers Files.
(75) Detroit Branch Office Index Cards.
(76) Detroit Branch Office Investigatory Files.
(77) Detroit Branch Office Investment Adviser Files.
(78) Fort Worth Regional Office and Houston Branch Office General Indices.
(79) Fort Worth Regional Office Investigative Files.
(80) Houston Branch Office Investigative Files.
(81) Los Angeles Regional Office Broker-Dealer Files.
(82) Los Angeles Regional Office Investigative Files.
(83) Los Angeles Regional Office Investment Adviser Files.
(84) Miami Branch Office General Index of Files.
(85) Miami Branch Office Investigative Files.
(86) New York Regional Office Index of Complaints.
(87) New York Regional Office Investigative Files.
(88) New York Regional Office Master Card Index.
(89) New York Regional Office Regulation A Work File.
(90) Philadelphia Branch Office Investigative Files.
(91) St. Louis Branch Office, Inquiry, Complaint and General Reference files.
(92) St. Louis Branch Office Investigative Files.
(93) Salt Lake City Branch Office Investigative Files.
(94) San Francisco Branch Office Investigative Files.
(95) San Francisco Branch Office Regulation A Files.
(96) Seattle Regional Office Master Card Index and Related Regulatory, Investigatory, and Legal Files System (MCI System).
(97) Washington Regional Office Investigatory Files.
(98) Washington Regional Office and Philadelphia Branch Office, Administrative Proceedings Files.
(99) Washington Regional Office and Philadelphia Branch Office Litigation Files.

[FR Doc.76-27088 Filed 9-1-76;11:57 am]

federal register

WEDNESDAY, SEPTEMBER 22, 1976



PART VII:

SMALL BUSINESS ADMINISTRATION

■

PRIVACY ACT OF 1974

Systems of Records

SMALL BUSINESS ADMINISTRATION

PRIVACY ACT OF 1974

Annual Notice of Systems of Records

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register at 40 FR 42132 and 41 FR 7601 continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4) as added by section 3 of the Privacy Act of 1974.

Dated: August 25, 1976.

Mitchell P. Kobelinski,
Administrator.

SBA001

System name: Accountable Property File—SBA001

System location: Central Office, Regional Office in San Francisco, Ca., District Offices in Marshall, Tex. and Oklahoma City, Okla., and Branch Offices in Corpus Christi, Tex. and Cincinnati, Ohio.

Categories of individuals covered by the system: SBA Employees.

Categories of records in the system: Listing of items processed by employees which are the property of the Small Business Administration, with each employee's signature verifying possession.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 634(b)(6); 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For Internal Use Only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders or cabinets.

Retrievability: Records are indexed by employee's name.

Safeguards: Access to records is generally limited to Office Services personnel.

Retention and disposal: Records are disposed of 2 years after latest inventory update.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Accountable Officer and employees.

SBA005

System name: Advisory Council File—SBA005

System location: Branch, District, Regional and Central Offices of the Small Business Administration and in Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: Members, past and present, of SBA Advisory Councils. Records are also maintained on those individuals being processed for appointment to the SBA Advisory Councils.

Categories of records in the system: This system of records contains information relating to members of SBA Advisory Councils and includes political party affiliations, ethnic/minority identification, security status, Congressional clearances, recommendations, appointment notices, address lists and occasionally, biographical data and correspondence.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

To disclose information about an Advisory Council member to the general public.
To respond to requests from the National Archives.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders and index cards.

Retrievability: These records are indexed by the Council member or prospective Council member's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are retained for three years and then forwarded to a Federal Records Center. The FRC retains these records for five years and then offers the records for transfer to the National Archives.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office Records
Regional Director for Regional Office Records
Branch Manager for Branch Office Records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Congressional offices, Agency employees, news media, other Advisory Council members, Federal Register.

SBA010

System name: Applicant Representative Files—SBA010

System location: Branch, District, Regional and Central Offices of the SBA. See Appendix A for SBA addresses.

Categories of individuals covered by the system: Individuals who render services in connection with the preparation of SBA loan applications.

Categories of records in the system: This system of records contains information relating to applicant representatives including revocation or suspention of representative privilege, type of service performed, amount of compensation charged borrowers and irregularities or complaints.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the

appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with implementing the statute, or rule, regulation or order issued pursuant thereto.

After final SBA action revoking or suspending the privilege of a representative to appear before the SBA, the relevant records in the system of records may be referred, as a routine use, to other Federal Agencies which deal with the individual as an applicant representative.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders and in index cards.

Retrievability: These records are indexed by representative name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: The system of records is retained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Loan applicants and applications, Agency employees, third party informants, and individual to whom record pertains.

SBA015

System name: Appraisers List—SBA015

System location: District and Branch Offices of the Small Business Administration. See Appendix A for addresses.

Categories of individuals covered by the system: Individual appraisers.

Categories of records in the system: This system of records contains information relating to individual appraisers including qualifications, correspondence and, occasionally, notes on performance.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634 (b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders and on index cards.

Retrievability: Records are indexed by appraiser's name.

Safeguards: Access to and use of these records are limited to those officials whose duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: District Directors, and Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, or his agent, Agency employees, National Association of Real Estate Appraisers, and published lists of local and regional appraisers.

SBA020

System name: Auctioneers List—SBA020

System location: District and Regional Offices of SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Individuals who are auctioneers.

Categories of records in the system: This system of records contains information relating to auctioneers who are interested in conducting sales on behalf of SBA, including categories of property and geographic areas in which the individual auctioneer is qualified and bonded.

Authority for maintenance of the system: U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders and on index cards.

Retrievability: These records are indexed by auctioneer's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, or his agent, General Services Administration, Loan Files.

SBA025

System name: Audit Reports—SBA025

System location: The Central Office of the Small Business Administration and Federal Record Centers. In some cases, copies are maintained in the District and Branch Offices where the loan was processed. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains detailed investigations of home disaster loan recioients' use of SBA funds. These records also include related correspondence.

Such audits are rarely undertaken unless large sums of money are involved.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records to the extent that the information is relevant and necessary to the IRS' function.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by recipient name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are maintained by SBA for two years after the loan has become inactive and are then transferred to an FRC where they are maintained for five years and then destroyed.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Financial institution reports and records, Agency investigation, individual to whom record pertains.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(2), all investigatory material in the record compiled for law enforcement purposes is exempt from the notification, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the Agency regulations. This exemption is necessary in order to accomplish the purpose of the Agency in preventing abuse of loan proceeds by recipients, as well as enforcing Agency rules and regulations (pursuant to 15 U.S.C. 634(b)(6) and 15 U.S.C. 645(a)), and preventing subjects of investigations from frustrating the investigatory process.

SBA030

System name: Automated Personnel History—SBA030

System location: SBA Central Office. See Appendix A for address.

Categories of individuals covered by the system: All SBA employees.

Categories of records in the system: Current status of all SBA employees including all data pertinent to that status. This system includes name, Social Security number, grade and salary title, organization, education, veterans preference, competitive level, date of birth, handicap code, health benefits, etc. This system includes all personnel actions affecting active SBA employees since May 1972, and also those of separated employees since that date.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A number of records in this system are sent as a required report to the Civil Service Commission. The General Accounting Office is also given information from this system for audit purposes.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: This system of records is maintained on magnetic tape.

Retrievability: Records in this system can be retrieved by the employee's name or Social Security number.

Safeguards: Physical Security - authorized personnel only.

Retention and disposal: These records form a permanent data bank for the Office of Personnel and are retained indefinitely.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: SF 171 and any other forms an employee completes when coming on-board; Personnel actions as recorded on SBA Form 52; Requests for personnel actions; Mass Change Formats; and Award Keypunch Formats.

SBA035

System name: Bankruptcy Filings in South Carolina—SBA035

System location: Columbia District Office of the Small Business Administration. See Appendix A for address.

Categories of individuals covered by the system: Individuals in South Carolina who have filed for bankruptcy.

Categories of records in the system: This system of records, a list, enables Agency officials to identify borrowers and/or guarantors who have declared bankruptcy.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in a file folder.

Retrievability: Records are indexed by individual's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employeed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: District Director. See Appendix A for address.

Notification procedure: An indiviudal may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director for Columbia District Office. The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertain-

ing to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: List compiled by Bankruptcy Court.

SBA040

System name: Boards of Survey—SBA040

System location: Central Office, Regional Offices, District Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees and other individuals who have been involved in accidents with government vehicles, or other incidents of loss or damage to government property.

Categories of records in the system: This system includes the report and supporting material compiled by the Board of Survey in reviewing cases involving loss or damage to government property. These may be claims by or against the government. Cases involving up to

5000 can be handled in the Regional Offices. Cases involving more than

5000 must be referred to the Central Office Board of Survey.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 29 U.S.C. 651-78.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the event that a suit is initiated in a court, these records would be referred to the Justice Department and General Services Administration for handling. The records would also be given to the parties in litigation with the Agency and to the court, if necessary in the case.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Files are indexed by the name of SBA employees or other individuals involved in the case.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
These addresses are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the paragraph above, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individuals involved in the case, witnesses, Agency investigation.

SBA045

System name: Borrower Insurance Files—SBA045

System location: The following District and Branch Offices maintain this system of records: Boise District Office, Casper District Office, Corpus Christi Branch Office, Honolulu District Office, Marshall District Office, New Orleans District Office, Pittsburgh District Office, Salt Lake City District Office and San Antonio District Office. All other District and Branch Offices maintain this information in the Loan Case File. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains information relating to a Disaster Home Loan recipient's hazard insurance and Federal Flood Insurance, wherever applicable. These records include a copy of the insurance policy, a history of premium payments and related correspondence.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be disclosed in correspondence with a recipient's insurance company as to the status of his policy.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders and index cards.

Retrievability: These records are indexed by recipient name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are destroyed when the loan becomes inactive.

System manager(s) and address: District Directors, and Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information in the system should direct their requests to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, insurance companies, Housing and Urban Development—Farmers Home Administration.

SBA050

System name: Career Counseling Files—SBA050

System location: San Francisco Regional Office, San Francisco District Office. See addresses in Appendix A.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: This record system includes notes and forms completed during interviews between employees and supervisors regarding career goals and programs.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by employee name within each division of the office.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are retained for a period of time set by agreement between supervisor and employee.

System manager(s) and address: Regional Director, District Director. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Interview between employee and supervisor.

SBA055

System name: Chamber of Commerce Members—SBA055

System location: Kansas City Regional Office. See Appendix A for address.

Categories of individuals covered by the system: Chamber of Commerce members.

Categories of records in the system: This system of records contains information relating to individual members of Chambers of Commerce who are available as needed as spokesmen for SBA. The records include a summary of the individual's relationship with SBA.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained on index cards.

Retrievability: These records are indexed by individual's name and geographical area.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are kept indefinitely, but updated every two years.

System manager(s) and address: Regional Director. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request to the Regional Director at Kansas City.

The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so . advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the paragraph above, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency employees.

SBA060

System name: Collateral—SBA060

System location: District and Branch Offices of the SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains negotiable collateral assigned to the SBA in connection with the award of a disaster home loan. Included in these records are registers of negotiable collateral assigned to SBA, trust receipts, bonds, certificates, mortgages, notes, titles, insurance policies, and agreements of extending deeds of trust.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

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:

In the event a system of records maintained by this Agency to carry out its function 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 or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service in response to its request with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

To request information from a Federal, State, or local agency or a private title search agency to determine an applicant's suitability for a loan.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course or settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, index cards, safety deposit boxes and insulated combination safes.

Retrievability: These records are indexed by recipient name and/or loan number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are retained until an individual's loan is paid-in-full or charged-off, then disposed.

System manager(s) and address: District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system conatins a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency employees, bank correspondence, State officials, title search companies.

SBA065

System name: Collection Files—SBA065

System location: District, Branch and Central Offices of Small Business Administration and in the Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains information relating to SBA collection activities in connection with Disaster Home Loans from the time of the initial disbursement until the loan is either paid-in-full or put in liquidation status. These records include:

SBA Form 573—"Cash Collateral and Abeyance Item Register"
SBA Form 230—"Receipt for Payment"

SBA Form 368—"Collectionsy—Disaster Deferred Participation Loans Purchased."
Default Vouchers
Various documents relating to the receipt and disposition of money remitted, issuances of past due notices and other related material.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

In the event court action arises from loan collection activities, a record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or counsel in the course or settlement negotiations.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained on microfilm, magnetic tape, file folders, receipt books, ledgers, and insulated combination safes.

Retrievability: These records are indexed by recipient name as well as a cross-referenced loan number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records located in District and Branch Offices are retained for two years after the loan is paid or charged-off and then forwarded to a Federal Records Center where they are destroyed after two years. Records located in the Central Office are retained no more than two years and then either forwarded to a Federal Records Center for four years or sold for salvage.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency employees, Banks, and Loan Case File.

SBA070

System name: Combined Federal Campaign—SBA070

System location: SBA Regional Offices in Kansas City, Mo., Boston, Mass., and Chicago, Ill. SBA District Offices in Columbus and Cleveland, Ohio. For the addresses of these offices, see Appendix A.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: This system contains a list of participants and their contributions. A copy of pledge cards, names and addresses of personnel connected with the Combined Federal Campaign, code of charities to which donations were made.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Names and addresses of those employees who are connected with the planning and accomplishments of the fund-raising drive are sometimes released to the media.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders or binders, which are usually stored in file cabinets.

Retrievability: Records are indexed by name, within each fiscal year.

Safeguards: Records used by authorized persons only, on a need to know basis.

Retention and disposal: There is no official disposal schedule for these records, they are kept indefinitely.

System manager(s) and address: Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employee on whom the record is maintained.

SBA075

System name: Commercial Toll Calls—SBA075

System location: Portland, Oregon District Office, and Cleveland, Ohio District Office. See Appendix A for addresses. Other offices may keep information on toll calls, but it is only indexed by date.

Categories of individuals covered by the system: SBA employees who have made commercial toll telephone calls.

Categories of records in the system: Copies of SBA Form 485A, "Commercial Telephone Toll Tickets."

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used in communicating with the General Services Administration, or the telephone company regarding telephone bills.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: In the offices listed above, these records are indexed by the name of the employee making a commercial toll call.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: Records are retained until an audit or until the information otherwise becomes outdated.

System manager(s) and address: District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director. The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: SBA employees, telephone company, General Services Administration.

SBA080

System name: Completion Certificate Control Lists—SBA080

System location: Central Office, District and Branch Offices of the SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains information relating to SBA Form 1018, "Completion Certificate on SBA Disaster Loans." Each disaster loan recipient is required to execute this form when all loan proceeds have been expended. The system of records contains this form along with borrower reminders, past due listings, and verification reports.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained on magnetic tape, file folders, binders and index cards.

Retrievability: These records are indexed by recipient name as well as a cross-referenced loan number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency personnel, Loan Case File.

SBA085

System name: Congressional Hearing Files—SBA085

System location: Central Office of the SBA. See Appendix A for the address.

Categories of individuals covered by the system: SBA employees, as well as applicants for, and recipients of, SBA assistance.

Categories of records in the system: This system of records contains information about individuals in connection with preparation for and attendance at Congressional hearings. These records include data concerning program activities and personnel problems, intra-agency correspondence, investigations and Justice Department reports.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

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:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation, or charged with enforcing or implementing the statute, or rule, regulation or order, issued pursuant thereto.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders.

Retrievability: Parts of these records are indexed by an individual's name, and to that extent, are retrievable.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Privacy Act Officer. See Appendix A for the address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency employees, Agency files, Justice Department.

SBA090

System name: Delinquent Loans—SBA090

System location: District and Branch Offices of the Small Business Administration and Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: Recipients of disaster home loans whose loans have been classified as delinquent.

Categories of records in the system: This system of records contains information relative to delinquent disaster home loans. These records consist of monthly printouts of loans 30, 45, and 60 days past due and SBA Forms 1004A and 1004B, the collection notices and records on past due accounts. Included in these records are the number, amount and dates of delinquent payments, the amount of the loan, related correspondence and remarks by the Service Loan Officer.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders and binders.

Retrievability: These records are indexed by the name of the recipient.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The monthly listings are retained for up to one year and then destroyed. The 1004A and 1004B forms are transferred to the loan case file or an FRC if the loan becomes current. If the loan remains past due, these records are transferred to liquidation and retained until the loan is charged-off or paid-in-full and then forwarded to an FRC. Records maintained by a Federal Records Center are destroyed after four years.

System manager(s) and address: District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire at to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her. The District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Agency Collection Activities Branch, individual to whom record pertains, agency personnel.

SBA095

System name: Designations of Cashiers—SBA095

System location: Lubbock District Office at address listed in Appendix A.

Categories of individuals covered by the system: SBA employees in office who have been bonded to serve as cashiers.

Categories of records in the system: This record includes request for and designation of cashiers (SF 211 and 1195), who are required to be bonded for the handling of imprest funds and treasury checks.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is referred to the Treasury Department for bonding.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by the name of the employees designated as cashiers.

Safeguards: Records are kept in a file cabinet.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: District Director, Lubbock, Texas. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director. The address is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual on whom record is maintained.

SBA100

System name: Disaster Relief Act Printout—SBA100

System location: Corpus Christi Branch Office of the SBA. See Appendix A for address.

Categories of individuals covered by the system: Recipients of Disaster Home Loans in the Corpus Christi area.

Categories of records in the system: This Computer Printout lists the name and address of borrowers to whom the "forgiveness" provision of the Disaster Relief Act applies.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in a file folder.

Retrievability: Records are indexed by recipient name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Indefinite retention.

System manager(s) and address: Branch Manager. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Branch Manager for Branch Office records
The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency employees.

SBA105

System name: Disbursements—SBA105

System location: Central, District and Branch Offices of the SBA and Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: Recipients of disaster home loans.

Categories of records in the system: This system of records contains information relating to loan disbursement activities. These records consist of detailed listings of disbursements, SBA Form 191-checks requested, SBA Form 192-checks issued on loan closing and treasury check registers. The information includes amount of the loan, schedule of payments, actual disbursement calendars and overpayments made.

Authority for maintenance of the system: U.S.C. 301; 15 U.S.C. 634(b)(6); 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used;

To provide information to the public when disclosures are warranted.
In communicating with the Treasury Department on disbursement activities.
To provide data to the General Accounting Office for periodic reviews of this Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, register books, and index cards.

Retrievability: These records are indexed by recipient name and loan number as well as a cross-referenced check control number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The Central Office maintains these records for three years following the end of the fiscal year whereas the District and Branch Offices maintain the system either for two years or indefinitely. The records are then transferred to an FRC which disposes of them under GAO standards.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office Records
District Director for District Office Records
Branch Manager for Branch Office Records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: The individual to whom the record pertains, Treasury Department, Agency personnel, and Loan Case File.

SBA110

System name: EEO Pre-Complaint Counseling—SBA110

System location: Central Office, Regional Offices, District Offices and Branch Offices. For addresses see Appendix A.

Categories of individuals covered by the system: SBA employees who have requested counseling regarding discrimination in employment.

Categories of records in the system: File on each counseling case, compiled by Equal Employment Opportunity Counselor in each office. File may include statements made by the employee being counseled and other persons interviewed, record of attempts to resolve the problem, and EEO Counselor's Report. If a formal complaint is filed after counseling, the EEO Counselor's Report becomes part of the EEO Complaint case.

Authority for maintenance of the system: 5 C.F.R. 713, 13 C.F.R. 105.735-5-4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used to report counseling activity to the Civil Service Commission, but such reports do not name the individuals who received counseling.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Files are kept in file folders.

Retrievability: Records are indexed by the name of the person requesting counseling.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: Some offices dispose of records after the problem is resolved. Others retain the records for a period of years or indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, and Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Person requesting counseling, other employees, EEO Counselor, and Personnel and employment records.

SBA115

System name: EEO Complaint Cases—SBA115

System location: Central Office. For address see Appendix A.

Categories of individuals covered by the system: SBA employees who have filed a complaint regarding discrimination in employment.

Categories of records in the system: Files on each complaint case, compiled by the Office of Equal Employment Opportunity. File may include statements made by the complainant and other persons interviewed, EEO Counselor's Report, other information developed in the investigation of a complaint, notes of attemots to resolve the complaint, report of a hearing, Hearing Examiner's Recommendations, and Agency action on the case. Files also include closed cases.

Authority for maintenance of the system: 5 C.F.R. 713, 13 C.F.R. 105.735-5-4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records are used to report complaints to the Civil Service Commission.
In the event that a complaint results in a hearing, records in this system will be used in preparing and presenting the case before a Complaints Examiner designated by the Civil Service Commission.
In the event that a complaint is appealed to the Civil Service Commission, these records will be used by the Appeals Review Board in making a decision on the case.
In the event that a complaint results in a suit in a Federal court, these records will be referred to the Department of Justice and used by that Department to prepare and present the case in court.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Files are maintained in file folders.

Retrievability: Records are indexed by the name of the person filing a complaint.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are kept indefinitely.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer, Central Office, at the address listed in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Complainant, Witnesses, Hearing transcript, Complaints Examiner's Recommendations, Agency investigation, Personnel and Employment records.

SBA120

System name: Employee Awards—SBA120

System location: This system is maintained by most SBA Regional and District Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees nominated for and/or receiving awards.

Categories of records in the system: Narratives on each individual nominated for Civil Servant of the Year, SBA Honor Award nominees, Federal Women's Award nominees, recommendations of supervisors and other supporting documentation submitted to awards boards.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: List of nominees for the Federal Women's Award are sent to the Civil Service Commission for consideration.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are kept in file folders which are usually stored in file cabinets.

Retrievability: Records are indexed by name of employee or title of award.

Safeguards: Personnel screening information released to authorized persons only.

Retention and disposal: These records are retained for a period varying from three to five years, then disposed of.

System manager(s) and address: Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employees, official Personnel folders, supervisors, Civil Service Commission, Department of Labor, other agencies and organizations.

SBA125

System name: Employee Biographical Files—SBA125

System location: Central Office, Regional Offices, District Offices, El Paso Branch Office. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: Records include biographical data such as date of birth, employment history, education, photographs, news clippings and record of public appearances in an official capacity. These files do not necessarily contain information on all SBA employees.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records will be released to news media, other Government agencies, and private groups and organizations for publicity purposes.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by the name of the employee.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Most offices retain the records as long as the person is employed by SBA.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Manager. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual on whom record is maintained, Agency personnel records and memoranda, news media.

SBA130

System name: Employee Bond Participation Files—SBA130

System location: Central Office, Regional and District Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees who purchase U.S. Savings Bonds through payroll deduction.

Categories of records in the system: This record includes the name of an employee purchasing Savings Bonds, address, Social Security number, amount of deduction, bond denomination, names of co-owners or beneficiaries, correspondence and other information relating to bonds.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system are referred to the Treasury Department for the purchase of bonds.
These records are reviewed by the General Accounting Office in the course of an audit of the Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in journals or file folders.

Retrievability: Records are indexed by employee name or Social Security number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Perosnnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Central Office Files are disposed of after three years or a GAO audit. Other files are kept indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, and District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their

request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employee Savings Bond Form (SBA 1042), Payroll Master File.

SBA135

System name: Employee Counseling Program—SBA135

System location: SBA Central Office; Denver Regional Office; Boston Regional Office; Wichita, KS District Office. See Appendix A for addresses.

Categories of individuals covered by the system: Employees who have requested counseling for personal problems and employees designated as counselors.

Categories of records in the system: Case history documentation relative to problems. Counseling data. Referrals for assistance. Health benefit, compensation or disability processing assistance. Names of employees designated as Employee Counseling Program councelors.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Employee Counseling Program records may be used to contact a doctor or other form of assistance for the employee being counseled.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are stored in locked file cabinets or in the desk of the Employee Counseling Program counselor.

Retrievability: Records are indexed either by the name of the counselor or the employee being counseled.

Safeguards: Records are released to authorized personnel only, on a need to know basis.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: SBA employees and their supervisors.

SBA140

System name: Employee Evaluation and Supervision Files—SBA140

System location: Central Office, Regional Offices, District Offices, Branch Offices. For addresses see Appendix A.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: This record contains Annual Performance Ratings, informal incident files on job activities, and other informal information relating to job performance, kept by supervisors.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by employee name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: Retention varies from one year to indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director, or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Supervisors; Observation, conversation, interviews with employees; Agency Personnel records.

SBA145

System name: Employee Identification Card Files—SBA145

System location: Central Office, Regional Offices, District Offices, Branch Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: These files contain names of employees and the identification card numbers issued to them.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders or card files.

Retrievability: Records are indexed by employee name or identification card number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: Records are retained until employee terminates service with SBA, or indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director, or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual on whom record is maintained, Agency Personnel records.

SBA150

System name: Employee Suggestions—SBA150

System location: Central Office, Regional Offices, Anchorage District Office, Cleveland District Office, Des Moines District Office. For addresses see Appendix A.

Categories of individuals covered by the system: SBA employees who have filed suggestions.

Categories of records in the system: Records include a copy of the suggestion, and information relating to the disposition made of the suggestion.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records kept in file folders.

Retrievability: Records in the offices listed above are indexed by the name of the person making the suggestion. Suggestion files in other offices are retrievable by date.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Files are kept indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employee who filed suggestion, Agency personnel who review suggestions.

SBA155

System name: Employment Applications—SBA155

System location: Maintained by individual divisions of the SBA Central, Regional, District, and Branch Offices. See Appendix A for addresses of these offices.

Categories of individuals covered by the system: Applicants for permanent, part-time, and temporary employment with the SBA.

Categories of records in the system: This system of records contains letters of introduction, resumes, personal qualifications statements, referrals, references, pre-employment inquiries, job interview records, Civil Service Commission ratings and lists of eligibles.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 634(b)(6); 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The resumes, etc. of those applicants seeking referral assistance are sometimes forwarded to other Federal agencies for possible employment.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are usually stored in folders within file cabinets.

Retrievability: Records are indexed by applicant's name.

Safeguards: Information released only to authorized personnel on a need to know basis.

Retention and disposal: File disposed of after two years.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Applicant to whom the file pertains, Civil Service Commission, and persons who furnish references for applicant.

SBA160

System name: Exit Interviews—SBA160

System location: SBA Regional Offices in Denver, Colorado and in San Francisco, California. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees who resigned.

Categories of records in the system: A written record of interviews conducted by the Personnel Office to determine why an employee resigned.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained for internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: The records in this system are stored in file cabinets.

Retrievability: These records are retrieved by the name of the employee.

Safeguards: Records are released to authorized Agency personnel only.

Retention and disposal: These records are maintained indefinitely.

System manager(s) and address: Regional Directors in Denver and San Francisco. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the appropriate Regional Director in either Denver or San Francisco. The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Interviews with employees and supervisors.

SBA170

System name: Finance & Investment Career Program—SBA170

System location: Central Office. Regional Offices. District Offices in Hartford, Connecticut; Lubbock, Texas; Seattle, Washington. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees who have applied for or enrolled in the F & I Career Program.

Categories of records in the system: This system of records includes application forms, appraisals of the employee's performance and potential, training plans, record of an employee's activities in the program, and correspondence relating to the individual and the program.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records may be used in communicating with a Union which represents SBA employees, in regard to the Career Program.

Information in these records may be communicated to the Civil Service Commission whenever necessary to implement a Personnel action.

These records may be examined by the General Accounting Office or the Civil Service Commission in the course of a review of the Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders or binders.

Retrievability: Records are indexed by employee name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are kept indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employees, Supervisors, Agency Personnel records.

SBA180

System name: Government Drivers' Licenses and Use of Vehicles—SBA180

System location: Regional, District and Branch Offices of the SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Employees authorized to use government vehicles.

Categories of records in the system: This system of records contains information relating to use of government vehicles. Records include SBA Form 607, "Car Authorizations," applications for government driver's license, accident reports, physical fitness statements and operator's identification card.

Authority for maintenance of the system: 40 U.S.C. 471.

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 supply the General Services Administration and the General Accounting Office with information necessary and relevant to the Agencies' functions.

To request information from State and local police departments to determine an employee's eligibility for a government license.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course or settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders and index cards.

Retrievability: Records are indexed by employee name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, witnesses to accidents, police records, personnel involved in accidents.

SBA185

System name: Grievances and Personnel Practices Appeals—SBA185

System location: Central Office, Regional Offices, or District Offices where grievances or personnel practices appeals have been filed.

Categories of individuals covered by the system: SBA employees who have filed grievances under Union grievances procedures or Personnel Practices Appeals Procedures.

Categories of records in the system: This system includes correspondence, supporting documents, transcripts of hearings, information developed in investigating a grievance or appeal, and other information related to the processing of the grievance or appeal. These cases may be processed under a Union grievance procedure, or procedures established by the Agency pursuant to the Administrator's memorandum of December 9, 1974, to ensure that merit principles and personnel laws and regulations are carried out, where other procedures are not applicable.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C 3101, Collective Bargaining Agreements with Unions which

represent SBA employees, SBA Administrator's memorandum of December 9a 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records may be communicated to the Union pursuant to the grievance procedure.

These records may be reviewed by the Civil Service Commission or used in reporting to the Civil Service Commission on labor-management relations activity.

Records may be disclosed to a Hearings Examiner from outside the Agency, purusant to established procedures.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name of the employee filing the grievance or appeal.

Safeguards: Access to and use of these records are limited to those persons whose offical duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual who files grievance or appeal, other employees, Union, Personnel and employment records.

SBA190

System name: Hurricane Agnes Disaster Files—SBA190

System location: Philadelphia Regional Office, Harrisburg Branch Office and Wilkes-Barre Branch Office of SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients and applicants of SBA Disaster Home Loans, recipients of Pennsylvania State grants.

Categories of records in the system: This system of records contains information relating to loans applied for and/or issued during the Hurricane Agnes disaster of June 1972. These records include:

Detailed analysis of every SBA disaster loan over 50,000 approved in the Philadelphia Region during the Hurricane Agnes disaster of June 1972,

List of individuals receiving State grants,

List of Mobile Home Loans fully forgiven,

List of borrowers scheduled for liquidation and other information needed to determine eligibility of a borrower for additional funds,

Active disaster accounts containing U.S. Court Order for Restitution for misuse of loan proceeds.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

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:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To request information from a Federal, State, or local agency maintaining civil, criminal or other information relevant to determining an applicant's suitability for a loan.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are indexed by recipient's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Regional Director, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Loan Case Files, Department of Community Affairs (State of Pa.), United States Probation Officer, United States Clerk of Courts, Agency employees.

SBA195

System name: Inquiries and Correspondence—SBA195

System location: Central, District and Branch Offices of the SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Individuals who have inquired of, or corresponded with, the Small Business Administration, or have been the subject of such inquiry.

Categories of records in the system: This system of records contains information relating to correspondence and inquiries which are filed by the inquiror's name, and are not filed chronologically. Included in these records are inquiries from members of Congress, borrowers and applicants, and interested members of the public and news media. Also included in this system is information relating to Disaster Home Loan borrowers and applicants, and SBA employees who have been the subject of an inquiry, where such information is filed by the individual's name and not chronologically.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

To provide information to the public on an approved loan. Such information is limited to the name and address of the recipient, term and rate of the loan and the apportioned amount of the loan for real or personal property loss.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation, or charged with enforcing or

implementing the statute or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of the Agency.

To provide information or disclose to State and Federal agencies, in response to their requests, in connection with the issuance of a grant, loan, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, on magnetic tape, and index cards.

Retrievability: These records are indexed by individual's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are retained for no more than three years and then disposed of.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency personnel, case files, Congressional correpondence, General Accounting Office.

SBA 205

System name: Legal Work Files on Personnel Problems—SBA205

System location: SBA Central See Appendix A for address.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: These work files include opinions, advice, transcripts, witness statements, etc. maintained by the General Counsel's Office on personnel cases.

Authority for maintenance of the system: 15 U.S.C. 634(b)(6); 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records kept in file folders which are stored in file cabinets.

Retrievability: Records indexed by employee's name.

Safeguards: Access limited to those employees in General Counsel's Office involved in these cases.

Retention and disposal: These work files are kept indefinitely.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer.

The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Office of Personnel, Third party witnesses.

SBA210

System name: Lessees of Federally Owned Land on Rivers in Illinois—SBA210

System location: Springfield, Illinois Branch Office. See Appendix A for address.

Categories of individuals covered by the system: Leesees of Federally owned land on rivers in Illinois.

Categories of records in the system: This system of records contains information as to whether these individuals did or did not obtain SBA loans during the 1973 Federally declared flood disaster.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in a file folder.

Retrievability: These records are indexed by lessee name as well as a cross-referenced lot number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

System manager(s) and address: Branch Manager. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Branch Manager in Springfield, Ill.

The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Department of the Army, Corps of Engineers.

SBA220

System name: Litigation and Claims File—SBA220

System location: Central Office, Regional, District and Branch Offices, and Federal Records Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: All Disaster Home Loan recipients and other individuals who are parties to lawsuits or claims involving the SBA.

Categories of records in the system: This system of records contains information relating to recipients who have been classified as "in litigation" and all individuals involved in claims asserted by or against the Agency. These records include, wherever applicable: affidavits, briefs, pleadings, depositions and interrogatories, summaries of loan status with entries of progress of litigation, opinions, copies of Departement of Justice papers concerning loan cases in litigation, summary foreclosures, chattel lien searches, requests and answers under disclosure of information, modifications of loan terms and conditions, recipients' attorneys' names, amount of liability, narrative report of actual and contingent liabilities and related correspondence.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation, or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course or settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders and index cards.

Retrievability: These records are indexed by the name of recipient and claimant.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The litigation records are maintained by the Central Records Section for one year after the litigation action has been completed and marked "closed". At that time some records may be transferred to the Loan Case File while the remainder are destroyed. Records of claims and Disclosures of Information are maintained indefinitely and Actual and Contingent Liabilities Reports are maintained until the case is resolved, then forwarded to a Federal Records Center which disposes of them according to a GSA schedule.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Officer records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to those records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency personnel, Department of Justice, interviews and correspondence with individuals outside of the Agency, bankruptcy notices, court records, title companies, and Loan Case Files.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the Agency regulations. This exemption is necessary in order for the Agency legal staff to properly perform its functions.

SBA225

System name: Loan Accounting—SBA225

System location: Central Office of the SBA. See Appendix A for address.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records lists information necessary for proper accounting of Disaster Home Loans. Included in these records are transaction registers, listings of stop actions and manual freezes, listing of assets and liabilities, and listings of outstanding items in suspense.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders and binders.

Retrievability: Records are indexed by loan number.

Safeguards: Access to and use of these records are limited to Accounting Operations Division personnel. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency employees, Loan Case File.

SBA230

System name: Loan Activity Reports—SBA230

System location: District, Branch and Regional Offices of the Small Business Administration. For addresses, see Appendix A.

Categories of individuals covered by the system: Applicants for and recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains information relating to a Disaster Home Loan. Included in this system are lists of loan approvals, lists of loans declined, lists of loans cancelled, lists of bank officers, SCORE/ACE volunteers and Advisory Council members receiving loan approval lists, lists of loans in servicing, lists of loans pending, lists of borrowers' Federal tax status, lists of undisbursed approved loans, lists of loans maturing, and lists of disbursed loans. Lists of approved loans contain information relating to the amount of a loan, the term and rate.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Loan activity reports are for internal use, with the exception of loan approval lists. Information contained in a loan approval list may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

To provide information to the public on an approved loan. Such information is limited to the name and address of the recipient, term and rate of the loan and the apportioned amount of the loan for real or personal property loss.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders and index cards.

Retrievability: Records are indexed by applicant and recipient name as well as, for approved loans, the loan number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening in employed to prevent unauthorized disclosure.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency employees, Loan Case File, and Loan Master Files.

SBA235

System name: Loan Case File—SBA235

System location: All District and Branch Offices and some Regional Offices of the Small Business Administration and in Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: Applicants and recipients of disaster home loans.

Categories of records in the system: This system of records contains information relating to an individual who has applied for, or is receiving a disaster home loan from the time of the individual's application until the date of payment in full or charge-off if approved; or until the date of an official denial if declined. These records include:

Loan applications and supporting documents
Personal history and financial statements
Credit information
Investigative reports
Appraisers' reports
Correspondence and recommendations of responsible SBA official including approval authorizations
Disbursement amount, term and rate
History of repayments
Collateral and UCC filings
Collection and liquidation activities
Related correspondence
Settlements and compromises
Participating banks

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

To provide information to the public on an approved loan. Such information is limited to the name and address of the recipient, term and rate of the loan, and the apportioned amount of the loan for real or personal property loss.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To request information from a Federal, State or local agency or a private credit agency maintaining civil, criminal or other information relevant to determining an applicant's suitability for a loan.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide information or disclose to State and Federal agencies, in response to their requests, in connection with the issuance of a grant, loan, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceedings or in settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by applicant and recipient name as well as a cross-referenced loan number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records on approved loans are retained for two years after the loan is paid or charged-off and then forwarded to a Federal Records Center where they are destroyed four years later. Records on withdrawn, declined or cancelled applications are retained for two years after notification of final action and are then destroyed.

System manager(s) and address: Regional Directors, District Directors and Branch Mnagers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency employees, financial institution reports, law enforcement agencies, and Federal Disaster Assistance Administration.

SBA240

System name: Loan Closings—SBA240

System location: District and Branch Offices of the SBA. See Appendix A for address.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records lists closing information relating to Disaster Home Loans. Included in these records are closing reports, disbursement status of loan account, expiration of disbursement periods, and other records of disbursement.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by recipient name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Files are retained indefinitely.

System manager(s) and address: District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency employees, Loan Case File.

SBA245

System name: Loans in Liquidation, Charged-Off or Paid-in-Full—SBA245

System location: Central Office, District and Branch Offices of the SBA and Federal Records Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains information relating to Disaster Home Loans that have been placed in liquidation status or have been charged-off. These records include information on finances of borrowers, disposition of collateral, how recoveries are applied, comments relative to liquidation status, and date of final charge-off.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

In the event court action arises from loan collection activities, a record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course or settlement negotiations.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, index cards, and magnetic tape.

Retrievability: These records are indexed by recipient name as well as a cross-referenced loan number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records on a loan in liquidation are retained by the SBA for three years after the case is closed. Except for those cases on which subsequent collection efforts have been made within three years from the date of closing, the records are then transferred to a Federal Records Center, which will dispose of the records after four years.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency employees, financial institution reports, creditors of the individual, auctioneers, U.S. Attorney, SBA Collateral File, SBA Loan Case File.

SBA250

System name: Loan Master Files—SBA250

System location: Central Office of Small Business Administration. See Appendix A for the address.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains information relating to an individual who has received an SBA Disaster Home Loan. Included in these records are: approval, disbursement, delinquency and bank participation data, modifications of loans, litigation data, and minority code.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

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 record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceedings or in settlement negotiations.

In the event that a system of records maintained by this agency to carry out its funciton indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To provide information or disclose to State and Federal agencies, in response to their requests, in connection with the issuance of a grant, loan or benefit by the requesting agency, or in connection with a review or audit by the other agency. Disclosure will be made only to the extent that the information is relevant and necessary to the requesting agencies' functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained on microfilm, magnetic tape, magnetic disc, and in file cabinets.

Retrievability: These records are indexed by loan number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Files are maintained indefinitely.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Loan Case File, individual to whom record pertains, Agency employees.

SBA255

System name: Management Assistance Resource Files—SBA255

System location: Central Office, Regional Offices, District Offices, and Branch Offices of the SBA. See Appendix A for addresses.

Categories of individuals covered by the system: SCORE/ACE volunteers, persons who borrow Management Assistance training materials, Small Business Institute coordinators, and other individuals who are potential speakers, counselors or authors and reviewers for Management Assistance.

Categories of records in the system: This system of records contains information relating to individuals listed in the above paragraph. These records include biographical sketches of volunteers, correspondence, copies of travel vouchers, files of accomplishments, copies of counseling reports, occasional evaluations of individual volunteers, publications authored, news releases and clippings.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

To provide SCORE/ACE volunteers with information about an individual SCORE or ACE volunteer.

To provide university coordinators with information about potential speakers at management training sessions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders, and index cards.

Safeguards: Access to and use of these records are limited to those Agency personnel and volunteers whose duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained, in the case of SCORE volunteers, for three years either after a volunteer withdraws or has his name removed from active participation, and are then destroyed. For all others, files are retained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency employees, members of SCORE or ACE, news media, educators and universities, professional organizations, civic organizations.

SBA260

System name: Minority Groups—SBA260

System location: Central Office and the District Offices in New Orleans, Sioux Falls and San Diego. See Appendix A for the addresses.

Categories of individuals covered by the system: Officers and members of minority organizations and minority government and civic leaders.

Categories of records in the system: This system of records contains information on individual's affiliated with various minority activities. Included within this system are membership lists of:

Indian tribes in South Dakota, the Mexican-American Federation of San Diego County, the Union of Pan Asian Communities of San Diego County, Black Mayors of Louisiana and other community organizations. The information in this system includes:

Addresses, telephone numbers, news clippings, position in the organization, investigative materials where applicable and related correspondence.

Authority for maintenance of the system: 5 U.S.C. 301 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by individual member name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are retained indefinitely.

System manager(s) and address: Privacy Act Officer, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office Records
District Director for District Office Records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Bureau of Indian Affairs, Mexican-American Federation of San Diego County, Union of Pan Asian Communities of San Diego County, Business Resource Center of San Diego, Urban League Business Directory, Agency personnel and the news media.

SBA265

System name: Modifications in Loan Accounting—SBA265

System location: Central Office, District and Branch Offices of SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records lists information necessary to keep Loan Case Files up-to-date with changes of borrower's address or loan status, deferments and rejections in payments, and other modifications as contained in SBA Form 327.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: Records are indexed by loan number and name of borrowers.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained for no more than two years, then destroyed.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Agency Personnel, Individual to whom record pertains, Loan Case File, Financial Institutions.

SBA270

System name: Non-Career Employees—SBA270

System location: Central Office, at address listed in Appendix A.

Categories of individuals covered by the system: Schedule C (Non-Career) employees or applicants.

Categories of records in the system: File includes Clearance Requests, Standard Form 171, resumes and other background information on applicants for non-career positions with the SBA.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records is used to respond to requests for information from the White House, and to forward information to the White House.
These records may be examined by the Civil Service Commission or General Accounting Office in reviewing the Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Retrievable by name of applicant or employee.

Safeguards: Records are kept in locked filing cabinet. Personnel screening is utilized to prevent unauthorized use.

Retention and disposal: Files are kept current and are discarded when no longer needed.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer at the address contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reason for contesting it and the proposed amendment to the information sought.

Record source categories: Individuals on whom record is maintained, White House.

SBA275

System name: Notaries Public—SBA275

System location: Houston District Office, Fairbanks Branch Office. For addresses see Appendix A.

Categories of individuals covered by the system: SBA employees who have been designated to function as Notaries Public.

Categories of records in the system: This system is a record of employees designated as Notaries Public, whose fees are paid by the agency.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system may be used to communicate with the appropriate agency of a State Government responsible for bonding Notaries Public.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by the name of the employee designated as a Notary Public.

Safeguards: Kept in file cabinet.

Retention and disposal: Indefinite retention, or until superseded.

System manager(s) and address: District Director, Branch Manager. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office Records
Branch Manager for Branch Office Records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertain-

ing to him or her. The District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it. And the proposed amendment to the information sought.

Record source categories: Individuals on whom record is maintained; purchase orders for fees.

SBA280

System name: Occupational Injuries—SBA280

System location: Central, District, Regional and Branch Offices where injuries have occurred. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees who have been involved in an accident or injured on the job.

Categories of records in the system: Records include report forms on accidents and injuries, medical reports, medical bills and other information pertinent to the accident or injury.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 29 U.S.C. 651-78.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system are used to report accidents and injuries to the Department of Labor.

Records in the system may be used in processing claims for compensation for on-the-job injuries, by the appropriate Agency or a court.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by the name of the employee.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Files are retained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Director, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director, or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting and the proposed amendment to the information sought.

Record source categories: Employee involved in accident, witnesses, other Agency personnel.

SBA285

System name: Official Travel Files—SBA285

System location: Central Office, at address listed in Appendix A. Federal Records Centers, at addresses listed in Appendix B.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: Files include Travel Vouchers submitted by each employee.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are reviewed by the General Accounting Office in the course of an audit of the Agency.

In the event that a system of records maintained by this Agency to carry out its function 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 regulatory rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by employee name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: Records are maintained for two years after the end of a fiscal year, or until a GAO audit. Records are then transferred to a Federal Records Center, where they will be disposed of ten years after the end of the fiscal year in which the records were compiled.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer, at the address contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals siring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Travel Vouchers submitted by employees.

SBA290

System name: Outside Employment Files—SBA290

System location: Central Office, Regional Offices, Lubbock District Office. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees who have requested permission to engage in outside employment.

Categories of records in the system: Records include requests for outside employment, correspondence concerning such requests, and notification of Agency approval or disapproval of outside employment.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by name of employee.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Director. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Office for Central Office records

Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct there request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employee requesting approval of outside employment and other Agency personnel.

SBA295

System name: Payroll Files—SBA295

System location: SBA Central Office. See Appendix A for address.

Categories of individuals covered by the system: SBA employees, active and inactive.

Categories of records in the system: Name, Social Security number, employee number, grade, step, and salary; organization, retirement or FICA data as applicable; Federal, State and local tax deductions, as appropriate; savings bond and charity deductions; regular and optional Government life insurance deductions; health insurance deduction and plan or code; cash award data; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types; time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; notification of Personnel Actions; unemployment records; register of separations; annual leave restoration; over-payment indebtedness; correspondence from employees concerning payroll problems.

Authority for maintenance of the system: Title 6, GAO Policy and Procedures Manual, pursuant to 31 U.S.C. 66(a), and sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this record system may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To transmit data to U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes.

By the General Accounting Office for audit purposes.

In reporting tax withholding to 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 U.S. Civil Service Commission; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Both manual and machine-readable.

Retrievability: By name and/or employee or Social Security number.

Safeguards: Physical, technical, and administrative security is maintained, with admission to records storage areas limited to authorized personnel.

Retention and disposal: Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with the fiscal records program approved by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Subject individuals, supervisors, timekeepers, official personnel records, and IRS.

SBA300

System name: Personnel Benefits Files—SBA300

System location: Cleveland District Office, Casper District Office, Des Moines District Office. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: This record contains information on the enrollment option and carrier number of employees enrolled in Health Insurance and Retirement Plans.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 29 U.S.C. 651-78.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used in communicating with insurance carriers in regard to employee benefits.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders or card files.

Retrievability: Records are indexed by employee name.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director. The address of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information contained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Agency personnel records, individual on whom records are maintained.

SBA305

System name: Personnel Card Index Files—SBA305

System location: Central Office, Regional Offices, District Offices, and Branch Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: This record is kept by each office on its employees. It contains a summary of personnel information, including Social Security number, birthdate, address, telephone number, marital status, employment history, and similar information.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records may be used in responding to inquiries from banks or institutions on employees requesting loans or credit.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept on cards, or on Standard Form 7, "Employee Service Record Card," in Card Files.

Retrievability: Records are indexed by employee name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are retained for ten years after the employee leaves the Agency, then disposed of.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, and Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employees on whom records are maintained, Agency Personnel Actions and records.

SBA310

System name: Personnel Organization Roster—SBA310

System location: Maintained at SBA Central Office and at most field offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: Employee's name, Social Security number, position title, occupational series, pay plan, grade, step, salary, veteran preference, tenure, birth date, date entered Federal Service, and time spent in grade.

Authority for maintenance of the system: 15 U.S.C. 634(b)(6); 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are copies of a computer listing which are kept in file cabinets or the desk of the responsible employee.

Retrievability: Records are filed by office, program area, and name.

Safeguards: Information released only to authorized persons on a need to know basis.

Retention and disposal: A new listing is generated each month. The Central Office disposes of old copies after three years or upon completion of a Civil Service Commission inspection. Field offices dispose of old monthly copy when new copy is received or periodically, if desired.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Personnel and Payroll Records.

SBA315

System name: Personnel Security Files—SBA315

System location: SBA Central Office and Regional Offices. See Appendix A for addresses.

Categories of individuals covered by the system: Active and inactive SBA employees.

Categories of records in the system: This system contains the active and inactive personnel security files, which include the employee's or former employee's name, background information, personnel actions, and Civil Service Commission's full field investigations. Also included in this system are the Civil Service Commission's National Agency checks and the names of those employees in sensitive positions requiring full field investigations.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101, Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the investigation or prosecution of such violations or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Full field investigations and National Agency checks are returned to the Civil Service Commission when employee becomes inactive.

Records in the active and inactive personnel security files are forwarded to other Federal agencies conducting background checks.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceedings or in settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: The active and inactive personnel security files are maintained in rotary diebold power files. CSC National Agency checks are maintained in locked safes.

Retrievability: Records are retrieved by employee's name.

Safeguards: Personnel screening. Information released only to authorized persons.

Retention and disposal: Civil Service Commission National Agency checks are kept until the employee leaves government service and then returned to CSC.

On the separation of an employee from SBA, Security and Investigations Division strips the file and forwards the full

field portion of an investigation to the CSC. Remaining information of a nonderogatory nature is destroyed, while derogatory information is kept indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer or Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: SBA employees, SBA Personnel Office, third party witnesses, Civil Service Commission.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to maintain access to sources necessary in making determinations of suitability for employment.

SBA320

System name: Portfolio Reviews—SBA320

System location: Central Office, District Offices, Branch Offices. For addresses see Appendix A.

Categories of individuals covered by the system: Recipients of SBA Disaster Home Loans.

Categories of records in the system: This system consists of reports compiled by the Office of Portfolio Review in the course of reviewing field office handling of all loans. Disaster Home Loans are included in these reviews only occasionally. Central Office files also include line cards prepared with summary information on each loan. Until early 1975 the Portfolio Review Reports contained this information on each loan listed alphabetically. Since that time, loans are no longer listed, but are named only when there is a particular problem in the loan handling.

Authority for maintenance of the system: 15 U.S.C. 634(b)(6), 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system may be examined by the General Accounting Office in the course of a review of the Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by office. Some information within the records is retrievable by loan name or number.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Reports are retained indefinitely. Line cards in Central Office are retained until the next report, then disposed of.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Office of Portfolio Review, Loan Case Files, SBA personnel, and Field visits to borrowers.

SBA325

System name: Potential Spanish-Surnamed Applicants—SBA325

System location: Denver Regional Office, at address listed in Appendix A.

Categories of individuals covered by the system: Potential Spanish-surnamed applicants for Federal employment.

Categories of records in the system: This record includes name, address, phone number, and information on employment of Spanish-surnamed individuals who are potential applicants for SBA employment. This information is used to notify individuals of job openings at the SBA.

Authority for maintenance of the system: Public Law 92-261, Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in a card file.

Retrievability: Records are indexed by the names of individuals.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Regional Director. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Regional Director at the address contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual on whom record is maintained; organizations who refer applicants.

SBA330

System name: Power of Attorney Files—SBA330

System location: SBA Regional Offices, District Offices in Atlanta, Georgia; Birmingham, Alabama; Charlotte, North Carolina; Columbia, South Carolina; Miami, Florida; Jacksonville, Florida; Louisville, Kentucky; Jackson, Mississippi; and Nashville, Tennessee; Branch Offices in Biloxi, Mississippi and Knoxville, Tennessee. For addresses see Appendix A.

Categories of individuals covered by the system: Insurance agents who have the authority to execute a surety bond.

Categories of records in the system: Information in this system of records identifies those individuals who are authorized to execute bonds for surety companies.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by agent's and broker's names.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained until the SBA is notified that the authority to execute bonds has been rescinded, at which time the records are destroyed.

System manager(s) and address: Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Surety company for which the agent broker is authorized to execute bonds.

SBA335

System name: Problem Loan Work Files—SBA335

System location: District and Branch Offices of the SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains information relating to an individual recipient of a Disaster Home Loan. These records include delinquent accounts, reports of field visits, correspondence and other information pertinent to a problem loan.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the event that a system of records maintained by the Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are indexed by recipient's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are retained independently of the Loan Case File until the problem is resolved and then are incorporated into the Loan Case File.

System manager(s) and address: District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Loan Case File, individual to whom record pertains, Agency employees, financial institutions.

SBA345

System name: Red Cross Blood Program—SBA345

System location: Regional Offices, at addresses listed in Appendix A.

Categories of individuals covered by the system: SBA employees who have donated blood or indicated their willingness to donate blood.

Categories of records in the system: Record includes name of employee, blood type, and date of last donation of blood.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records will be used in referring individuals to the Red Cross to donate blood.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Information is kept in notebooks or on cards.

Retrievability: In some offices this record is indexed by the employee's name. In other offices it is only indexed by date.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: Records are kept for one year, then destroyed.

System manager(s) and address: Regional Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Regional Director. The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director will set forth the procedures for gaining access to the records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual on whom record is maintained.

SBA350

System name: Reports on Minority Employment—SBA350

System location: Central Office, Regional Offices, District Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: This system of records includes computer printouts and other forms of listings of SBA employees, indicating their minority code and sex, and in some cases training and promotions received by them. The records are used to evaluate the Agency's compliance with principles of equal employment opportunity.

Authority for maintenance of the system: Executive Order 11478, 42 U.S.C. 2000e-1 et. seq., 5 C.F.R. 713, 13 C.F.R 105.735-5-4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used in compiling reports to the Civil Service Commission.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept on magnetic tape, on cards, or in file folders.

Retrievability: Information in this system may be indexed by employee name, Social Security Number, or minority code.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Indefinite or until up-dated.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Personnel records and visual observation to determine minority code.

SBA355

System name: SCORE Master Files—SBA355

System location: Central Office. See Appendix A for the address.

Categories of individuals covered by the system: Service Corps of Retired Executives and Active Corps of Executives.

Categories of records in the system: This system of records is a master list of all retired and active executives who volunteer their services to give business counseling to SBA recipients. These records contain information as to personal qualifications and expertise and cases which they have counseled.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained on magnetic tape and in a binder.

Retrievability: These records are indexed by SCORE and ACE volunteer's name as well as serial number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The master tape is updated periodically and maintained indefinitely. When a SCORE and ACE volunteer's name is withdrawn from active duty, the record is maintained for three years and is then destroyed.

System manager(s) and address: Privacy Act Officer, see appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
The Address of this office is contained in appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, SCORE/ACE registration forms.

SBA360

System name: Security & Investigations Files—SBA360

System location: Central Office and Federal Records Centers. See Appendix A for SBA Central Office address and Appendix B for FRC addresses.

Categories of individuals covered by the system: Applicants and recipients of SBA assistance and principals of applicant and recipient businesses - all types of loans, Lease Guarantees, Small Business Investment Company licensing, 8(a) contractors, call contractors and grantees, State and Local Development Companies, Economic Development Administration loans, Surety Bond Guarantees and applicant representatives, members of Advisory Councils and SCORE/ACE volunteers.

Categories of records in the system: This system of records contains investigations and reports on all of the above indiviudals on whom the Agency has derogatory information. Records of a nonderogatory nature are maintained on the principal SBIC directors and stockholders. These records integrate FBI and IRS reports and include personal history statements, background character checks, field investigations, arrest and conviction records, parole and probation data, Securities and Exchange Commission violations, recommendations and evaluations, and related correspondence.

Authority for maintenance of the system: 15 U.S.C. 634(b)(6), 15 U.S.C. 645(a), 18 U.S.C. 1001.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceeding or in settlement negotiations.

These records may be used to provide data to the General Accounting Office for periodic reviews of this Agency.

These records may routinely be disclosed to other Federal agencies, in response to their requests, in connection with conducting background checks. Disclosure will be made only to the extent that the information is relevant and necessary to the requesting agencies' function.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in rotary diebold power files, file folders and card indexes.

Retrievability: These records are indexed by applicant and recipient name.

Safeguards: Personnel screening. Information is released only to authorized persons.

Retention and disposal: At the end of each calendar year, investigation records are screened to remove those records on which no derogatory information has been received for five years or more. These inactive records are then sent to an FRC which maintains them for twenty years and then destroys them. Derogatory records on SBIC principals are retained for two years and then transferred to an FRC which destroys them after ten years, whereas nonderogatory records are retained for one year and then destroyed. Investigation cards containing a condensed report and applicant representative cards are retained indefinitely. Correspondence records are retained for as long as they are essential and destroyed annually when nonessential.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer for Central Office records. The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, public court records, parole and probation authorities, FBI, IRS, State and local law enforcement authorities, third party informants and Agency personnel.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to prevent subjects of investigations from frustrating the investigatory process.

SBA365

System name: Security & Investigations Referrals—SBA365

System location: Regional, District and Branch Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees and applicants and recipients of SBA assistance.

Categories of records in the system: This system of records contains referrals to Securities & Investigations for investigations and reports of the above individuals in order to determine whether fraudulent activities or misconduct has taken place. This system sometimes includes copies of the completed report by the S & I Division. These records include: personal statements of any arrests, indictments and convictions-SBA Form 912, allegations of irregularities, informants statements from outside investigative sources, recommendations from the field offices and related correspondence.

Authority for maintenance of the system: 15 U.S.C. 634(b)(6), 15 U.S.C. 645(a), 18 U.S.C. 1001.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

> In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceedings or in settlement negotiations.

These records may be used to provide data to the General Accounting Office for periodic reviews of this Agency.

These records may routinely be disclosed to other Federal agencies, in response to their requests, in connection with conducting background checks. Disclosure will be made only to the extent that the information is relevant and necessary to the requesting agencies' function.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders and index cards.

Retrievability: These records are indexed by the name of the individual to be investigated.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Some offices retain these records for two years and then destroy them, while other offices retain these records until the irregularities are resolved.

System manager(s) and address: Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records.
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency personnel, third party informants and the FBI and other investigative Government agencies.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to prevent subjects of investigations from frustrating the investigatory process.

SBA370

System name: Settlement and Compromise—SBA370

System location: Central Office, Regional Offices, Miami District Office, Louisville District Office, Birmingham District Office. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of SBA Disaster Home Loans.

Categories of records in the system: Records include listings of loans considered for compromise, case records and financial information relating to compromises of loans, settlement agreements and notices of compromise on loans.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceedings or in settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by name of borrower.

Safeguards: Access to and use of these records are limited to those persons whose duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: Records are kept indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Borrowers, Loan Case Files, Agency Compromise Committees, other Agency personnel.

SBA375

System name: Small Business Person Awards—SBA375

System location: Central, Regional and District Offices of the SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Loan recipient candidates and winners of the Small Business Person of the Year Awards and Community Development Awards.

Categories of records in the system: This system of records contains information relating to the candidacy and selection of Small Business Person of the Year in SBA District and Regional Offices. These records include applications, biographical summaries, correspondence, recommendations and narratives of business and civic successes. The record of Community Development Awards in the Central Office includes biographical and qualifying information as well as recommendations from SBA field offices.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

To provide information to the news media for public disclosure of the name, address and biographical statement of the recipients of the awards.
To communicate with officials in State and local government as to the status of a particular candidate.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders.

Retrievability: These records are retrievable by individual name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records may be retained from one to ten years.

System manager(s) and address: Privvcy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, recommendations from various individual sponsors, Advisory Council members, Agency personnel, research publications directories, news media.

SBA380

System name: Standards of Conduct Files—SBA380

System location: SBA Central Office, all Regional Offices, various District Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system:

Confidential statement of employment and financial interests made by employees Grade 13 and above, and by Grade 12 Branch Managers.
Ad Hoc Committee decisions and memoranda concerning standards of conduct questions used as precedent for later decisions. (Central Office only.)
Correspondence concerning conflicts of interest.
Listing of all SBA employees who have been indicted or convicted in matters involving SBA business.

Authority for maintenance of the system: 13 C.F.R. 105.735 enacted pursuant to the Small Business Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.
A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of such proceeding or in settlement negotiations.
Records contained in this system may be forwarded to the Civil Service Commission when requested.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders which are stored in file cabinets or safes.

Retrievability: Records are retrieved by the name of the employee.

Safeguards: Access is strictly limited to those employees with a need to use these records in performing their duties.

Retention and disposal: Files are retained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the

reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Information in the confidential statement of employment and financial interests is collected from the employee himself. Any adverse information could come from other employees or from a member of the general public with specific knowledge of the matter reported.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and maintain access to sources necessary in making determinations of suitability.

SBA385

System name: Tort Claims—SBA385

System location: Central Office and Federal Records Centers, at addresses listed in Appendices A and B.

Categories of individuals covered by the system: Government employees and other individuals involved in accidents.

Categories of records in the system: This record contains reports on accidents which result in tort claims involving the Government.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 42 U.S.C. 3211.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In the event that a tort claim results in a court suit, these records will be referred to the Department of Justice for handling of the suit and used in the preparation and presentation of the case.

These records are used in reporting on accidents and tort claims to the General Services Administration.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by the names of persons involved in the accident.

Safeguards: Records are kept in a locked cabinet. Access to and use of these records is limited to persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized dusclosure.

Retention and disposal: Records are retained for one year, then sent to a Federal Records Center, where they are retained for five years and then destroyed.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individuals involved in accident, witnesses, investigation of the accident.

SBA390

System name: Transfer of Loan Records—SBA390

System location: District and Branch Offices of the Small Business Administration. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records reports the transfer of loan case files from one division of the Small Business Administration to another division, or to the Federal Records Center.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

To provide information to the Federal Records Center, as needed, to locate a Loan Case File.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by recipient name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Loan Case Files, Agency employees.

SBA395

System name: UCC Refiling and Financial Statements Due—SBA395

System location: District and Branch Offices of the Small Business Administration. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records lists information relating to recipients of Disaster Home Loans. Records include record of due dates for financial statements and expiration dates of UCC lien filings.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders and binders.

Retrievability: Records are indexed by recipient name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained for no more than three years, then destroyed.

System manager(s) and address: District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office Records
Branch Manager for Branch Office Records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency employees, and Loan Case File.

SBA400

System name: Union Membership—SBA400

System location: Denver Regional Office, Miami District Office, Little Rock District Office, Minneapolis District Office. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees who are members of the Union.

Categories of records in the system: This is a list of employees who are members of the Union or who have signed authorizations for payroll withholding of Union dues.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, Collective Bargaining Agreement with the Union which represents SBA employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system might be reviewed by the Civil Service Commission in the course of a personnel management evaluation of the office.

Records may be used in communications with the Union regarding dues withholding or other Union business.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders.

Retrievability: Records are alphabetical by the name of the member of the Union or person who has signed a dues withholding authorization.

Safeguards: Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: These records are maintained indefinitely.

System manager(s) and address: Regional Director or District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office Records
District Director for District Office Records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individuals on whom record is maintained, Union, Computer print-out on payroll deductions.

SBA405

System name: Unofficial Personnel Files—SBA405

System location: Maintained by individual divisions and branches of the SBA Central Office, as well as all SBA Regional, District, and Branch Offices. For addresses, see Appendix A.

Categories of individuals covered by the system: SBA employees, both active and separated.

Categories of records in the system: This system contains a number of records pertaining to an individual's employment at SBA. These records include Time and Attendance cards, authorizations for overtime, records of leave, training requested and attended, travel itineraries and vouchers, copies of Personnel actions, requests for Personnel actions, Position Descriptions, copies of official performance evaluations, copies of letters of commendation and retirement, personal information for use in emergencies.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 634(b)(6); 44 U.S.C. 3101; Title 6, "GAO Policy and Procedures Manual," pursuant to 31 U.S.C. 66(a) and sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950; 5 U.S.C. 5701-09.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in either file folders, binders or card indexes which are located in file cabinets or on the desk of the responsible employee.

Retrievability: Records are indexed by the employee's name, Social Security number, or other personal identifier.

Safeguards: Personnel screening - information released to authorized persons on a need to know basis only.

Retention and disposal: There is no official Agency policy on retention of these records. Most of the records are maintained for up to three years.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, SBA Office of Personnel, Supervisor of the respective branch or division, Payroll section of SBA.

SBA410

System name: Upward Mobility Files—SBA410

System location: Central Office, Denver Regional Office, San Francisco Regional Office. For addresses see Appendix A.

Categories of individuals covered by the system: SBA employees who have applied for jobs within the Agency under the Upward Mobility Program.

Categories of records in the system: These records include applications of candidates for higher jobs in the Agency, appraisals by supervisors of qualifications of candidate, ratings by Personnel staff, roster of best-qualified candidates.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records may be communicated to the Union which represents SBA employees.

Information in these records may be given to the Civil Service Commission for the processing of personnel matters.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by employee name or job vacancy.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer or Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reason for contesting it and the proposed amendment to the information sought.

Record source categories: Applicants, supervisors of applicants, Agency Personnel Office, Agency officials responsible for selecting applicants.

SBA415

System name: Virginia Attorneys—SBA415

System location: Richmond District Office, at address listed in Appendix A.

Categories of individuals covered by the system: Attorneys in private practice in Virginia who do title work or SBA work.

Categories of records in the system: Record contains names and addresses of attorneys and a designation as to whether attorney is approved or unapproved. This record is used as a guide to reliability of attorneys, as to what assurances will be required on title opinions given by these attorneys.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Record is maintained in a loose-leaf notebook.

Retrievability: List is alphabetical within categories by locality.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Record is updated continuously and retained indefinitely.

System manager(s) and address: District Director. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director, at the address contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Lawyer's Title Company, SBA personnel.

SBA420

System name: Work Progress Reports—SBA420

System location: SBA Central Office. The following SBA District Offices: Providence, RI; Seattle, Wash.; Detroit, Mich.; Birmingham, Ala.; Minneapolis, Minn.; Miami, Fla.; Columbus, Ohio; Anchorage, Ak.; Honolulu, Hawaii. The following SBA Branch Offices: Harrisburg, Pa.; Springfield, Ill. Addresses for these offices may be found in Appendix A.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: These records include: Individual work reports showing how an employee's time was expended; Project control sheets; Project status reports; Summary of loan officers' activity; Record of loans processed by loan officers.

Authority for maintenance of the system: 15 U.S.C. 634(b)(6); 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records maintained in file folders, which are stored in desk drawers or in file cabinets.

Retrievability: Records are indexed by employee's name.

Safeguards: Personnel screening. Information released to authorized personnel on a need to know basis.

Retention and disposal: Records in this system are retained indefinitely.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employee on whom the file is maintained, the employee's supervisor, production control clerk.

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