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Friday
July 10, 1981

Highlights

35663 **Banks and Banking—Farm Credit** FCA proposes rules on extension of credit by Federal Land Banks and Production Credit Associations.

35635, 35637, 35639 **Prisons** Justice/PARCOM issues rules on paroling, recommitting and supervising Federal prisoners. (3 documents)

35648 **Railroads** ICC issues procedures implementing the feeder railroad development program.

35658 **Food Stamps** USDA/FNS provides for verification of applicants' income through access to Social Security Administration files.

35668 **Proprietary Vocational and Home Study Schools** FTC publishes draft revision of trade regulation rule.

35632 **Air Transportation** CAB relaxes requirement that airlines notify competitors and civic parties of certain fare changes when requesting Special Tariff Permission.

35664 **Air Carriers** CAB proposes to allow foreign indirect air carriers to organize charters and consolidate freight in interstate and overseas markets.

CONTINUED INSIDE

Highlights

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

35658 **Procurement** OPM proposes rules on negotiation and administration of Federal Employees Health Benefits Programs Contracts.

35660 **Food Standards** USDA/FSIS proposes to revise present standards for "liverwurst," "liver sausage," and "Braunschweiger".

35703 **Peanuts** USDA/AMS approves quality regulations and indemnification terms for marketing of 1981 crop peanuts.

35718 **Imports—Textiles** CITA increases import levels for certain cotton fabrics from Thailand.

35848 **Minimum Wages** Labor/ESA publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)

35640 **Privacy Act Documents** DOD/DIS

35833 **Sunshine Act Meetings**

Separate Parts of This Issue

35848 **Part II, Labor/ESA**

Contents

Federal Register
Vol. 46, No. 132
Friday, July 10, 1981

Agricultural Marketing Service
RULES
35630 Lemons grown in Ariz. and Calif.
35629 Oranges (Valencia) grown in Ariz. and Calif.
NOTICES
35703 Peanuts, 1981 crop; incoming and outgoing quality regulations and indemnification

Agriculture Department
See Agricultural Marketing Service; Food and Nutrition Service; Food Safety and Inspection Service; Rural Electrification Administration; Statistical Reporting Service.

Air Force Department
RULES
Military personnel:
35634 Enlistment requirements and procedures; miscellaneous amendments

Arts and Humanities, National Foundation
RULES
35647 Part-time career employment for Federal employees

Blind and Other Severely Handicapped, Committee for Purchase From
NOTICES
35718 Procurement list, 1981; additions and deletions

Civil Aeronautics Board
RULES
Tariffs:
35632 Special tariff permission; notification to competitors and civic parties, relaxation of requirement
PROPOSED RULES
Foreign air freight forwarders and cooperative shippers associations, and charters:
35664 Charter organization and freight consolidation in interstate and overseas markets
NOTICES
35714 Certificates of public convenience and necessity and foreign air carrier permits
Hearings, etc.:
35715 Crown Airways, Inc.; fitness determination
35715 Rocky Mountain Airways, Inc.; fitness determination
35716 Scheduled Skyways, Inc.; fitness determination
35714 Westair Jet Inc.

Civil Rights Commission
NOTICES
35833 Meetings; Sunshine Act

Commerce Department
See Foreign-Trade Zones Board; International Trade Administration; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
PROPOSED RULES
35682 Domestic exchange-traded commodity options; pilot program; correction

Conservation and Renewable Energy, Office of Assistant Secretary
NOTICES
Appliances and consumer products; test procedures, waiver; petitions:
35719 Norris Industries; dishwashers

Customs Service
PROPOSED RULES
Organization and functions; field organization; ports of entry, etc.:
35682 Saginaw-Bay City-Flint, Mich., et al.

Defense Department
See also Air Force Department; Defense Investigative Service.
NOTICES
Meetings:
35719 Electron Devices Advisory Group (3 documents)

Defense Investigative Service
RULES
35640 Privacy Act; implementation

Economic Regulatory Administration
NOTICES
Consent orders:
35722 Big-Tex Crude Oil Co. et al.
35723 Coffield Pipeline Co.
35726 Fletcher Oil & Refining Co., Inc.
35727 Mallard Resources, Inc.
35729 Newhall Refining Co., Inc.
35725 Stevens Oil Co.
35730 Witco Chemical Corp.
Decisions and orders:
35727 Nestle Co., Inc.; petroleum substitute producer application
35723 P. H. Glatfelter Co.; petroleum substitute producer application
Remedial orders:
35729 Shelter Ridge Arco et al.

Employment and Training Administration
NOTICES
35815 Employment transfer and business competition determinations; financial assistance applications

Employment Standards Administration
NOTICES
35848 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Ala., Ark., Calif., Del., Minn., Miss., Mo., Mont., Okla., Pa., Tenn., Tex., Va., Wyo.)

Energy Department
See also Conservation and Renewable Energy, Office of Assistant Secretary; Economic Regulatory Administration; Federal Energy Regulatory Commission.
RULES
35630 Travel expenses, non-government employees; payment procedures

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
35642 Texas
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
35684 Kentucky
35685 Massachusetts
35686 Missouri
NOTICES
Air quality; prevention of significant deterioration (PSD):
35784 Mississippi; authority delegation
Environmental statements; availability, etc.:
35783 Agency statements; weekly receipts
35783 Dolet Hills Power Plant Project near Mansfield, La; new source national pollutant discharge elimination system permit
35783 Twin Oak Steam Electric Station, Robertson County, Tex.; wastewater discharge

Farm Credit Administration
PROPOSED RULES
35663 Eligibility and scope of financing, and loan policies and operations; credit extensions for basic processing and marketing products, etc.

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
35781 Alabama Power Co.
35781 Arizona Public Service Co.
35781, 35782 Duke Power Co. (2 documents)
35782 Kansas City Power & Light Co.
35782 Public Service Co. of Oklahoma
35782 Union Electric Co.
35833 Meetings; Sunshine Act
Natural Gas Policy Act of 1978:
35731-35773 Jurisdictional agency determinations (6 documents)

Federal Home Loan Bank Board
NOTICES
35833 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
Freight forwarder licenses:
35784 Cosmos Trading Co.

Federal Reserve System
NOTICES
Applications, etc.:
35786 Citizens Financial Services, Inc.
35787 Michigan National Corp.
35787 Southwest Bancshares Inc.
35787 York Bancorp
Bank holding companies; proposed de novo nonbank activities:
35786 Citicorp et al.
Meetings:
35786 Consumer Advisory Council
35833 Meetings; Sunshine Act (2 documents)

Federal Trade Commission
PROPOSED RULES
35668 Vocational and home study schools, proprietary; draft of staff's recommended revisions
NOTICES
35834 Meetings; Sunshine Act

Food and Drug Administration
NOTICES
Drug labeling:
35787 Androgens; class labeling guideline
35789 Fishery products research programs, efficient use of Federal resources; memorandum of understanding with National Marine Fisheries Service
Food additives, petitions filed or withdrawn:
35790 Diversey Corp.
Human drugs:
35789 Isometheptene mucate tablets and hydrochloride solution; approval withdrawn

Food and Nutrition Service
RULES
Child nutrition programs:
35629 School lunch program and State administrative expense fund; Assessment, Improvement, and Monitoring System (AIMS); specific performance standards; interim rule and request for comments; extension of time
PROPOSED RULES
Food stamp program:
35658 Eligible household certification; wage matching

Food Safety and Inspection Service
PROPOSED RULES
Meat and poultry inspection, mandatory:
35660 Braunschweiger, liver sausage, liverwurst; identity standards

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
35716 Ohio

General Services Administration
RULES
Property management:
35643 Appliances and water coolers from Federal supply schedules
35644 Nonperishable subsistence items

Health and Human Services Department
See Food and Drug Administration; Health Resources Administration; Public Health Service.

Health Resources Administration
NOTICES
Organization, functions, and authority delegations:
35791 Health Professions Bureau Director et al.; authority to administer general provisions under Title VII of the Public Health Service Act, etc.

Hostage Compensation, President's Commission
NOTICES
35831 Meetings; postponement

Interior Department
See Land Management Bureau; National Park Service; Reclamation Bureau.

International Trade Administration
NOTICES
Antidumping:
35716 Sorbitol from France
Committees; establishment, renewals, terminations, etc.:
35717 Importers' and Retailers' Textile Advisory Committee

Interstate Commerce Commission
RULES
Rail carriers:
35648 Feeder railroad development program.
NOTICES
Motor carriers:
35800 Finance applications
35798 Fuel costs recovery, expedited procedures
35799 Intercorporate hauling operations; intent to engage in
35801-35806, 35812 Permanent authority applications (6 documents)
35801 Permanent authority applications; correction
35812 Permanent authority applications; operating rights applications
35807 Permanent authority applications; restriction removals
Railroad services abandonment:
35797, 35798 Chicago & North Western Transportation Co. (2 documents)
35815 New Jersey, Indiana & Illinois Railroad Co.

Justice Department
See Parole Commission.

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.
NOTICES
Adjustment assistance:
35827 A.C. Modes et al.
35824 Allentown Manufacturing Corp. et al.
35826 General Motors Corp.
35827 Independent Cement Corp.
35828 McDonald Cedar Products
35828 Ranco Inc.
35825 Sepa Inc., et al.
35829 Textile Trim, Inc.
35829 U.S. Steel Corp.

Land Management Bureau
NOTICES
Alaska Native claims selections: applications, etc.:
35792 Cook Inlet Region, Inc.
Classification of Lands:
35794 Washington
Environmental statements; availability, etc.:
35793 Westside Salem timber management, Oreg.; hearings and plan availability
Sale of Public Lands:
35795 Nevada
Withdrawal and reservation of lands, proposed, etc.:
35794 Nevada; correction
35794 Oregon
35795 Wyoming; correction

Merit Systems Protection Board
NOTICES
Senior Executive Service:
35829 Bonus award schedule

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
35816 Consolidated Coal Co.
35816 K and L Coal Co.

National Oceanic and Atmospheric Administration
NOTICES
Marine mammal permit applications, etc.:
35717 Normandeau Associates
Meetings:
35717 New England Fishery Management Council

National Park Service
NOTICES
Environmental statements; availability, etc.:
35795 Grizzly Bear Management Program, Yellowstone National Park, Colo.

National Science Foundation
NOTICES
Meetings:
35829 Earth Sciences Advisory Committee
35829 International Programs Advisory Committee

Nuclear Regulatory Commission
PROPOSED RULES
Radiation protection standards:
35662 Radioactive material obtained directly or indirectly from environmental sources; exemption from specific license application requirements; petition
NOTICES
Applications, etc.:
35830 Boston Edison Co.
35830 Florida Power & Light Co.
35830 Georgia Power Co.
35830 Power Authority of State of New York

Occupational Safety and Health Administration
PROPOSED RULES
Health and safety standards:
35683 Lead exposure, occupational; quantitative fit testing provision; extension of time and correction

Parole Commission
RULES
Federal prisoners; paroling, recommitting, and supervising:
35635 Parole violators incarcerated with new sentences; interim rule and request for comments

35639 Quorum requirements; parole decisions, hearing examiner recommendations, and regional appeals, etc.
35637 Salient factor score; parole prognosis assessment

Pension and Welfare Benefit Programs Office
NOTICES
Employee benefit plans; prohibited transaction exemptions:
35816 Budge Clinic Profit Sharing Plan
35818 Hotel and Restaurant Employees Welfare and Insurance Fund et al.
35820 Pipe Fitters Local 533 Pension Fund
35822 Southern Nevada Culinary & Bartenders Pension Trust
35820 Volkmuth Printers, Inc. Profit Sharing Plan

Personnel Management Office
PROPOSED RULES
Procurement:
35688 Health benefit plans for Federal employees; negotiation and administration of contracts between OPM and health benefits carriers
Retirement:
35658 Health care employees of National Health Service Corps serving limited appointments; exclusion from coverage

Public Health Service
NOTICES
National toxicology program:
35792 Chemicals nominated for toxicological testing; inquiry

Reclamation Bureau
NOTICES
Contract negotiations:
35796 Casper-Alcova Irrigation District, Wyo., et al.
35797 Taos, N. Mex.

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
35711 Basin Electric Power Cooperative
35712 Colorado-Ute Electric Association, Inc.
35713 Tongue River Electric Cooperative, Inc.
Loan guarantees, proposed:
35712 Kamo Electric Cooperative, Inc.
35713 Plains Electric Generation & Transmission Cooperative, Inc.

Securities and Exchange Commission
RULES
35634 Broker-dealer filing and reporting; proposed subordination agreements and audited report extension of time applications; requirements elimination
35633 Qualified non-member market makers; filing and financial requirements; rescission of obsolete rule
NOTICES
Hearings, etc.:
35831 Chipola Oil Corp.
Self-regulatory organizations; unlisted trading privileges:
35831 Cincinnati Stock Exchange
35832 IPM Technology, Inc.

Small Business Administration
NOTICES
Applications, etc.:
35832 Capital Assistance Corp. of Connecticut
35832 Wisconsin Venture Capital Corp.

Statistical Reporting Service
NOTICES
35714 Turkey hatchery report; modification
35713 White corn estimates; discontinuance

Textile Agreements Implementation Committee
NOTICES
Cotton textiles:
35718 Thailand

Treasury Department
See Customs Service.

MEETINGS ANNOUNCED IN THIS ISSUE

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
35717 New England Fishery Management Council, Danvers, Mass. (open), 7–28 and 7–29–81

DEFENSE DEPARTMENT
Secretary of Defense—
35719 DOD Advisory Group on Electron Devices, Working Group A, Arlington, Va., (closed), 8–14–81
35719 DOD Advisory Group on Electron Devices, Working Group B, Arlington, Va., (closed), 8–13 and 8–14–81
35719 DOD Advisory Group on Electron Devices, Working Group C, Arlington, Va., (closed), 8–27–81

ENVIRONMENTAL PROTECTION AGENCY
35783 Dolet Hills Power Plant Project, Mansfield, La., environmental impact statement; Mansfield, La., (open), 7–14–81
35783 Twin Oak Steam Electric Station, Robertson County, Tex., draft environmental impact statement; Franklin, Tex., (open), 8–18–81

FEDERAL RESERVE SYSTEM
35786 Consumer Advisory Council, Washington, D.C. (open), 7–29 and 7–30–81

NATIONAL SCIENCE FOUNDATION
35829 Earth Sciences Geophysics Advisory Committee, Geophysics Subcommittee, Princeton, N.J. (closed), 7–31 through 8–2–81
35829 International Programs Advisory Committee, Washington, D.C., (open), 7–28 and 7–29–81

AMENDED MEETINGS

PRESIDENT'S COMMISSION ON HOSTAGE COMPENSATION
35831 Washington, D.C. (open), meetings rescheduled from 7–16 and 7–17–81 to 7–23 and 7–24–81 and additional meetings on 8–6 and 8–7–81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
Proposed Rules:
831 35658

7 CFR
210 35629
235 35629
908 35629
910 35630
Proposed Rules:
272 35658
273 35658

9 CFR
Proposed Rules:
319 35660

10 CFR
1060 35630
Proposed Rules:
20 35662
30 35662
40 35662
70 35662

12 CFR
Proposed Rules:
613 35663
614 35663

14 CFR
221 35632
Proposed Rules:
297 35664
380 35664

16 CFR
Proposed Rules:
438 35668

17 CFR
240 (2 documents) 35633, 35634
Proposed Rules:
1 35682
17 35682
33 35682

19 CFR
Proposed Rules:
101 35682

28 CFR
2 (3 documents) 35635, 35637, 35639

29 CFR
Proposed Rules:
1910 35683

32 CFR
298a 35640
888 35642

40 CFR
52 35642
Proposed Rules:
52 (3 documents) 35684–35686

41 CFR
101-26 35643
101-30 35644
Proposed Rules:
16 35688

45 CFR
1176 35647

49 CFR
1002 35648
1128 35648

Rules and Regulations

Federal Register
Vol. 46, No. 132
Friday, July 10, 1981

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.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 210 and 235

National School Lunch Program and State Administrative Expense Fund; Assessment, Improvement and Monitoring System (AIMS), Extension of Public Comment Period

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of extension of public comment period.

SUMMARY: The interim Assessment, Improvement and Monitoring System (AIMS) rule was published in the Federal Register (45 FR 64068) on September 26, 1980. Public comments were requested to be postmarked by June 30, 1981. This notice extends the public comment period to December 31, 1981. This extension will enable the public to gain additional operational experience which will aid the Department in refining the final rule.

DATES: To be assured of consideration, comments must be postmarked on or before December 31, 1981.

ADDRESS: Comments should be sent to Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, USDA, Food and Nutrition Service, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:
Mr. Stanley C. Garnett at the above address (202–447–9065).

SUPPLEMENTARY INFORMATION:
Classification: The interim Assessment, Improvement and Monitoring System rule does not meet any of the three criteria identified in Executive Order 12291 and, as a result, would not be considered a major rule..

Background: The Department published AIMS as an interim rule to allow for further refinement after implementation of the system.

The effective date for interim AIMS was January 1, 1981 and the close of the public comment period was to be June 30, 1981. It was initally believed that six months would provide the public with sufficient operating experience on which to base its comments.

As State agencies began implementation of AIMS, the Department found that some State agencies and School Food Authorities would require more than six months to gain adequate operational insight. Furthermore, the FNS suggested AIMS guidance handbook, which would facilitate implementaton in some cases, was printed behind schedule. Consequently, the Department felt that an extension of the comment period would best serve the public.

For these reasons, the Department will continue to receive comments postmarked on or before December 31, 1981.

Dated: July 2, 1981.

G. William Hoagland,
Administrator, Food and Nutrition Service.

[FR Doc. 81-20043 Filed 7-9-81; 8:45 am]
BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 670, Amdt. 1; Valencia Orange Reg. 671]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 10–16, 1981, and increases the quantity of such oranges that may be so shipped during the period July 3–9, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective July 10, 1981, and the amendment is effective for the period July 3–July 9, 1981.

FOR FURTHER INFORMATION CONTACT:
William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a non-major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–227–5975.

The committee met again publicly on July 7, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is good on most sizes.

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

restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. § 908.971 is added as follows:

§ 908.971 Valencia Orange Regulation 671.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period July 10, 1981 through July 16, 1981, are established as follows:

(1) District 1: 400,000 cartons;
(2) District 2: 400,000 cartons;
(3) District 3: unlimited cartons.

2. § 908.970 Valencia Orange Regulation 670 (46 FR 34557), is hereby amended to read:

§ 908.970 Valencia Orange Regulation 670.

* * * * *

(1) District 1: 525,000 cartons;
(2) District 2: 525,000 cartons;
(3) District 3: unlimited cartons.

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

Dated: July 8, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-20340 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 910

[Lemon Reg. 313 and Lemon Reg. 312, Amendment 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period July 12–18, 1981, and increases the quantity of lemons that may be shipped during the period July 5–11, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective July 12, 1981, and the amendment is effective for the period July 5–11, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on July 8, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues active.

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

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

1. Section 910.613 is added as follows:

§ 910.613 Lemon Regulation 313.

The quantity of lemons grown in California and Arizona which may be handled during the period July 12, 1981, through July 18, 1981, is established at 300,000 cartons.

2. Section 910.612 Lemon Regulation 312 (46 FR 34557) is revised to read as follows:

§ 910.612 Lemon Regulation 312.

The quantity of lemons grown in California and Arizona which may be handled during the period July 5, 1981, through July 11, 1981, is established at 375,000 cartons.

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

Dated: July 8, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-20339 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Part 1060

Payment of Travel Expenses of Persons Who Are Not Government Employees

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: By this rule, the Department of Energy is amending 10 CFR to establish a new Part 1060 which establishes policies on payment from Department funds of travel expenses of persons who are not Government employees (often referred to as "invitational travel"). The regulations will provide Department employees and members of the public with explicit guidelines with respect to authorization and approval of such payments.

EFFECTIVE DATE: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Susan Fonner, Attorney, Office of the Assistant General Counsel for Standards of Conduct, GC–45, U.S. Department of Energy, Washington, D.C. 20585, (202) 252–1522.

SUPPLEMENTARY INFORMATION:

Classification

The Department of Energy has determined that no substantial issue of fact or law exists with respect to these regulations and that these regulations

are not likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. The Department of Energy has further determined that these regulations relate to agency management and therefore are exempt from the requirements of 5 U.S.C. §§ 553, 603, and 604, and the requirements of Executive Order 12291.

Regulatory Analysis

Not required for this rulemaking.

Environmental Impact Statement

Not required for this rulemaking.

Background

The authority to provide payment from DOE funds for travel expenses of persons who are not Government employees is primarily based on provisions incorporated in chapter 57, title 5, United States Code, as amplified by Decisions of the Comptroller General. (See, for example, 4 Comp. Gen. 281, 8 Comp. Gen. 465; 21 Comp. Gen. 610; 27 Comp. Gen. 183; 38 Comp. Gen. 483; 40 Comp. Gen. 221; 41 Comp. Gen. 482; 48 Comp. Gen. 110; 51 Comp. Gen. 800; 54 Comp. Gen. 554; 56 Comp. Gen. 661.) Section 645 of the DOE Organization Act (42 U.S.C. 7255) provides statutory authority with respect to expenses of subpenaed persons.

Some Government agencies, including the Department of Energy, have internal rules that attempt to provide guidance to agency employees with respect to certain aspects of invitational travel. However, the lack of more explicit guidance has resulted in uncertainty on the part of both DOE employees and private individuals as to when payment for such travel is authorized. This rule will provide express guidelines for limiting invitational travel to specific categories of individuals and to certain invitations approved by high-level DOE officials.

Discussion of Comments

On March 20 1981, the Department of Energy published proposed regulations on invitational travel (46 FR 17787) and invited the public to offer comments on the proposed rule. Two telephone inquiries and one written comment were received with respect to the proposed regulations. In each case, concern was expressed that section 1060.201, which excludes contractors from the provision authorizing payment of travel expenses of persons invited to confer, might be construed to modify the terms of provisions covering travel expenses contained in DOE contracts. In addition, it was suggested that the provision could affect contractors with respect to matters extraneous to their contracts. To make clear that this is not the intent of Part 1060, the regulations were modified as discussed below.

Final Regulations

The regulations are adopted as proposed except for conforming changes in the headings of sections 1060.201 and 1060.301 and the following modifications in the text:

Section 1060.101—A new subsection (e) has been added to this section to make clear that these regulations are not intended to modify the terms of any DOE contract or assistance award. In addition, changes were made in subsection (c) to reflect recent changes in Departmental field structure. (See discussion of § 1060.501, below. In subsection (a)(4), the phrase "who cannot travel alone because of the handicap" has been substituted for "whose handicap prevents him from traveling alone", a non-substantive change.

Section 1060.201—Clause (b) has been amended to make clear that the regulations are not intended to affect contractors or their employees with respect to matters outside the scope of the contract. Further, to assure consistency of treatment in application of the regulations to different types of Departmental awards, the revised language makes reference to assistance awards as well as to contracts.

Section 1060.501—To reflect changes that have taken place in the Departmental field structure since the proposed rule was prepared, the term "DOE Field Organization" has been substituted for "regional or district office or a field installation (as defined in Part 1003 of Chapter X of this Title)". Similarly, because the Office of the Chief Financial Officer has been abolished, the reference to the "Chief Financial Officer" has been deleted from the definition of "principal departmental officer" in § 1060.501(f).

For the reasons set out in the preamble, Chapter X of Title 10 of the Code of Federal Regulations is amended by adding a new Part 1060 as set forth below.

Issued in Washington, D.C., July 2, 1981.

Harry L. Peebles,

Deputy Assistant Secretary, Management and Administration.

Part 1060 is added to 10 CFR Chapter X to read as follows:

PART 1060—PAYMENT OF TRAVEL EXPENSES OF PERSONS WHO ARE NOT GOVERNMENT EMPLOYEES

Sec.

1060.101 Persons Who May Be Paid.
1060.201 Relatives, Contractors, and Assistance Award Recipients.
1060.301 Government Employees.
1060.401 Applicability of Internal DOE Rules.
1060.501 Definitions.

Authority: Section 644, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254).

§ 1060.101 Persons who may be paid.

(a) Payment may not be authorized or approved for transportation, lodging, subsistence, or other travel expenses from DOE funds to, or on behalf of, a person who is not a Government employee unless such payment is made—

(1) Pursuant to an invitation received by that person from the Department to confer with a DOE employee on matters essential to the advancement of DOE programs or objectives and (i) in the case of a person invited to confer at the post of duty of the conferring DOE employee, a designated official has approved and stated the reasons for the invitation in writing, or (ii) in the case of a person invited to confer at a place other than the post duty of the conferring DOE employee, a principal departmental official has approved and stated the reasons for the invitation in writing;

(2) Pursuant to an invitation for an interview to a prospective employee of the Department who is an applicant for (i) a position in the Department classified at GS-16 or above of the General Schedule or the rate of basic pay for which is fixed, other than under the General Schedule, at a rate equal to or greater than the minimum rate of basic pay fixed for GS-16, (ii) a position for which a determination has been made that there is a manpower shortage pursuant to 5 U.S.C. 5723, or (iii) a DOE position for which the Department has the exclusive duties of recruitment and selection;

(3) In accordance with 28 U.S.C. 1821 or other applicable law, to a person who is subpoenaed by the Department to appear and testify or to appear and to produce documents at a designated place;

(4) To a person who serves as a travel attendant for a handicapped individual who is authorized to travel at DOE expense and who cannot travel alone because of the handicap; or

(5) Pursuant to a written determination of a principal departmental officer that it is in the interest of the Government to provide such payment, where the Counselor has

determined in writing that the payment is authorized under 5 U.S.C. ch. 57 or other statutory authority.

(b) The authority of a designated official or a principal departmental officer, as the case may be, to provide approval of an invitation to travel under subsection (a)(1) and of a principal departmental officer to determine that payment of travel expenses is in the interest of the Government under subsection (a)(5) may not be delegated.

(c) Within 30 days of providing written approval of an invitation under subsection (a)(1)(i), a designated official who is an Administrator of a power administration or the head of a Field Organization shall transmit a copy of the written approval to the principal departmental officer to whom the official or the official's organization reports.

(d) Payment of travel expenses may not be made pursuant to an invitation to travel under subsection (a)(1) or (a)(5) unless the written approval and statement of reasons required by subsection (a)(1), or the written determinations required by subsection (a)(5), are made before the travel to be authorized by the invitation takes place.

(e) Nothing in this section shall be interpreted to prohibit payment for travel expenses that are reimbursable or allowable by the Department under the terms of a DOE contract or assistance award.

§ 1060.201 Relatives, contractors, and assistance award recipients.

Notwithstanding any other provision in this part, a DOE employee may not authorize or approve, require another person to authorize or approve, or advocate the authorization or approval of, payment from DOE funds of travel expenses of a person who is not a Government employee and who is (a) the DOE employee's relative (except in the case of payment under § 1060.101(a)(4), or (b) in the case of payment under § 1060.101(a)(1), a DOE contractor or a DOE assistance award recipient or the employee of a DOE contractor or a DOE assistance award recipient unless the travel expenses are incurred with respect to matters outside the scope of the contract or assistance award, as the case may be. (See also § 1060.101(e)))

§ 1060.301 Government employees.

Nothing in this part shall be interpreted as being applicable to authorization or approval of payment of travel expenses of Government employees, including DOE employees.

§ 1060.401 Applicability of internal DOE rules.

Payment of travel expenses under § 1060.101(a)(1)–(5) shall be subject to other Department rules relating to authorization of travel.

§ 1060.501 Definition.

For purposes of this part—

(a) "Counselor" means the General Counsel of the Department or the General Counsel of the Federal Energy Regulatory Commission or their delegates, as appropriate.

(b) "Designated official" means (1) a principal departmental officer, (2) an individual who is appointed to a position in the Department by the President of the United States with the advice and consent of the Senate, (3) the Administrator of a power administration, or (4) the head of a Field Organization.

(c) "DOE" or "Department" means the Department of Energy established by the Department of Energy Organization Act, section 201, Pub. L. 95–91 (42 U.S.C. 7131).

(d) "Employee" means—

(1) An employee as defined by 5 U.S.C. 2105;

(2) A special Government employee as defined in 18 U.S.C. 202(a);

(3) A member of a Uniformed Service.

(e) "Handicapped individual" means a person who has a physical or mental disability or health impairment, and includes an individual who is temporarily incapacitated because of illness or injury.

(f) "Principal departmental officer" means the Secretary, Deputy Secretary, or Under Secretary, or, in the case of the Federal Energy Regulatory Commission, the Chairman or Executive Director of the Commission.

(g) "Relative" means, with respect to a DOE employee, an individual who is related to the employee, by blood, marriage, or operation of law, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandchild, grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister, and shall also include the grandparent of an employee's spouse, an employee's fiance or fiancee, or any person residing in the employee's household.

[FR Doc. 81-20297 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[Docket 39076, Amdt. No. 57; Regulation ER-1233]

Airlines; Special Tariff Permission

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: Under Special Tariff Permission procedures, the CAB allows airlines to implement certain fare changes quickly instead of having to wait 30 to 60 days. This amendment relaxes the requirement that an airline notify competitors and civic parties in certain cases when it requests Special Tariff Permission. This action is at the CAB's initiative.

DATES: Adopted: June 25, 1981. Effective: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas Moore, Domestic Fares & Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5038.

SUPPLEMENTARY INFORMATION: An airline that obtains Special Tariff Permission (STP) from the Board can then implement certain passenger fare changes as little as 1 day after it files a tariff reflecting the changes with the Tariffs Division. In ER–1171 and PS–91 (45 FR 20059, 20071, March 27, 1980) the Board liberalized its rules and policies on this subject so that STP requests will ordinarily be approved for fares that are within a statutory or Board-established zone of fare flexibility. In ER–1205 (45 FR 87008, December 31, 1980), the Board adopted a procedure for pre-filing tariff approval to further expedite the introduction of fare decreases. That procedure applies only to domestic fares.

The statutory fare flexibility zones are prescribed domestically by the Airline Deregulation Act of 1978, Pub. L. 95–504, and internationally by the International Air Transportation Competition Act, Pub. L. 96–192. The Board has only limited authority to suspend fares that are within those zones. As a policy matter, the Board has voluntarily established broader zones of flexibility within which it will ordinarily not suspend fares—for most domestic markets in Subpart C of 14 CFR Part 399 (PS–98, 45 FR 70431, October 24, 1980), and for international markets on Order 81–1–119, January 23, 1981.

This rulemaking addresses the notification that airlines must give when they file an STP request with the Board.

Once a fare change has become effective, the Board has no authority to suspend it, except in the case of certain international fares. Potential complainants therefore have an interest in being notified about an STP application quickly, so that they may file complaints and argue that a proposed fare should be suspended before the application is approved and the fare implemented. In deciding when to require notification, the Board must balance this interest against several factors. First, any advance notice requirement has an anticompetitive effect, which encourages price signalling and discourages the introduction of fare decreases. Second, there are costs imposed on travelers when fare decreases are delayed, and costs on airlines when increases are delayed. Finally, the notification requirement itself imposes costs on airlines. The balancing is also affected by the likelihood that the Board would suspend the fare.

In ER–1171 we balanced these factors and adopted the following scheme: Notification must be provided for fares that are outside the statutory zones of flexibility, and for any fare that an airline has reason to believe will be controversial (§ 221.191(e)). The notification must be provided to competing airlines and affected civic parties at the same time that the STP application is filed with the Board. It must be immediate and telegraphic, unless an alternative is approved by the Board's Tariffs Division. The notification is required for any fare that is outside the applicable statutory zone, even if it is within a Board-established zone of flexibility.

In EDR–418 (45 FR 87012, December 31, 1980) we proposed to amend § 221.19(e) to refer to the Board's broader flexibility zones, thus eliminating the notification requirement for such "between-zone" fares. In view of all the factors discussed above, especially the rarity of suspensions of filings within these broader zones, we tentatively concluded that any benefits of requiring notification for all such filings are outweighed by the costs and anticompetitive effects. The proposal noted that in any event, since granting STP is discretionary, we could protect procedural fairness by requiring notification in individual cases when it appeared that a complainant might persuade us to suspend a fare. Also, notification would still be required for controversial filings. A restatement of this requirement was proposed to reflect our interpretation in ER–1205 of "controversial" as not covering fare decreases—by referring to increases and rule changes instead of all tariffs—and extend that interpretation to cargo rate decreases.

No comments were filed in response to EDR–418. For the reasons discussed in that proposal and reiterated above, we have decided to amend Part 221 as proposed.

In Order 80–12–93, adopted along with EDR–418, we granted a blanket interim exemption from the notification requirement to the extent that we proposed to relax the requirement. This final rule makes continuation of the exemption unnecessary, and the exemption terminates by its terms.

Since this amendment relieves a restriction and creates no additional burden, the Board finds for good cause that it may become effective less than 30 days after publication.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 221, *Tariffs*, as follows:

1. The authority for Part 221 is:

Authority: Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, as amended, Pub. L. 85–726, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482.

2. In § 221.191, paragraph (e) is revised to read:

§ 221.191 How to prepare and file applications for Special Tariff Permission.

* * * * *

(e) *When notice is required.* Notice in the manner set forth in paragraph (f) of this section is required when a carrier files an application for Special Tariff Permission—

(1) To offer passenger fares that would be outside a Board-established zone of fare flexibility or, in markets for which the Board has not established such a zone, outside the statutory zone of fare flexibility; or

(2) To file any price increase or rule change that the carrier believes is likely to be controversial.

* * * * *

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20283 Filed 7-9-81; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17913]

Non-member Market Makers; Rescission of Obsolete Rule

AGENCY: Securities and Exchange Commission.

ACTION: Rule rescission.

SUMMARY: The Commission today is rescinding, as obsolete, a Commission rule under the Securities Exchange Act of 1934 (the "Act") relating to non-member market makers. The Commission rule has been rendered obsolete by subsequent Commission rulemaking and by rule changes of the New York Stock Exchange ("NYSE").

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT: Michael J. Simon, Attorney, Securities and Exchange Commission, Room 391, 500 North Capitol Street, Washington, D.C., 202–272–2889.

SUPPLEMENTARY INFORMATION: On October 20, 1966, the Commission adopted Rule 19b–1 (17 CFR 240.19b–1) under the Act ("Rule"),[1] which provides certain filing and financial requirements for "qualified non-member market makers" in NYSE Rule 394(b). Since the adoption of the Rule, however, the Commission has engaged in further rulemaking which has obviated the need for those provisions of Rule 394(b) that make reference to qualified non-member market makers.[2] In response to these actions, the NYSE has amended its rules to remove all references to qualified non-member market makers. Therefore, it appears that the Rule no longer serves any useful purpose.

§ 240.19b–1 [Removed]

Accordingly, Chapter II of Title 17 of the Code of Federal Regulations is amended by removing § 240.19b–1.

The Commission finds, in accordance with Sections 5 U.S.C. 553(b)(B) and 553(d) of the Administrative Procedure Act that there is good cause that the rescission of the Rule take effect immediately because notice and public

[1] Securities Exchange Act Release No. 34–7981 (October 20, 1966) 31 FR 13990.

[2] *See e.g.*, Securities Exchange Act Release No. 14325 (December 30, 1977), 43 FR 1327, which amended Rule 19c–1 (17 CFR 240.19c–1) under the Act, to remove, with the exception of "in-house" agency cross transactions, all off-board agency trading restrictions.

procedure are unnecessary in light of the fact that the rescission of the Rule relieves a reporting restriction on broker-dealers and is no longer relevant to any regulatory purpose. Accordingly, the foregoing action becomes effective immediately.

By the Commission.

George A. Fitzsimmons,

Secretary.

July 2, 1981.

[FR Doc. 81-20235 Filed 7-9-81; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Part 240

[Release No. 34-17910]

Requirements for Broker-Dealer Filing and Reporting

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is eliminating the requirement imposed on brokers and dealers to file copies of any proposed subordination agreements with the appropriate Commission Regional Offices under certain circumstances. It is also eliminating the requirement to file with the Commission's principal office in Washington, D.C. an application for an extension of time to file audited reports. The requests will hereafter be filed only with the appropriate Regional Office of the Commission as well as the Designated Examining Authority as now provided for in the Rule.

DATE: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Ellen C. Kerrigan, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2368.

SUPPLEMENTARY INFORMATION: 1. Appendix D to Rule 15c3-1 sets forth minimum and non-exclusive requirements for satisfactory subordination agreements. Paragraph (c)(6) of that Appendix requires that two copies of any proposed subordination agreement (including any non-conforming subordination agreement) be filed at least 10 days prior to the proposed execution date of the agreement with the Commission's Regional Office for the region in which the broker or dealer maintains its principal place of business. Copies of the proposed agreement must also be filed with the Examining Authority in such quantities as the Examining Authority may require.[1] Paragraph (c)(6) further requires the Regional Office or the Examining Authority to examine the agreement. No proposed agreement shall be a satisfactory subordination agreement unless and until the Examining Authority has found the agreement acceptable and such agreement has become effective in the form found acceptable.

Where the Examining Authority has been other than the appropriate Regional Office, the Regional Offices have generally relied upon the self-regulatory organizations for direct scrutiny of subordination agreements filed by their respective members; the extra copy is filed with the Regional Office primarily for information or oversight. The filing of copies with the Regional Offices seems unnecessary at the present time. It is appropriate, however, for the Commission to have reasonable means for monitoring these agreements. At present, each Designated Examining Authority forwards to the Commission periodic summary reports on a firm-by-firm basis of subordination agreements approved by that organization. The Commission believes that these reports will be sufficient for its monitoring purposes. Hence, the Commission deems it appropriate to eliminate the requirement for filing of copies of proposed subordination agreements with the Regional Offices where the Examining Authority is a self-regulatory organization and that organization has agreed to file with the Commission periodic reports summarizing subordination agreements it has approved during that period.[2] Where a Commission Regional Office is its Examining Authority, the broker or dealer must continue to file its subordination agreements with that Regional Office.

2. Under Rule 17a-5(1), a broker or dealer requesting an extension of time to file its annual report pursuant to paragraph (d) of the Rule must file an application for an extension of time with the Commission's principal office in Washington, D.C. and the appropriate Regional Office of the Commission. The extension must be to a specified date not more than 90 days after the date as of which the financial condition is reported.[3] Notice of the application must also be sent to the Designated Examining Authority. Since the Commission's Regional Office has been delegated the authority to grant or deny such requests, it seems unnecessary for a broker or dealer seeking an extension to file an application with the Commission's principal office in Washington, D.C. Accordingly, the Commission has determined to delete that requirement. Hence, such requests would be filed only with the appropriate Regional Office of the Commission and with the Designated Examining Authority for the broker-dealers.

Statutory Basis, Competitive Considerations and Effective Date

The Commission, acting pursuant to Sections 15(c)(3), 17 and 23 of the Securities Exchange Act of 1934, 15 U.S.C. 78*o*(c)(3), 78q and 78w, hereby adopts amendments to § 240.15c3-1d and § 240.17a-5 of Title 17 of the Code of Federal Regulations as set forth below.

In doing so, the Commission, pursuant to Section 533(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), for good cause finds that the solicitation of public comment prior to adoption of these rule amendments is unnecessary, because these are duplicative filing requirements.

Moreover, the Commission finds that eliminating these filing requirements reduces the reporting burden on brokers and dealers registered with the Commission. Thus, pursuant to Section 533(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), the Commission has determined to make the amendments effective immediately upon publication in the **Federal Register** (July 10, 1981) since they relieve restrictions that are currently imposed by the provisions hereby being amended.

It also appears to the Commission that no burden will be imposed on competition by the adoption of these amendments.

Regulatory Flexibility Act Consideration

The Regulatory Flexibility Act, 5 U.S.C. 601 et seq., imposes new procedural steps applicable to agency rulemaking which has "a significant economic impact on a substantial number of small entities."

This Act, however, is only applicable if the proposed amendments are subject to public notice and comment. The amended rules will relieve restrictions currently imposed on broker-dealers and, therefore, will be effective upon publication, without notice and opportunity for comment.

Amendments

In accordance with the foregoing, 17, CFR Part 240 is amended as follows:

[1] The term "Examining Authority" is defined in paragraph (c)(12) of the net capital rule (17 CFR 240.15c3-1(c)(12)).

[2] Each report should include, in addition to the amount of the loan and its duration, the name of the lender and the business relationship of the lender to the broker or dealer.

[3] Any other requests for extensions of time to file audited reports must be filed with the Commission's headquarters office.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By designating present paragraph (c)(6) of § 240.15c3–1d as paragraph (c)(6)(i) and adding paragraph (c)(6)(ii) to read as follows:

§ 240.15c3–1d Satisfactory subordination agreements (Appendix D to 17 CFR 240.15c3–1).

* * * * *

(c) * * *

(6) * * *

(ii) The broker or dealer need not file with the Regional Office for the region in which the broker or dealer maintains its principal place of business (if a Regional Office is not its Examining Authority) copies of any proposed subordination agreement or the statement described above if the Examining Authority for that broker or dealer has consented to file with the Commission periodic reports (not less than monthly) summarizing for the period, on a firm-by-firm basis, the subordination agreements it has approved for that period. Such reports should include at the minimum, the amount of the loan and its duration, the name of the lender and the business relationship of the lender to the broker or dealer.

* * * * *

2. By revising paragraphs (l)(1)(i) and (E) of § 240.17a–5 to read as follows:

§ 240.17a–5 Reports to be made by certain brokers and dealers.

* * * * *

(l) *Extensions and exemptions.* (1)(i) In the event any broker or dealer finds that it cannot file its report for any year within the time specified in paragraph (d) of this section without undue hardship, it may file with the appropriate regional office as specified in paragraph (d)(6) of this section an application for an extension of time to a specified date which shall not be more than 90 days after the date as of which his financial condition is reported. Notice of such application shall be sent to the designated examining authority. The application shall be made by the broker or dealer and shall:

* * * * *

(E) Be received by the regional office of the Commission for the region in which the broker or dealer has its principal place of business and the principal office of the designated examining authority prior to the date upon which the report is due; and

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

July 2, 1981.

[FR Doc. 81-20236 Filed 7-9-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: The Parole Commission is modifying its policy regarding the treatment of parole violators incarcerated with new sentences. Under the modification, the Commission will commence the unexpired portion of the original sentence upon release from the confinement portion of the new sentence, except where the Commission selects an earlier date for reparole to the new sentence. This change will make the decision as to the commencement of the running of the unexpired portion of the original sentence conform with Commission standards for release at 28 CFR 2.21, and eliminate the complexity of the present regulation which has been in effect since July 1980.

The new rule also modifies Commission procedures on the timing of the dispositional revocation hearing for parole violators incarcerated on new sentences such that a prisoner in a state/local facility will be heard after service of 24 (rather than 18) months in custody (if not released before that time). A prisoner in a federal facility, in most cases, will have this hearing in conjunction with the initial parole hearing on the new federal sentence. The modification for state prisoners is made for budgetary reasons, and the modification for federal prisoners is to reduce duplication in hearings.

DATES: August 31, 1981 (See Implementation Section). Public comment must be received by August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Peter Hoffman, Office of Research, U.S. Parole Commission, 5550 Friendship Boulevard, Bethesda, Maryland 20015, (301) 492–5980.

SUPPLEMENTARY INFORMATION: Prior to July 1, 1980, the customary policy of the Parole Commission for parole violators with new sentences to incarceration was to conduct a revocation hearing only on the completion of the confinement portion of the new sentence, no matter what its length. The alleged violator was taken into federal custody on the Parole Commission's warrant, a revocation hearing would be conducted, and a decision relative to reparole made after assessment of the case under the reparole guidelines. The unexpired portion of the original federal sentence would normally commence to run only upon release from the confinement portion of the new sentence.

In July, 1980, the Commission modified these policies in two ways. First, the Commission adopted a policy of providing revocation hearing more promptly for persons incarcerated with new sentences. For parolees in state custody, the revocation hearing was to be held after service of approximately 18 months, if the prisoner was not earlier returned to federal custody. For parolees in federal custody, the hearing was to be conducted within 120 days after incarceration to allow the Commission to consolidate the revocation hearing with the initial parole hearing on the new sentence. These changes in timing were intended to provide the parolee with earlier notice of the amount of prison time the Parole Commission would require on the sentences under its jurisdiction.

Second, the Commission adopted a regulation under which the unexpired portion of the original federal sentence would commence after service of 18 months on the new sentence (if the prisoner was not released from the new sentence before that time), except that the Commission could commence the unexpired portion of the original sentence at an earlier or later time upon the concurring votes of two Commissioners. This modification was designed to decrease the disparity inherent in the former policy, given the varying sentencing practices across jurisdictions for similar types of behaviors.

Since the implementation of these changes, the Commission has experienced several severe conceptual and procedural difficulties with the present regulation.

Recommencement of the Unexpired Portion of the Original Sentence

The July 1980 change concerning the commencement of the unexpired portion of the original sentence has created a potential conflict with Commission policy concerning the decision as to service of prison time on the violator term. To make the time-served decision, the Commission refers to reparole

guidelines (28 CFR 2.21). A purpose of the guidelines is to enhance equity in the service of prison time for parolees of similar background who commit similar parole violations. In ascertaining how much time has already been served for making decisions under these guidelines, the parolee is given credit for all time served in custody resulting from the violation, whether served on the new sentence or on the violator term. Through the reparole guidelines, the Commission wants to ensure that a parole violator serves the appropriate number of months for the parole violation. This time may be served on a new federal sentence, a new state sentence, the parole violator term, or on any combination of the above.

The decision on commencement of the violator term, since it sets the new full term date on the original sentence, also determines the outside limit for the reparole decision. Though the intent of the July 1980 policy on commencement of the unexpired portion of the original sentence was not to affect the reparole decision, in actuality, the two decisions interract and at times conflict.

For example, consider a parole violator for whom the Commission determines release would be appropriate after service of 78 months on reparole guidelines of 64–78 months. Assume he was released from his original federal sentence with 24 months remaining and is currently serving a state sentence of 60 months. If the 18 month recommencement policy was applied, the original federal sentence would be made to run concurrently with the state sentence after service of 18 months and would expire after 42 months of service on the new sentence. Therefore, the maximum prison time served by the violator would be limited to the 60 months on the state sentence—short of the time-served decision called for by the customary policy set forth by the guidelines.

In actual practice, when these two policies conflict, as in the above example, the case may be referred for a second concurring signature for an exception to the 18 month commencement policy, and the commencement of the federal sentence deferred until release from the new sentence. the use of this exception has proved administratively burdensome.

Therefore, in order to avoid a conflict between two stated policies, the Commission is modifying its regulation on commencement of the unexpired portion of the violator term so that the original sentence will again begin to run upon release from the confinement portion of the new sentence, unless reparole to the new sentence is set at an earlier date.

This new procedure retains the benefits which were anticipated from the July 1980 revision, while eliminating a number of difficulties. In practice, there will be virtually no change in the time of actual warrant execution as the "exception" to the July 1980 regulation was generally invoked where the 18 month rule would not allow for adequate service of time under the reparole guidelines. Further, this procedure still achieves equity among similarly situated prisoners serving varying sentences in different jurisdictions. For those prisoners serving particularly lengthy new sentences in relation to the service of time assessed by the Commission, the unexpired portion of the original federal sentence will again begin to run as soon as it is assured that the prisoner has served an appropriate number of months (the date selected for reparole). For state or local prisoners reparoled to their new state or local sentence, this procedure also saves the unnecessary expense of transporting these prisoners, whom the Commission is ready to release to the community, back to a federal facility and housing them until such release could be effected. This procedure is also considerably less complicated than the July, 1980 regulation since it eliminates referrals for second signature concerning the commencement decision.

Timing of the Dispositional Revocation Hearing

Prisons in Federal Custody

The purpose of the July, 1980 provision to hold dispositional revocation hearings within 120 days of confinement was to eliminate the need for two separate hearings by combining this hearing with the initial parole hearing on the new sentence. However, when a prisoner is not eligible for an initial hearing within 120 days, or waives the initial hearing, this purpose is not accomplished. Therefore, this procedure is being modified so that federal prisoners who are not eligible for an initial hearing within 120 days, or those who are eligible but have not applied, be given a dispositional record review within 180 days (as required by 18 U.S.C. 4214), and scheduled for a dispositional revocation hearing to be held jointly with the initial hearing on the new sentence (or upon release from the new sentence if application for parole is not made). Parolees who are eligible and apply for initial hearings on new federal sentences within 120 days will continue to have their dispositional revocation hearing held jointly with the intial hearing. Prisoners with new federal sentences of one year or less, although not eligible for parole on the new sentence, will also receive the dispositional revocation hearing with 120 days.

Prisoners in State/Local Custody

Under the July, 1980 regulation, prisoners in state or local custody were given their dispositional record review within 180 days, and scheduled for a dispositional revocation hearing after service of 18 months, unless released earlier. The Commission is changing this provision to schedule the dispositional revocation hearing after service of 24 months.

When the 18-month hearing rule was adopted, the Commission had arranged with the U.S. Probation Service to conduct dispositional hearings in state/local facilities when requested because of cost considerations. However, given the recent government-wide budget cuts, the travel cost of conducting these hearings is becoming a matter of concern for the Probation Service as well as for the Commission. By extending the period before such a hearing is called for under this regulation, the Commission expects to save approximately 50 such local hearings annually.

Other Changes

The regulation has also clarified that revocation hearings in state/local custody will not be provided for prisoners outside the United States, or for those serving new life sentences without possibility of parole or sentences to death. Up to this time, these exceptions have been noted in the Commission's Procedures Manual.

In addition, the regulation has clarified that the section pertaining to commencement of the violator term does not apply to violator terms where the underlying sentence runs uninterruptedly by law. Previously, only Youth Corrections Act and Narcotic Addict Rehabilitation Act sentences had been mentioned. However, Mexican and Canadian treaty cases also run uninterruptedly and, thus, are also exempted from this section.

Implementation

1. Recommencement of Sentence: This provision will apply to all parolees who have dispositional revocation hearings on or after August 31, 1981.

2. Timing of Dispositional Revocation Hearings: This provision will apply to all parolees for whom the Commission schedules a dispositional revocation hearing on or after August 31, 1981.

Section 2.47 is revised to read as follows:

§ 2.47 Warrant placed as a detainer and dispositional review.

(a) When a parolee is serving a new sentence in an institution, a parole violation warrant may be placed against him as a detainer.

(1) If such prisoner is serving a new sentence in a federal institution, a revocation hearing shall be scheduled within 120 days of notification of placement of the detainer, or as soon thereafter as practicable, provided the prisoner is eligible for and has applied for an initial hearing on the new sentence, or is serving a new sentence of one year or less. In any other case, the detainer shall be reviewed on the record pursuant to subsection (a)(2) of this rule.

(2) If the prisoner is serving a new sentence in a state or local institution, the violation warrant shall be reviewed by the Regional Commissioner not later than 180 days following notification to the Commission of such placement. The parolee shall receive notice of the pending review, and shall be permitted to submit a written application containing information relative to the disposition of the warrant. He shall also be notified of his right to request counsel under the provisions of § 2.48(b) to assist him in completing this written application.

(b) Following a dispositional record review, the Regional Commissioner may:

(1) Pursuant to the general policy of the Commission, let the warrant stand as a detainer and:

(a) If the prisoner is serving a state or local sentence, order that a revocation hearing be scheduled upon return to a federal institution or upon completion of twenty-four months in confinement on the new term, whichever comes first. However, a hearing under this subsection will not be scheduled for a prisoner in state or local custody serving a new term for life without possibility of parole, a sentence to death, or who is incarcerated outside the United States.

(b) If the prisoner is serving a federal sentence, order that the revocation hearing be scheduled to coincide with the initial hearing on the new federal sentence or upon release from the new sentence, whichever comes first.

(2) Withdraw the warrant, and either order reinstatement of the parolee to supervision upon release from confinement or close the case if the expiration date has passed.

(c) Revocation hearings pursuant to this section shall be conducted in accordance with the provisions governing institutional revocation hearings, except that a hearing conducted at a state or local facility may be conducted by a hearing examiner, hearing examiner panel, or other official designated by the Regional Commissioner. Following a revocation hearing conducted pursuant to this section, the Commission may take any action specified in § 2.52.

(d)(1) A parole violater whose parole is revoked shall be given credit for all time in federal, state, or local confinement on a new offense for purposes of satisfaction of the reparole guidelines at §§ 2.20 and 2.21.

(2) However, it shall be the policy of the Commission that the revoked parolee's original sentence (which due to the new conviction, stopped running upon his last release from federal confinement on parole) again start to run only upon release from the confinement portion of the new sentence or the date of reparole granted pursuant to these rules, whichever comes first. This subsection does not apply to cases where, by law, the running of the original sentence is not interrupted by a new conviction (e.g., YCA; NARA; Mexican or Canadian treaty cases).

(e) If a Regional Commissioner determines that additional information is required in order to make a decision pursuant to paragraph (a)(2) of this section, he may schedule a dispositional hearing at the state or local institution where the parolee is confined to obtain such information. Such hearing may be conducted by a hearing examiner, hearing examiner panel, or other official designated by the Regional Commissioner. The parolee shall have notice of such hearing, be allowed to testify in his behalf, and have opportunity for counsel as provided in § 2.48(b).

I certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: June 26, 1981.

Cecil C. McCall,

Chairman.

[FR Doc. 81-20204 Filed 7-9-81; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is revising its salient factor score, an actuarial device used to assess the parole prognosis (risk) dimension of the paroling policy guidelines (28 CFR 2.20). This revision responds to concerns raised during previous testimony received by the Commission in that it reduces emphasis on "status" items. The new device will also provide greater reliability in scoring.

EFFECTIVE DATE: August 31, 1981 (See Implementation Section).

FOR FURTHER INFORMATION CONTACT: Peter Hoffman, Office of Research, 5550 Friendship Boulevard, Bethesda, Maryland 20015, (301) 492-5980.

SUPPLEMENTARY INFORMATION: On December 10, 1980, the Parole Commission published a proposal to modify its salient factor score, an actuarial device comprising one dimension of the Paroling Policy Guidelines which is used to predict risk of future criminal conduct (45 FR 81212). The proposal cited as impetus for this revision the testimony which the Commission had received during late 1979 at its Guideline Revision Hearings which urged a reduction in the use of "status" items in general; and elimination of the "employment" item in particular. However, as the salient factor score is a predictive device, there was also the essential requirement that any new device maintain or improve the predictive power of the current device.

It was noted in the proposal that research into modification of the salient factor score was not yet complete pending the completion of followup data on a sample of 1978 federal prison releasees. However, on the basis of preliminary research findings indicating equivalent predictive power, a specific device was proposed which eliminated the current items concerning employment and vehicle theft/checks; added an item on "commitment free period"; modified the item concerning "age" (changing from the age at first commitment to age at current commitment); and modified the probation/parole violation item (adding custody/escape violations, and excluding previous parole violations not in connection with the current offense).

In addition to meeting the basic requirements, the proposed device also had the benefit of greater ease in scoring and increased emphasis on recent criminal record items.

Public Comment

In response to the proposal, the Commission received 17 letters of public comment.

Four members of the probation service responded, three of whom indicated opposition to the proposed revision, citing the lack of items dealing with community stability (e.g., employment) or items which could change during

incarceration, and alleging that it might increase rigidity. The fourth comment expressed confusion as to why the Commission penalized a youthful offender on the salient factor score, yet then applied more lenient guidelines. (It should be noted that while youthful offenders are indeed worse risks than their adult counterparts, the decision to develop and apply more lenient guidelines represented a policy decision which addressed the issue of punishment and accountability of these younger offenders.)

Two comments were received from Federal Public Defenders, one noting strong endorsement of the proposed revision by the defenders office in the District of Maryland; and the other noting the unanimous support of the revision expressed at the recent annual conference of Chief Federal Defenders.

A comment received from a private attorney and one from the Lewisburg Prison Project supported the adoption of the modification, with the latter citing the benefits of relying less on factors outside the control of the prisoner and those capable of more accurate determination.

The Washington Legal Foundation also commented and proposed that the Age at First Commitment item should be retained; or, in the alternative, that the "Age this Commitment" item be given less weight, feeling that no repeat offender should be given an advantage just because they are older. They also proposed lengthening the number of months necessary to be given the point on the new "time free" item from 24 months to 36 months, and suggested that an item dealing with willingness to participate in a voluntary restitution/community service program be added.

Seven letters were received from prisoners, three of which were general endorsements of the proposal. Three other prisoner comments endorsed the proposal with some reservations, noting the mechanical nature of the score and citing such problems as the use of juvenile convictions, and the redundancy of the items concerning prior convictions and prior incarcerations, with a proposal to substitute for the incarceration item one which would give two points to a prisoner who has a clear conduct record in the institution. The seventh comment asked the Commission to examine the racial discrimination which could be perpetuated through use of the salient factor score in general.

In addition, two comments were received from members of the general public, both of which endorsed the revision.

Changes From the Proposal

(1) The item on the proposed device which generated the most concern was Item D—Age at current offense [note this item was changed to Item C on the final device]. In particular, the Commission wanted to respond to the comment which stated that this item, as proposed, could benefit repeat offenders. Research was undertaken to develop an item which would maintain the predictive power of the device, yet avoid the possibility of crediting a "career criminal" with a point for simply becoming older. From a predictive standpoint, it was a matter of identifying and excluding those repeat offenders who are less likely to "burn out" (drop out of criminal conduct with age).

The result of the research is an item which combines "age at current commitment" with an override based on the number of previous commitments. Prisoners with fewer then 5 previous commitments of more than 30 days will receive 2 points on this item if they were 26 years or older at the time of onset of the current offense behavior; 1 point if they were 20–25 inclusive; and 0 points if 19 years of age or less. However, any prisoner with 5 or more previous commitments of more than 30 days would automatically score 0 on this item regardless of age at the current offense.

(2) On the basis of additional research evidence, proposed Item C [Item D on the final device] concerning "commitment free period" is modified from the proposed 24 month period between release from last commitment and current offense to a 36 month period. The reason for the change is enhanced predictive power.

(3) There have also been editorial changes in the wording of a number of the items.

Implementation

The revised salient factor score will apply to all prisoners who have their initial parole hearing on or after September 1, 1981. In addition, the revised salient factor score will be calculated at all statutory interim hearings and pre-release record reviews held on or after August 31, 1981. Any prisoner receiving a more favorable score at that time will have the revised score retroactively applied.

Conforming Changes

With the modification of the salient factor scoring system, a conforming change to the regulation concerning termination of supervision is also necessary. Previous references in that section to scores of 9–11 as "very good risks" are eliminated given that under the revised score, the very good risk category spans scores of 8–10.

Therefore, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR 2.20 and 2.43(e)(1) are amended as follows:

In § 2.20, the table at the end is amended by revising the "Offender Characteristics" for "Adult Guidelines" and "Youth Guidelines" and by revising the form "Salient Factor Score" to read as follows:

§ 2.20 [Amended]

Offense characteristics [1]	Offender characteristics [2] (salient factor score)			
	Very good	Good	Fair	Poor
Adult Guidelines for Parole Decision Making				
* * *	(10–8)	(7–6)	(5–4)	(3–0)
* * * * *				
Youth Guidelines for Parole Decision Making				
* * *	(10–8)	(7–6)	(5–4)	(3–0)
* * * * *				

[1] Severity of offense behavior (examples).
[2] Parole prognosis (SFS 81).

* * * * *

Salient Factor Score

Name———
Register Number———

Item A: Prior conviction(s)/adjudications (adult or juvenile).	☐
None	=3
One	=2
Two or Three	=1
Four or More	=0
Item B: Prior commitment(s) of more than 30 days (adult or juvenile).	☐
None	=2
One or Two	=1
Three or More	=0
Item C: Age at current offense/prior commitments.	☐
Age at commencement of the current offense:	
26 years of age or more	[1]=2
20–25 years of age	[1]=1
19 years of age or less	=0
Item D: Recent commitment free period (three years).	☐
No prior commitment of more than thirty days (adult or juvenile) or released to the community from last such commitment at least three years prior to the commencement of the current offense.	=1
Otherwise	=0
Item E: Probation/parole/confinement/escape status violator this time.	☐

Neither on probation, parole, confinement, or escape status at the time of the current offense, nor committed as a probation, parole, confinement, or escape status violator this time.	=1
Otherwise	=0
Item F: Heroin/opiate dependence.	☐
No history of heroin/opiate dependence.	=1
Otherwise	=0
Total score	☐

[1]Exception: If five or more prior commitments of more than thirty days (adult or juvenile), place an "x" here ——— and score this item=0

Note.—For purposes of the Salient Factor Score, an instance of criminal behavior resulting in a judicial determination of guilt or an admission of guilt before a judicial body shall be treated as a conviction, even if a conviction is not formally entered.

Section 2.43(e)(1) (i) and (ii) are revised to read as follows:

§ 2.43 [Amended]

* * * * *

(e) (1) Absent case-specific factors to the contrary, termination of supervision shall be considered indicated when:

(i): A parolee originally classified in the very good risk category (pursuant to § 2.20) has completed two continuous years of supervision free from any indication of new criminal behavior or serious parole violation; and

(ii): A parolee originally classified in other than the very good risk category (pursuant to § 2.20) has completed three continuous years of supervision free from any indication of new criminal behavior or serious parole violation.

* * * * *

I certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: June 26, 1981.

Cecil C. McCall,

Chairman.

[FR Doc. 81-20266 Filed 7-9-81; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is amending its regulations to make the quorum requirements concerning modification of parole decisions, or hearing examiner recommendations, by the Regional Commissioner more consistent across all levels of regional review (i.e., administrative review of panel recommendations; regional appeals; and reopenings for new favorable information).

Under the amendments, the Regional Commissioner, on his or her own signature, may move a decision, or examiner recommendation closer to (or to) the nearer limit of the appropriate guideline range. The other permissible actions at regional administrative review and appeal remain unchanged.

Additionally, the regulation concerning regional appeal is being modified to specify that decisions to grant parole on the date of parole eligibility may not be appealed. By law the Commission may not release any prisoner prior to the expiration of any minimum term imposed by the court. Therefore, a prisoner granted parole at parole eligibility could not possibly be granted relief by the Commission through the appellate process.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Peter Hoffman, Office of Research, U.S. Parole Commission, 5550 Friendship Boulevard, Bethesda, Maryland 20015, (301) 492-5980.

SUPPLEMENTARY INFORMATION: Upon receipt of a recommended decision from a hearing panel, the Regional Commissioner may either affirm that recommendation to make it a final decision, or may take action under 28 CFR 2.24 to render a different final decision. Currently, under subsection (a), the Commissioner may refer any case to a National Commissioner for concurring signature for any decision changes. Under subsection (b)(2), the Commissioner may on his or her own motion either move the decision six months from the panel recommendation; or schedule for a rehearing in the case of new information or necessary clarification of fact. Under present subsection (b)(1) the Commissioner may also, upon the motion of the Administrative Hearing Examiner, move the decision closer to (or to) the nearer limit of the applicable guideline range. The amendment to subsection (b)(2) makes (b)(1) and (b)(2) consistent in that the modification under either section may now be made upon the Regional Commissioner's own initiative.

In the case of an appeal or a reopening for new favorable information, the current regulation restricts downward movement of a previous decision on the single vote of a Regional Commissioner to six months. Therefore, every modification exceeding six months currently must be referred to other regions to obtain a concurring second signature. By making the permissible action on appeal parallel the action permissible under 2.24(b)(1) as described above, this particular type of decision change need not be accompanied by time-consuming referral when the decision is to move the decision from above the guidelines closer to (or to) the nearer (upper) limit of the appropriate guideline range.

Through cross-reference, this change is also applicable to decision changes under 28 CFR 2.28(a) [reopening for new favorable information] under which section any action may be taken which may be taken under § 2.25 (regional appeals).

In addition, prisoners granted parole on their parole eligibility date will be notified that since the Commission is precluded by law from release at an earlier time, the parole release decision is not appealable. Note that this concerns only the release decision; it does not restrict any appeal of the conditions of parole which is covered under § 2.41(g).

Therefore, pursuant to 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR 2.24 and 2.25 are amended as follows:

1. Section 2.24(b)(1) is revised to read as follows:

§ 2.24 Review of panel recommendation by the regional commissioner.

(a) * * *

(b) Notwithstanding the provisions of paragraph (a) of this section, a Regional Commissioner may:

(1) On his own motion, modify or reverse the recommendation of a hearing examiner panel that is outside the guidelines to bring the decision closer to (or to) the nearer limit of the appropriate guideline range; or

* * * * *

2. Section 2.25 (a) and (b) are revised to read as follows:

§ 2.25 Regional appeal.

(a) A prisoner or parolee may submit to the responsible Regional Commissioner a written appeal of any decision to grant (other than a decision to grant parole on the date of parole eligibility), rescind, deny, or revoke parole, except that any appeal of a Commission decision pursuant to § 2.17 shall be pursuant to § 2.27. This appeal must be filed on a form provided for that purpose within thirty days from the date of entry of such decision.

(b) The Regional Commissioner may affirm the decision, order a new institutional hearing on the next docket, order a regional appellate hearing, or modify the decision. The following actions, whether based on the record or following a regional appellate hearing, require the concurrence of two out of three Regional Commissioners:

(1) Any modification resulting in a reduction of more than 180 days (other than a modification that brings a decision from above the appropriate guideline range closer to, or to, the nearer limit of the appropriate guideline range);

(2) Any modification resulting in a decision below the appropriate guideline range;

(3) Reversal of a decision (i.e., any modification of a ten-year reconsideration hearing decision to a presumptive or effective parole date).

Decisions requiring a second or additional vote shall be referred to other Regional Commissioners on a rotating basis as established by the Chairman.

* * * * *

I certify that this regulation will not have a significant impact on a substantial number of small entities.

Dated: June 26, 1981.

Cecil C. McCall,

Chairman.

[FR Doc. 81-20279 Filed 7-9-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Defense Investigative Service

32 CFR Part 298a

[DIS Regulation 28-4]

Defense Investigative Service, Privacy Act Rules

AGENCY: Defense Investigative Service, DOD.

ACTION: Final rule.

SUMMARY: This document sets forth final amendments to the Defense Investigative Service Privacy Act Rules. These changes generally update the rules by making technical changes and clarify certain information concerning office designations.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT: Dale L. Hartig, Chief, Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half Street, SW, Washington, D.C. 20324. Telephone 202/693-1740.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-16380 appearing in the **Federal Register** on June 2, 1981 (46 FR 29486) the Defense Investigative Service proposed to amend its rules for implementation of the Privacy Act of 1974 Title 5, United States Code Section 552a (Pub. L. 93-579; 88 Stat. 1897, et seq.). These rules are set forth in Title 32 of the Code of Federal Regulations subsection 298a. As no public comments to the contrary were received the amendments as set forth below are adopted. Accordingly Title 32 CFR 298a is amended as follows:

§ 298a.1 [Amended]

1. Section 298a.1 is amended by removing the words "Assistant for Information" and insert "Office of Information and Legal Affairs" in paragraph 298a.1(b).

§ 298a.2 [Amended]

2. Section 298a.2 is amended by removing the entry "Availability to the Public of DoD Information, dated 14 February 1974" and inserting "DoD Freedom of Information Program" in paragraph 298a.2(d).

3. Section 298a.3 is revised to read as follows:

§ 298a.3 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 552a shall have the same meaning herein.

(b) As used in this part, the term "agency" means the Defense Investigative Service.

4. Section 298a.4 is amended by revising paragraphs (b), (c), and (d) as follows:

§ 298a.4 Information and procedures for requesting notification.

* * * * *

(b) *DIS Record Systems:* Following is a list of DIS records systems pertaining to individuals. These systems are described in detail in the DOD input to the **Federal Register.**

Authorizing DIS Records Systems Pertaining to individuals

Number	Title
DIS 1-01	Privacy and Freedom of Information Request Records.
DIS 1-02	Personnel Locator System.
DIS 2-01	Inspector General Complaints.
DIS 4-01	Civilian Employee Personnel Records.
DIS 4-02	Optional Personnel Management Records (OPMR).
DIS 4-04	Civilian Applicant Records.
DIS 4-05	Military Personnel Management Information System.
DIS 4-06	Civilian Personnel Management Information System.
DIS 4-07	Adverse Actions, Grievance Files and Administrative Appeals.
DIS 4-08	Equal Employment Opportunity Complaints.
DIS 4-09	Merit Promotion Plan Records.
DIS 4-10	Incentive Awards.
DIS 5-01	Investigative Files System.
DIS 5-02	The Defense Central Index of Investigations (DCII).
DIS 5-03	National Agency Check Case Control System (NCCS).
DIS 5-04	Defense Case Control System (DCCS).
DIS 5-05	Subject and Reference Locator Records.
DIS 6-01	Defense Investigative Service Personnel Security Files.
DIS 6-02	Special Compartmented Intelligence (SCI) Access File.
DIS 7-01	Enrollment, Registration and Course Completion.
DIS 7-02	Guest/Instructor Identification Records.
DIS 8-01	Industrial Personnel Security Clearance File.

(c) *Categories of Individuals in DIS Record Systems:* (1) If an individual has ever been investigated by DIS, the investigative case file should be a record in system DIS 5-01. An index to such files should be in DIS 5-02.

(2) If an individual has ever made a formal request to DIS under the Freedom of Information Act or the Privacy Act of 1974, a record pertaining to that request under the name of the requester, or subject matter, will be in system DIS 1-01.

(3) If an individual is or has ever been a member of DIS, i.e., a civilian employee or appointee, or a military assignee, then he may be a subject of any of the 22 record systems depending on his activities, with the following exceptions:

(i) Civilian personnel will not be subjects of DIS 4-05.

(ii) Military personnel will not be subjects of systems DIS 4-06, 07, 08, or 09.

(4) Individuals who have been applicants for employment with DIS, or nominees for assignment to DIS, but who have not completed their DIS affiliation, may be subjects in systems DIS 4-02, 4-04, 5-01, 5-02, or 6-01.

(5) Any individual who is a subject, victim or cross-referenced personally in an investigation by an investigative element of any DoD component, may be referenced in the Defense Central Index of Investigations, system DIS 5-02, in an index to the location, file number, and custodian of the case record.

(6) Individuals who have ever presented a complaint to or have been connected with a DIS Inspector General inquiry may be subjects of records in system DIS 2-01.

(7) If an individual has ever attended the Defense Industrial Security Institute, he should be subject of a record in DIS 7-01.

(8) If an individual has ever been a guest speaker or instructor at the Defense Industrial Security Institute, he should be the subject of a record in DIS 7-02.

(9) If an individual is an employee or major stockholder of a government contractor or other DoD-affiliated company or agency and has been issued, now possesses or has been processed for a security clearance, he may be subject to a record in DIS 8-01.

(d) *Procedures:* The following procedures should be followed to determine if an individual is a subject of records maintained by DIS, and to request notification and access.

(1) Individuals should submit inquiries in person or by mail to the Office of Information and Legal Affairs, 1900 Half St., SW, Washington, DC 20325. Inquiries by personal appearance should be made Monday through Friday from 8:30 to 11:30 a.m. and 1:00 to 4:00 p.m. The information requested in Section 298a.5 must be provided if records are to be accurately identified. Telephonic requests for records will not be honored. In a case where the system of records is not specified in the request, only systems that would resonably contain records of the individual will be checked, as described in Section 298a.4b.

(2) Only the Director, the Chief, Office of Information and Legal Affairs, or the Director for Investigations may authorize exemptions to notification of individuals in accordance with Section 298a.14.

5. Section 298a.5 is amended by revising paragraphs (b)(1) and (2) and (c) as follows:

§ 298a.5 Requirements for identification

* * * * *

(b) *Identification.* * * *

(1) Where reply by mail is requested, a mailing address is required, and a telephone number is recommended to expedite certain matters. For military requesters residing in the United States, home address or P.O. Box number is preferred in lieu of duty assignment address.

(2) Signatures must be notarized on requests received by mail. Exceptions may be made when the requester is well known to releasing officials. For requests made in person, a photo identification card, such as military ID, driver's licnse or building pass, must be presented.

* * * * *

(c) A DIS Form 30 (Request for Notification of/Access to Personal Records) will be provided to any individual inquiring about records pertaining to himself whose mailed request was not notarized. This form is also available at the Office of Information and Legal Affairs, Washington, DC for those who make their requests in person.

6. Section 298a.6 is amended by revising paragraph (b)(1) as follows and by changing the phrase "the Assistant for Information" to "Information and Legal Affairs" in paragraph (b)(7).

§ 298a.6 Access by subject individuals.

(b) *Manner of Access.* * * *

(1) Requests by mail or in person for access to DIS records should be made to the Offices specified in the record systems notices published in the **Federal Register** by the Department of Defense or to the Office of Information and Legal Affairs, 1900 Half St. SW, Washington, DC 20324.

* * * * *

§ 298a.7 [Amended]

7. Section 298a.7 is amended by removing paragraphs (b), (c) and (d).

§ 298a.8 [Amended]

8. Section 298a.8, the following changes are made:

a. Paragraph (a) is amended by changing "the Assistant for Information, Defense Investigative Service (Record Amendment Request—D0020), Washington, DC 20314" to "the Office of Information and Legal Affairs, 1900 Half St., SW, Washington, DC 20324"

b. Paragraph (c) is removed.

9. In § 298a.9 (a), introductory text, and paragraph (b) are revised as follows:

§ 298a.9 DIS Review of request for amendment.

(a) *General:* Upon receipt from any individual of a request to amend a record pertaining to himself and maintained by the DIS, the Office of Information and Legal Affairs will handle the request as follows:

* * * * *

(b) *DIS Determination to Approve or Deny:* Determination to approve or deny and request to amend a record or portion thereof may necessitate additional investigation or inquiry be made to verify assertions of individuals requesting amendment. Coordination will be made with the Director for Investigations and the Director of the Personnel Investigations Center in such instances.

§298a.9 [Amended]

Paragraph (a)(3)(ii) is amended by removing the words "(Record Amendment Denial Review); D0030, Washington, DC 20314" and inserting the words "1900 Half Street, SW, Washington, DC 20324."

§ 298a.10 [Amended]

10. Section 298a.10 is amended by removing the words "Assistant for" and inserting the words "Office of Information and" in paragraphs (a), introductory text, (a)(4)(iii), and (b).

§ 298a.11 [Amended]

11. Section 298a.11 is amended by removing the last sentence in the introductory text to paragraph (b).

12. Section 298a.12 is revised as follows:

§ 298a.12 Fees.

Individuals may request copies for retention of any documents to which they are granted access in DIS records pertaining to them. Requestors will not be charged for the first copy of any records provided; however, duplicate copies will require a charge to cover costs of reproduction. Such charges will be computed in accordance with DoD Directive 5400.11.

§ 298a.14 [Amended]

13. Section 298a.14(a) is amended by removing the entire second sentence beginning with the words, "They may be" and ending with "Director of Personnel." and inserting "They may be exercised only by the Director, DIS and the Chief of the Office of Information and Legal Affairs."

14. Section 298a.15 is amended by revising paragraphs (b) and (j); by removing and reserving paragraph (c); and by removing paragraph (g)(3):

§ 298a.15 DIS Implementation policies.

* * * * *

(b) Privacy Act rules application: Any request which cites neither Act, concerning personal record information in a system or records, by the individual to whom such information pertains, for access, amendment, correction, accounting of disclosures, etc., will be governed by the Privacy Act of 1974, DoD Directive 5400.11 and these rules exclusively. Requests for like information which cite only the Freedom of Information Act will be governed by the Freedom of Information Act DoD Regulation 5400.7R. Any denial or exemption of all or part of a record from notification, access, disclosure, amendment or other provision, will also be processed under these rules, unless court order or other competant authority directs otherwise.

* * * * *

(j) *Ownership of DIS Investigative Records.* Personnel security investigative reports shall not be retained by DoD recipient organizations. Such reports are considered to be the property of the investigating organization and are on loan to the recipient organization for the purpose for which requested. All copies of such reports shall be destroyed within 120 days after the completion of the final personnel security determination and

the completion of all personnel action necessary to implement the determination. Reports that are required for longer periods may be retained only with the specific written approval of the investigative organization.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

July 6, 1981.

[FR Doc. 81-20146 Filed 7-9-81; 8:45 am]

BILLING CODE 3810-70-M

Department of the Air Force

32 CFR Part 888

Enlistment in the U.S. Air Force; Miscellaneous Amendments

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: In FR Document 80-26698 of 2 September 1980 (45 FR 58117) paragraph (da) of § 888.7, Preparation of Application for Enlistment and USAF Enlistment Agreement Documents, appearing in the third column on page 58120, is redesignated paragraph "e." Current paragraphs "e" through "g" are redesignated "f" through "h."

EFFECTIVE DATE: June 22, 1981.

FOR FURTHER INFORMATION CONTACT: Carol M. Rose, telephone 697-1861.

(10 U.S.C. 8012)

[FR Doc. 81-20212 Filed 7-9-81; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 1839-2]

Approval and Promulgation of State Implementation Plans; Approval of Conditionally Approved Elements in the Texas Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve certain elements of the State Implementation Plan (SIP) revisions for Texas, which were conditionally approved on March 25, 1980, (45 FR 19231). These revisions were submitted on December 21, 1979 and July 25, 1980 to fulfill the requirements of Part D of Title I of the Clean Air Act, as amended in 1977, with regard to nonattainment areas.

When originally submitted, certain portions of the SIP contained minor deficiencies which the State agreed to correct or justify by a specified deadline. The deadlines committed to were December 31, 1979 and August 1, 1980. EPA received the required documentation according to schedule and has evaluated the State's submittals and found that these submittals satisfy the conditions for approval.

EFFECTIVE DATE: Effective on August 10, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., NW., Washington, D.C., Rm. 8401

Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 M Street, NW., Washington, D.C., Rm. 2922

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi, Implementation Plan Section, Air Programs Branch, Air and Hazardous Materials Division, U.S. EPA Region 6 (214) 767-1518.

SUPPLEMENTARY INFORMATION:

Introduction

On August 1, 1979 (44 FR 45204), EPA published a notice of proposed rulemaking on the revisions to the Texas State Implementation Plan (SIP) which had been submitted by the Governor on April 13, 1979. Under that notice, the Agency discussed the SIP in detail and described the deficiencies of the SIP pursuant to Part D of the Act. In response to that notice of proposed rulemaking, the State committed to corrective actions on the deficiencies and to submit the additional required information by specific deadlines.

EPA took final action to conditionally approve certain elements of the Texas plan on March 25, 1980. A discussion of conditional approval and its practical effect appears in supplements to the General Preamble published on July 2, 1979, and November 23, 1979.

The conditional approvals, being acted on under this notice, are as follows.

(1) Under the conditional approval of Regulation V, the State was required to submit demonstrations of consistency with the Agency's 5 percent rule for those wastewater separators and vacuum producing systems for which the State included exemptions. These demonstrations were required to be submitted by December 31, 1979.

(2) Under the conditional approval of Regulation VI, the State was required to revise those portions of the regulation which deviated from the provisions of Section 173 of the Act, and submit the revised Regulation VI by August 1, 1980.

The Governor's submittal of July 25, 1980 included several additional revisions to the Texas SIP. However, only those revisions pertaining to the above mentioned conditional approvals are being acted on under this notice. All other revisions will be acted on in a subsequent **Federal Register** notice.

The remainder of today's notice briefly summarizes the conditions for approval, as specified in the March 25, 1980 notice and discusses EPA's determination on the State's submittal in satisfying the conditions being acted on under this notice.

It should be noted that the Texas Air Control Board (TACB) revised the numbering system of its regulations. To maintain consistency, the Subchapter numbers referred to in this notice correspond to those used in the March 25, 1980 notice. However, the new subchapter number, under the new numbering system, is referenced in parentheses, following the old subchapter number.

Regulation V

In the March 25, 1980 notice of final rulemaking, under the section which discussed Regulation V, "Control of Air Pollution from Volatile Organic Compounds," EPA noted several issues, for which the State's regulation deviated from the information in the Control Technique Guidelines (CTGs), and for which the State committed to submit additional information, supporting the deviations. These issues were as follows.

1. Under Subchapter 131.07.55.103 (115.142), the State included an exemption for wastewater separators, located at petroleum refineries, receiving less than 200 gallons per day of volatile organic compounds (VOC).

2. Under Subchapter 131.07.56 (115.152), the State included an exemption for vacuum producing systems emitting less than 100 pounds per day.

In regard to these issues, the State was required to submit demonstrations, for the exemptions indicating compliance with the Agency's 5 percent rule by December 31, 1979.

On December 21, 1979, the State submitted demonstrations of consistency for the exemptions for wastewater separators, and vacuum producing systems. EPA has evaluated the State's submittal and has

determined that the conditions have been fully met. Therefore, EPA is withdrawing conditional approval and is fully approving these portions of Regulation V.

Regulation VI

In the March 25, 1980 notice, under the section which discussed Regulation VI, "Control of Air Pollution by Permit for New Construction or Modification," EPA noted several issues on which the State's regulation deviated from the provisions of Section 173 of the Act, and for which the State committed to revise by August 1, 1980. Conditional approval of this portion of the SIP required the State to take the following corrective action: Revise Subchapter 131.08.00.003(a)(13), (now 116.3(a)(13)) so as to provide for the application of offsets in all newly designated nonattainment areas; and, revise the regulation to reflect that the use of "significance levels" will only apply to areas which can be demonstrated to be clean areas.

On July 25, 1980, the State submitted revisions to Regulation VI for the purpose of satisfying the conditions specified for approval. In regard to Subchapter 131.08.00.003(a)(13), (now 116.3(a)(13)), the State revised this portion of the regulation so as to require offsets, in newly designated areas until such time that EPA approves regulations and a control strategy for these areas. Since the State has met the condition for approval for this portion of Regulation VI, EPA is withdrawing conditional approval and fully approving this portion of Regulation VI.

Concerning the use of "significance levels," the State revised the regulation to allow for the use of "significance levels" (now revised to "de minimus impact") only in areas that were clean portions of nonattainment areas. However, on May 13, 1980 (45 FR 31307), EPA promulgated revisions to the Emission Offset Interpretative Ruling (40 CFR Part 51 Appendix S) which, in turn, revised its interpretation of the requirements for SIPs imposed by Section 173 of the Act. Under that promulgation, EPA extended the requirements of the Emission Offset Ruling for new source review pursuant to Section 173 of the Act to cover new major stationary sources and major modifications proposing to construct *anywhere* in the designated nonattainment area, thereby effectively eliminating the clean spot exemption previously allowed in conjunction with the use of "significance levels." Insofar as the State has met the condition for approval for this portion of Regulation VI, EPA is hereby withdrawing conditional approval and issuing full approval to this portion of Regulation VI with the understanding that the State will be required to comply with the requirements specified in the May 13, 1980 **Federal Register** notice by the time limits specified therein.

In addition, compliance with the above mentioned conditional approval resulted in the State adding a new Subchapter 131.08.00.003(15), (now 116.3(a)(15)) to regulation VI. While the addition and intent of this subchapter satisfied the condition for approval specified above, it contains language which EPA considers to be ambiguous since it does not specify that greater than one for one offsets are required. In their letter of July 24, 1980, the State indicated that the method of operating the offset provision is to require a net decrease in emissions and that the language will be revised to reflect such. In light of the State's commitment, and their having satisfied the original condition for approval for this portion of Regulation VI, EPA is issuing full approval to this portion of Regulation VI. However, should the State not operate the permitting program in accordance with this interpretation, or fail to revise the language, EPA would initiate action to disapprove this portion of the SIP. EPA expects the TACB to correct the ambiguity by May 7, 1981 since its new source review regulations must be consistent by that date with the new source review requirements promulgated on August 7, 1980 in the **Federal Register.**

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of July 10, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it is merely approving a State action. It will impose no new regulatory burden.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This action constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of Texas was approved by the Director of the **Federal Register** on July 1, 1980.

(Sec. 110 of the Clean Air Act, as amended)

Dated: July 1, 1981.

John W. Hernandez,

Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

1. Section 52.2270, is amended by adding paragraph (c)(25), which reads as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(25) Revisions to Regulation VI (i.e., Subchapter 116.3(a)(13–15)), and the definition of "de minimus impact," were adopted by the Texas Air Control Board on July 11, 1980, and submitted by the Governor on July 25, 1980.

§ 52.2275 [Amended]

2. Section 52.2275 is amended to remove paragraphs (a) (1), and (2).

3. Section 52.2299 is revised to read as follows:

§ 52.2299 Review of new sources and modifications.

(a) Part D Conditional Approval. Regulation VI is conditionally approved until the following condition is satisfied:

(1) Revise the definitions of "major source" and "major modification" to be equivalent to EPA's definitions by May 7, 1981.

[FR Doc. 81-20225 Filed 7-9-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-26

[FPMR Amdt. E-247]

Procurement Sources and Programs; Appliances and Water Coolers From Federal Supply Schedules

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation reflects a change in the method by which GSA supplies Federal agencies with various household and commercial appliances and water coolers (dispensers). Agencies may now order these items directly from appropriate Federal Supply Schedules. Previously, under a consolidated procurement program no longer in effect, agencies were required to submit their requirements for appliances and water coolers to designated GSA regional offices.

EFFECTIVE DATE: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Welsh, Acting Director, Regulations Management Division (703-557-7970).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

1. The table of contents for Part 101-26 is amended by reserving two entries and deleting four entries as follows:

Sec.
101-26.502 [Reserved]
101-26.502-1 [Deleted]
101-26.502-2 [Deleted]
101-26.503 [Reserved]
101-26.503-1 [Deleted]
101-26.503-2 [Deleted]

SUBPART 101-26.5—GSA PROCUREMENT PROGRAMS

§ 101-26.502 [Reserved]

2. Section 101-26.502 is reserved.

§§ 101-26.502-1—101-26.502-2 [Removed]

3. Sections 101-26.502-1 and 101-26.502-2 are removed.

§ 101-26.503 [Reserved]

4. Section 101-26.503 is reserved.

§§ 101-26.503-1—101-26.503-2 [Removed]

5. Sections 101-26.503-1 and 101-26.503-2 are removed.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: June 24, 1981.

Gerald P. Carmen,

Administrator of General Services.

[FR Doc. 81-20229 Filed 7-9-81; 8:45 am]

BILLING CODE 6820-24-M

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41 CFR Part 101-30

[FPMR Amdt. E-246]

Federal Catalog System; Nonperishable Subsistence Items

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation clarifies GSA's position concerning procurement and supply management of nonperishable subsistence items by updating that portion of the federal property management regulations (FPMR) concerning those items. The regulations are being changed as a result of findings by the Interagency Medical and Nonperishable Subsistence Supply Management Committee that many items were dual- or triple-managed by GSA, the Veterans Administration and the Department of Defense.

EFFECTIVE DATE: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Welsh, Acting Director, Regulations Management Division (703-557-7970).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effect. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

1. The table of contents for Part 101-30 is amended by adding one entry as follows:

Sec.
101-30.101-1a Item of production.

2. Section 101-30.000 is revised to read as follows:

§ 101-30.000 Scope of part.

This part provides for a Federal Catalog System by which items of supply under § 101-30.301 are uniformly named, described, classified, and assigned national stock numbers (NSN's) to aid in managing all logistical functions and operations from determination of requirements through disposal. This system provides a standard reference language or terminology to be used by personnel in managing these items of supply, a prerequisite for integrated item management under the Federal procurement system concept.

Subpart 101-30.1—General

3. Section 101-30.101-1 is revised to read as follows:

§ 101-30.101-1 Civil agency item.

"Civil agency item" means an item of supply in the supply system of one or more civilian agencies, which is repetitively procured, stocked, or otherwise managed (includes direct delivery requirements as well as items stocked for issue).

4. Section 101-30.101-1a is added to read as follows:

§ 101-30.101-1a Item of production.

"Item-of-production" means those articles, equipment, materials, parts, pieces, or objects produced by a manufacturer which conform to the same engineering drawing, standard, or specification and receive the same quality control and inspection.

5. Section 101-30.101-2 is revised to read as follows:

§ 101-30.101-2 Item of supply.

"Item of supply" means an item of production that is purchased, cataloged, and assigned a national stock number by the Government. The item of supply is determined by the requirements of each Government agency's supply system. The item of supply concept differentiates one item from another item in the Federal Catalog System. Each item of supply is expressed in and fixed by a national item identification number. An item of supply may be:

(a) A single item of production;

(b) Two or more items of production that are functionally interchangeable;

(c) A more precise quality controlled item than the regular item of production, or

(d) A modification of a regular item of production.

6. Section 101-30.101-9 is revised to read as follows:

§ 101-30.101-9 Item entry control.

"Item entry control" means the functional responsibility of GSA/DOD cataloging to minimize the number of items in the supply system by: (a) Establishing controls that prevent unessential new items from entering the supply system; (b) promoting the development of standards and use of standard items; and (c) eliminating items having nonstandard characteristics, and isolating and recommending the use of duplicate or replacement items.

7. Section 101-30.101-14 is revised to read as follows:

§ 101-30.101-14 Maintenance action.

"Maintenance action" means any action taken after conversion to the Federal Catalog System which changes the previously reported identification or management data regarding a cataloged item.

Subpart 101-30.2—Cataloging Handbooks and Manuals

8. Section 101-30.201(b) is amended by revising paragraphs (b)(1) through (b)(5) to read as follows:

§ 101-30.201 General.

* * * * *

(b) * * *

(1) *Federal Catalog System Policy Manual (DOD 4130.2-M).* This hard copy manual prescribes the operating policies and instructions covering the maintenance of a uniform catalog system.

(2) *Defense Integrated Data Systems (DIDS) Procedures Manual (DOD 4100.39-M).* This hard copy manual prescribes the procedures covering the maintenance of a uniform catalog system.

(3) *Federal Supply Classification (Cataloging Publication H2 Series).* This microfiche publication includes the listings and indexes necessary for using the commodity classification system (grouping related items of supply) as prescribed by the Federal Catalog System Policy Manual.

(4) *Federal Supply Code for Manufacturers (Cataloging Publication H4 Series).* This microfiche publication includes a comprehensive listing of the names and addresses of manufacturers who have supplied or are currently supplying items of supply used by the Federal Government and the applicable 5-digit code assigned to each.

(5) *Federal Item Name Directory (FIND) for Cataloging (Cataloging Publication H6 Series).* This microfiche publication includes names of supply items with definitions, item name codes, and other related data required to prepare item identifications for inclusion in the Federal Catalog System.

Subpart 101-30.3—Cataloging Items of Supply

9. Section 101-30.303(b) is revised to read as follows:

§ 101-30.303 Responsibility.

* * * * *

(b) Agencies not having the capabilities cited in paragraph (a) of this section shall submit their request to the appropriate cataloging activity; i.e., GSA or VA, for the performance of all cataloging functions and/or the preparation of data for submission to DLSC. Cataloging requests to GSA or VA shall be prepared using Standard Form 1303, Request for Federal Cataloging/Supply Support Action (illustrated at § 101-30.4901-1303). EAM card formatted requests for volume add/delete user actions may also be submitted. Instructions on the preparation of Standard Form 1303 and EAM card formatted requests and guidance in determining the appropriate cataloging activity designated to receive requests are in the GSA Handbook, Federal Catalog System-Logistics Data (FPMR 101-30.3), issued by the Commissioner, Federal Supply Service.

* * * * *

10. Section 101-30.304 is revised to read as follows:

§ 101-30.304 Application of item entry control.

In addition to the reviews attendant to the process of item identification and assignment of national stock numbers, proposed new items will be subjected to a technical review to associate them with items available through the GSA supply system. Where a similar item is available through the GSA supply system, the agency will be informed of the national stock number and a source of supply and will be requested to use that item. If the requesting agency considers the GSA item unacceptable because of technical differences, the requesting agency shall notify GSA of the technical differences between the alternate item and the requested item to allow for the assignment of a new national stock number to the requested item.

11. Section 101-30.305 is amended by revising the introductory paragraph to read as follows:

§ 101-30.305 Exemptions from the system.

When an agency believes that the benefits of the Federal Catalog System may be realized without formal participation, a request for an exemption shall be submitted to the General Services Administration (FRI), Washington, DC 20406. After reviewing the request for an exemption, GSA will inform the requesting agency of the decision and will provide instructions for implementation. The request for an exemption shall include, but not be limited to, the following information:

* * * * *

Subpart 101-30.4—Use of the Federal Catalog System

12. Section 101-30.401-1 is amended by revising paragraphs (a)(3) and (a)(5) and removing paragraph (a)(6) to read as follows:

§ 101-30.401-1 Publications providing Federal catalog data.

(a) * * *

(3) *Consolidated Management Listing.* A microfiche publication which is a consolidated listing of NSN's and related supply management data of each integrated manager and military service. These data include Government source of supply, unit of issue, unit price, etc.

* * * * *

(5) *Defense Logistics Agency (DLA) Federal Supply Catalog for Civil Agencies.* This publication (available in hard copy only) includes NSN's for which DLA is the single source of supply for civil agencies. These NSN's may not necessarily have a DOD user recorded. The publication contains descriptive and management data for items not usually listed in the GSA catalog but which might be required by civil agencies.

(6) [Deleted]

* * * * *

13. Section 101-30.404 is revised to read as follows:

§ 101-30.404 Supply support.

Civilian agencies requiring supply support on an item of supply shall request this action by preparing Standard Form 1303, Request for Federal Cataloging/Supply Support Action (illustrated at § 101-30.4901-1303), and submitting the form to the General Services Administration (FRIS), Washington, DC 20406. All supply support requests for nonperishable subsistence items in Federal Supply Group 89, subsistence (except items in FSC classes 8940 and 8950), shall be submitted to the Veterans Administration, Catalog Division (901 S) Veterans Administration Supply Depot, P.O. Box 27, Hines, IL 60141. Guidance on the preparation of supply support requests is in the GSA Handbook,

Federal Catalog System-Logistics Data (FPMR 101-30.3), issued by the Commissioner, Federal Supply Service.

Subpart 101-30.5—Maintenance of the Federal Catalog System

14. Section 101-30.501 is revised to read as follows:

§ 101-30.501 Applicability.

(a) The Administrator of General Services delegated authority to the Secretary of Defense to develop and maintain the Federal Catalog System. This delegation provided for the cataloging system to continue to provide for the identification and classification of personal property under the control of Federal agencies and to maintain uniform item management data required and suitable for interdepartment supply activities.

(b) The Federal Catalog System Policy Manual (DOD 4130.2-M) and the Defense Integrated Data System (DIDS) Procedures Manual (DOD 4100.39-M) are equally applicable to all DOD and civilian agencies. The Federal Supply Service, GSA, and the Department of Defense share joint responsibility for the coordination of civilian agency cataloging to ensure the integrity of the system and the compatibility of civilian and military agency participation in the Federal Catalog System.

15. Section 101-30.503 is amended by revising paragraphs (a) and (b) and adding paragraph (e) to read as follows:

§ 101-30.503 Maintenance action required.

* * * * *

(a) As new items meeting criteria for national stock number (NSN) assignment are added to an agency's supply system, the agency shall submit data to GSA, the Defense Logistics Agency (DLA), the Veterans Administration (VA), or DLSC when a direct submitter of catalog data is involved in accordance with § 101-30.303.

(b) All civilian agencies not authorized to submit catalog data direct to DLSC shall prepare Standard Form 1303, Request for Federal Cataloging/Supply Support Action (illustrated at § 101-30.4901-1303), to request maintenance action. Maintenance requests shall be submitted to GSA for collaboration and submission to DLSC, except that civilian agencies receiving supply support on an item from a DLA center or the VA, as expressed by major organizational entity (MOE) rule, should submit these requests to the DLA center using DD Form 1685, Data Exchange and/or Proposed Revision of Catalog Data, or to the VA using Standard Form 1303, for collaboration and submission to DLSC. When GSA receives maintenance requests on these items, they will be forwarded to the appropriate DLA center or to the VA.

* * * * *

(e) Any civilian agency participating in the Federal Catalog System (those agencies previously assigned a Cataloging Activity Code) may propose action for maintenance of the catalog system tools as outline in § 101-30.201(b).

Subpart 101-30.6—GSA Section of the Federal Supply Catalog

16. Section 101-30.601 is revised to read as follows:

§ 101-30.601 Objective.

GSA supply catalogs are primarily designed to aid in the acquisition of GSA centrally managed, stocked, and issued items available from GSA supply facilities by Federal civilian agencies and other organizations authorized to use the GSA Federal Supply Service (FSS) stock program as a source of supply. GSA also provides information relative to other FSS sales programs and GSA services.

17. Section 101-30.603 is revised to read as follows:

§ 101-30.603 GSA supply catalog.

(a) The GSA Supply Catalog is an illustrated catalog, published annually, which serves as the primary source to identify and order centrally managed, stocked, and issued items available from GSA supply facilities. The catalog also provides information concerning other Federal Supply Service programs and GSA services.

(b) The GSA Supply Catalog contains all necessary information for ordering from the GSA Federal Supply Service stock program and basic information, such as:

(1) *Alphabetical Index.* This index is organized alphabetically by approved item names under the basic noun name in inverted word sequence, (i.e. sofa, sleeper) with reference to the page that contains the pertinent item description.

(2) *Item Descriptions/Ordering Data.* Item descriptions are listed by commodity groups in this section. Included also are descriptive and ordering data with representative illustrations for selected common-use items that are centrally managed, stocked, and issued from GSA supply facilities.

(3) *National Stock Number Index.* This NSN sequenced index lists items that are centrally managed, stocked, and issued from GSA supply facilities.

(4) *Narrative.* The narrative includes comprehensive detailed information to use and understand the GSA Federal Supply Service stock program.

(5) *Other Federal Supply Service sales programs and GSA services.* This section provides to user agencies pertinent information regarding the use and understanding of the GSA Federal Supply Service stock program, sales program, and other GSA services.

(c) Changes to the GSA Supply Catalog are effected by change bulletins issued during April, July, and October. These are cumulative publications that contain information pertaining to new items, changes to supply management data, and deleted items.

(d) Special Notice to Ordering Office is issued on a nonscheduled basis as required by the Commissioner, FSS, to inform agencies of significant program changes to the GSA Supply Catalog.

18. Section 101-30.604 is revised to read as follows:

§ 101-30.604 Availability.

Agencies that require current copies of and desire to be placed on distribution lists to receive Federal supply catalogs and related publications shall complete GSA Form 457, FSS Publications Mailing List Application (illustrated at § 101-26.4902-457), and forward the completed GSA Form 457 to General Services Administration (8BRC), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225. Copies of GSA Form 457 may also be obtained from the above address. Periodically, the Centralized Mailing Lists Services will request information from agency offices for use in maintaining current distribution lists.

Subpart 101-30.7—Item Reduction Program

19. Section 101-30.703(b) is revised to read as follows:

§ 101-30.703 Program objectives.

* * * * *

(b) Standardizing items of supply used by the Government;

* * * * *

20. Section 101-30.704-1(b)(1) is revised to read as follows:

§ 101-30.704-1 General Services Administration.

(b) * * *

(1) Distribute proposed item reduction studies, as appropriate, to all civil agencies recorded as users of the item in

the DLSC data base. This distribution will be made by coordination letters in which a time frame for a response will be specified. GSA will interpret each nonresponse to a proposed study to mean that the activity concurs with the study. Extensions, when requested by an agency, normally will be granted by GSA.

* * * * *

21. Section 101–30.704–2 is amended by revising paragraph (c) and adding paragraph (e) to read as follows:

§ 101–30.704–2 Other agencies.

* * * * *

(c) Review the approved item reduction study and notify GSA in writing if the activity is to be retained or deleted as a user of any item coded as "not authorized for procurement." This notification will allow the preparer of the study to complete coordination of the study and update the DLSC Total Item Record (TIR).

* * * * *

(e) Request, as appropriate, the retention of a nonstandard item in their supply system by forwarding a letter to General Services Administration (FRIS), Washington, D.C. 20406. The request shall include but not be limited to the following information:

(1) The specific end-use of end-item application;

(2) A technical explanation comparing the physical and functional characteristics of the nonstandard item with each authorized-for-procurement item;

(3) The duration of the requirement for the item or how long the end-item will be retained in the agency's supply system; and

(4) Economic considerations from a technical standpoint. GSA will evaluate the request and inform the agency of its acceptance or rejection.

22. Section 101–30.705 is revised to read as follows:

§ 101–30.705 GSA assistance.

Activities requiring assistance in fulfilling their responsibilities under the program shall contact the General Services Administration (FRI), Washington, D.C. 20406.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: June 22, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–20230 Filed 7–9–81; 8:45 am]

BILLING CODE 6820–24–M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

45 CFR Part 1176

Part-Time Career Employment

AGENCY: National Endowment for the Humanities.

ACTION: Final rule.

SUMMARY: The Federal Employees Part-Time Career Employment Act of 1978 (Pub. L. 95–437) provides for and encourages part-time employment of Federal employees. The following final regulation of the National Endowment for the Humanities sets forth the provisions of the law and the criteria and procedures for administering the program in the Endowment.

EFFECTIVE DATE: August 10, 1981.

FOR FURTHER INFORMATION CONTACT: David C. Johnstone, Personnel Officer, National Endowment for the Humanities, Room 410, 806 15th Street, N.W., Washington, DC 20506 (202) 724–0356.

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published on pages 65635–65637 of the **Federal Register** of October 3, 1980, and inviting comments until November 30, 1980. No comments were received.

Rulemaking Requirements

In connection with various rulemaking requirements, the National Endowment for the Humanities has determined that:

1. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

2. This rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981 (46 FR 13193, February 19, 1981), "Federal Regulation."

3. This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Chapter XI, Title 45 of the Code of Federal Regulations is amended by adding Part 1176, Subchapter D, to read as follows:

PART 1176—PART-TIME CAREER EMPLOYMENT

Sec.

1176.1 General.
1176.2 Definitions.
1176.3 Criteria.
1176.4 Establishing and converting part-time positions.
1176.5 Annual plan.
1176.6 Review and evaluation.
1176.7 Publicizing vacancies.
1176.8 Exceptions.
1176.9–1176.99 [Reserved]

Authority.—Federal Employees Part-Time Career Employment Act of 1978, Pub. L. 95–437, 92 Stat. 1055, 5 U.S.C. 3401–3408.

§ 1176.1 General.

(a) Purpose. Many individuals in society possess great productive potential which goes unrealized because they cannot meet the requirements of a standard workweek. Permanent part-time employment also provides benefits to other individuals in a variety of ways, such as providing older individuals with a gradual transition into retirement, providing employment opportunities to handicapped individuals or others who require a reduced workweek, providing parents with opportunities to balance family responsibilities with the need for added income, and assisting students who must finance their own education or vocational training. In view of this, the National Endowment for the Humanities will operate a part-time career employment program, consistent with its responsibilities and in accordance with Public Law 95–437, the Federal Employees' Part-Time Career Employment Act of 1978.

(b) Program Coordinator. The Personnel Officer is responsible for program operation and coordination.

§ 1176.2 Definitions.

(a) "Part-time employment" means employment of 16 to 32 hours a week under a schedule consisting of an equal or varied number of hours per day, whether in a position which would be part-time without regard to the Act or one established to allow job-sharing or comparable arrangements, but does not include employment on a temporary or intermittent basis.

(b) "Career employment" includes competitive and excepted service employees in tenure groups I and II.

§ 1176.3 Criteria.

Positions becoming vacant, unless excepted as provided by Section 1176.8, will be reviewed to determine the feasibility of converting them to part-time. Among the criteria which may be used when conducting this review are:

(a) Mission requirements.

(b) Workload.

(c) Employment ceilings and budgetary considerations.

(d) Availability of qualified applicants willing to work part-time.

§ 1176.4 Establishing and converting part-time positions.

Position management and other internal reviews may indicate that positions may be either converted from full-time or initially established as part-

time positions. Criteria listed in Section 1176.3 may be used during these reviews. If a decision is made to convert to or to establish a part-time position, regular position management and classification procedures will be followed.

§ 1176.5 Annual plan.

(a) An agencywide plan for promoting part-time employment opportunities will be developed annually. This plan will establish annual goals and set interim and final deadlines for achieving these goals. This plan will be applicable throughout the agency, and will be transmitted to the Office of Personnel Management with the required report to OPM on the status of the program as of September 30 of each year.

(b) Beginning in FY 1981 in administering personnel ceilings, part-time career employees shall be counted against ceiling authorizations as a fraction. This will be determined by dividing 40 hours into the average number of hours of such employee's regularly scheduled workweek.

§ 1176.6 Review and evaluation.

Regular employment reports will be used to determine levels of part-time employment. This program will also be designated an item of special interest to be reviewed during personnel management reviews.

§ 1176.7 Publicizing vacancies.

When applicants from outside the Federal service are desired, part-time vacanies may be publicized through various recruiting means, such as:

(a) Federal Job Information Centers.

(b) State Employment Offices.

(c) Veterans' Administration Recruiting Bulletins.

§ 1176.8 Exceptions.

(a) The Personnel Officer may except positions from inclusion in this program to provide fewer than 16 hours per week. This will normally be done in furtherance of special hiring programs such as the Stay-in-School or Handicapped Employment Program.

(b) On occasions when it becomes necessary to allow supervisors and managers to temporarily increase the hours of duty of employees above 32 hours per week for limited and specific periods of time to meet heavy workloads, perform special assignments, permit employee training, etc., the Endowment policy is as follows:

(1) Requests to work NEH employees on a 32 hour/week appointment more than 32 hours must be submitted in advance to the Personnel Office;

(2) Justification should be concise but specific and must state the exact time frame for the increase in hours above 32 hours per week; and

(3) The Program Coordinator will decide if the request meets the intent of the law and this agency's policy.

§§ 1176.9–1176.99 [Reserved]

Dated: June 25, 1981.

Joseph D. Duffey,

Chairman, National Endowment for the Humanities.

[FR Doc. 81-19613 Filed 7-9-81; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1002 and 1128

[Ex Parte No. 395]

Feeder Railroad Development Program

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: These final rules set out the procedures for implementing the feeder railroad development program eatablished by section 401 of the Staggers Rail Act of 1980 (Rail Act). The purpose of the program is to provide shipper groups and communities with an alternative to inadequate rail service of abandonment and with an opportunity to preserve feeder lines prior to the total downgrading of such lines. To carry out this purpose, the Rail Act authorizes the Commission to require a railroad to sell certain rail lines under specific circumstances to a financially responsible person who files an application to purchase with the Commission.

EFFECTIVE DATE: These rules are effective on the date of their publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:
Michael Sullivan (202) 275–0826
or
Ellen Hanson (202) 275–7245

SUPPLEMENTARY INFORMATION: On October 23, 1980 (45 FR 73106, November 4, 1980), we issued proposed rules for the feeder railroad development program in accordance with section 401 of the Rail Act. Comments on the proposed rules were due on December 4, 1980. The Rail Act required us to promulgate regulations and procedures by December 14, 1980, which was only 10 days after the date when comments were due. Because we could not adequately address all of the issues raised in the comments and formulate final rules within such a limited time, on December 12, 1980, we adopted the proposed rules as interim rules effective December 19, 1980 (45 FR 83506, December 19, 1980).

Upon Analysis of the comments received, we have made some modifications to the rules, most of which are clarifying in nature. Although all the comments are not specifically discussed in this report, they all were considered in developing the final rules. Pursuant to 5 U.S.C. 553, the final rules will become effective upon their publication in the **Federal Register.** Further delay in implementing these rules would impede the timely execution of our functions under section 401 of the Rail Act.

Before discussing the comments, we will highlight the salient features of the program.

Background

The purpose of the feeder railroad development program (feeder line program) is to provide shipper groups and communities with an alternative to inadequate rail service or abandonment and with an opportunity to preserve feeder lines prior to the total downgrading of such lines. To accomplish this, the Rail Act authorizes us to require railroads to sell certain rail lines under specific circumstances to financially responsible persons who file applications to acquire in accordance with our procedures.

The law is quite specific as to the type of lines that are eligible for purchase under the program. Only two categories of rail properties qualify: (1) lines for which we find that the public convenience and necessity permit or require the sale; and (2) lines that appear in category 1 or 2 of the carrier's system diagram map as potentially subject to abandonment but for which the carrier has not filed an application to abandon. For the first 3 years after the effective date of the Rail Act, eligibility is limited to only those lines that carried less than 3 million gross ton miles of traffic per mile in the preceding calendar year.

The law further states that we can require the sale of eligible rail property only at a price not less than the Constitutional minimum value of the line. The Rail Act states that the Constitutional minimum value is presumed to be the net liquidation value or going concern value of the line, whichever is greater.

We have a number of responsibilities under this program in addition to determining the acquisition cost of a line. At the request of the acquiring party and subject to payment of reasonable compensation, we can

require the selling carrier to provide trackage rights to the acquiring party to allow reasonable interchange or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the acquiring party. For certain lighter density lines, we can also, upon petition of the acquiring carrier, require the establishment of reasonable joint rates and divisions between the parties. While we must require the selling carrier to protect the interests of employees on the line, the acquiring party will be required to use, to the maximum extent practicable, the employees who normally worked on the line.

The statute further provides that the acquiring carrier may elect to be exempt from any of the provisions of Title 49 of the *United States Code*, except with respect to joint rates. The law also extends this exemption option to lines abandoned during the 18 months prior to October 1, 1980 and subsequently acquired by a financially responsible person. Additionally, the owner of the acquired line may determine preconditions, such as subsidy payments, which shippers must meet in order to obtain service. If the purchasing carrier proposes to sell or abandon the line in the future, the original selling carrier shall have the right of first refusal to purchase the line.

Discussion

Our discussion of the comments is divided into two sections: I General and II. Specific. The first section addresses general concerns raised regarding implementation of the program. The second covers comments addressed to specific procedures set out in the proposed rules.

I. General Concerns

Railroad Concerns. The Association of American Railroads (AAR) is concerned that a prospective State purchaser dissatisfied with our valuation of the property could "walk away" from the proceeding and start a condemnation proceeding under that State's jurisdiction with the hope of obtaining a more favorable determination of value by a local court. AAR suggests that we require information as to whether a State has condemnation powers. If a State has this power, the AAR proposes that we require the State to deposit with the carrier at least 25 percent of the estimated value of the line, which deposit shall be forfeited if the State fails to acquire the property in accordance with our order and starts a State condemnation proceeding.

States may not exercise eminent domain powers as a vehicle to circumvent a federally-mandated statutory scheme under which we are granted exclusive jurisdiction to require a railroad to cease operations over one of its rail lines or to transfer the line to a new operator. There is no legal capacity in any State to alter the status of a common carrier insofar as its interstate obligations are concerned; such capacity lies wholly within the federal jurisdiction. *Boston and Maine Corp. Discontinuance of Service*, 324 I.C.C. 418, 451 (1965). Therefore, we see no need to require a bond or other form of security from a State purchaser.

Upon invoking our jurisdiction, the party's only remedy if dissatisfied with our final determination of property value is to seek judicial review in a United States Court of Appeals pursuant to 28 U.S.C. 2321a and 28 U.S.C. 2342. Under these sections, the Court of Appeals has exclusive jurisdiction to review, enjoin, set aside, or determine the validity of all our final orders.

Boston and Maine Corporation (B&M) is concerned that certain operators may acquire properties under the program for their long-term real estate value rather than their value as railroad property. To protect against such speculation, the B&M suggests that we set up a procedure whereby the selling carrier would have right of first refusal if the applicant ultimately proposed to abandon or sell the property and the proceeds from any sale which were in excess of net liquidation, plus appreciation, would be returned to the selling carrier. B&M further suggests that a required operating period of 25 years be imposed as a protective measure.

These concerns are addressed by the Rail Act itself. First, the Rail Act already affords the selling carrier the right of first refusal if the party who acquired the line later proposes to sell or abandon it. However, the statute makes no provision for the original selling carrier to receive proceeds from a subsequent sale by an applicant. The value of the property to be paid the selling carrier, as mandated by the statute, is the higher of net liquidation value or going concern value. We will consider all appropriate factors to determine the Constitutional minimum value of the line. Last, the statute requires that applicants provide a minimum 3-year period of service, and our rules provide for careful scrutiny of the financial responsibility and operating plans of the applicant. This should serve to screen out speculators and insure that parties who acquire property are dedicated to the operation of the line and are capable of providing the service.

Ontario Midland Railroad maintains that if a feeder line involves property of the Consolidated Rail Corporation (Conrail), the purchaser should not have to pay a price in excess of what Conrail paid, subject to adjustment for inflation. It believes an acquiring community will, in effect, be underwriting part of Conrail's massive debt by paying a substantial mark-up above what Conrail itself paid.

The Rail Act makes no distinction as to Conrail properties. The legislation requires that the Constitutional minimum value be paid for any rail line required to be sold under the program. Similarly, no distinction is made with respect to Conrail properties in cases of subsidy or acquisition when we make a finding permitting abandonment. There is no basis for treating Conrail properties differently under the feeder line program.

AAR criticized the use of final offer arbitration as a method for determining the acquisition price of property to be acquired under the program. The AAR questions whether the arbitrary selection of either the selling or acquiring carrier's price conforms with the valuation process required under section 401 of the Rail Act. It further questions whether this procedure would be used.

The Rail Act does not specify the process to be used in determining the value of a rail line. The purpose of including final offer arbitration is to provide parties with an alternative procedure for determining the sale price of a line which reduces the time and expense for both parties in their efforts to prove (or disprove) the Constitutional minimum value. We have selected this process because we believe that, by using a method where one of the two numbers submitted by the parties will be chosen, the parties will have a strong incentive to settle as many differences as possible prior to the arbitration stage. This will reduce the discrepancy between their respective offers as much as possible. Because the parties will know one another's offers before selecting the arbitration option, the boundaries of the risk they assume by going to binding arbitration are well known. In our selection of one figure over the other, of course, we will consider which amount best satisfies the statutory requirement of Constitutional minimum value.

Most importantly, since both parties must consent to the use of this form of arbitration, any party who does not like the procedure cannot be forced to use it.

Because final offer arbitration is a totally voluntary process and one that takes into account Constitutional minimum value, as required by the statute, we see no conflict with section 401 of the Rail Act.

Rail User Concerns. The National Grain and Feed Association (NGFA) believes that we may be too narrowly interpreting the exception to the exemption powers conferred by 49 U.S.C. 10910(g)(1). Under that section, a purchaser can elect to be exempt from the provisions of Title 49 with the exception of the provisions of Chapter 107 which govern transportation under a joint rate. NGFA Interprets this section to mean that an acquiring party providing any transportation subject to a joint rate cannot elect to be exempt from any of the provisions of Title 49. We do not believe the Congress intended such a restricted reading of the exemption provision.

Since any branch line purchased under this program would involve joint rates with the selling railroad, the exemption provision as interpreted by NGFA would be meaningless. We do not believe that Congress intended to enact a provision that could not be used. Further, the language of section 10910(g)(1) is quite specific. It provides that a party may elect to be exempt from any of the provisions of Title 49, "except that such a person may not be exempt from the provisions of Chapter 107 of this title with respect to transportation under a joint rate." Accordingly, we adhere to the position that a party may exempt itself from any of the provisions of Title 49 except those under Chapter 107 that govern transportation under a joint rate.

Because of the eligibility of Category 1 and 2 lines under the feeder line program, NGFA suggested that the rules be modified to require railroads to: (1) update their system diagram maps; and (2) indicate on their maps which of their lines in categories 1 and 2 carried less than 3 million gross ton miles of traffic per mile (MGTM/M) in the preceding year.

With respect to the first request, section 1121.23(c) of our abandonment regulations (49 CFR Part 1121) already requires railroads to revise their system diagram maps annually. Further, under section 1121.22, the carrier must: (1) serve the map itself plus any amendments upon the Governor, the public service commission, and the designated rail planning agency of each State within which the carrier operates or owns a line of railroad; (2) publish a black and white copy of the map in newspapers of general circulation in the counties where Category 1, 2, or 3 lines or lines with amended status are located; (3) post copies of the newspaper notice in each station or terminal on each line in Category 1, 2, or 3 or each amended line; and (4) furnish a copy of its map, at reasonable cost, upon request of any interested party. Since the abandonment regulations already set adequate requirements for ensuring updated system diagram maps and notice to the public, we see no need for additional regulations in this area.

With respect to NGFA's second request, we do not consider it reasonable to require railroads to indicate on their maps every line in Category 1 and 2 that carried less than 3MGTM/M of traffic in the preceding year. First, the railroad's cost of collecting and keeping these data on every Category 1 and 2 line would be considerable. Second, State rail planning agencies may have these data in some cases as a result of their rail planning activities under the Local Rail Service Assistance Program. Under this program, certain lines that carried less than 3MGTM/M of traffic or less during the prior year are eligible for preabandonment rehabilitation assistance. Third, a prospective purchaser is free to request these data from the railroad for a particular line upon payment of the reasonable cost to the railroad of assembling this information.

State Concerns. A number of concerns were registered with respect to the State role in the feeder line program. Of particular concern was a State's ability to exercise the right of first refusal if railroad property acquired under the feeder line program is subsequently put up for sale or abandonment. Some States indicated they have laws that give them the right of first refusal for any railroad property offered for sale, lease, or abandonment. Other States reserve this right as a condition to providing financial assistance. It was also stated that States may condition their provision of financial assistance on the assurance that service will be provided for a period of 5 years or more. The States questioned whether these factors might create a problem since the feeder line program provisions require a guarantee of only 3 years of service on a line acquired under the program.

As already noted, the Rail Act is quite specific as to right of first refusal. Under 49 U.S.C. 10910(h), if a purchaser proposes to sell or abandon all or any portion of a line purchased under the feeder line program, it must offer the right of first refusal to the railroad from which it purchased the property. However, it should be recognized that under the Rail Act any railroad who wishes to exercise this right must be in a position to pay a price equal to the sum of the price paid by the purchaser plus the fair market value (less deterioration) of any improvements made, as adjusted for inflation.

The statutory requirement of at least 3 years of service should not create any problem for a State. This requirement is simply to establish a minimum period of service, and does not preclude a State from establishing a longer period of service as a condition to eligibility for State funds.

The Illinois Department of Transportation (Illinois DOT) questioned how we would determine the adequacy of existing rail service in finding whether the public convenience and necessity permit or require the sale of a line. More specifically, it questioned whether this determination would be done on a case-by-case basis or through a rulemaking aimed at setting nationwide standards. Illinois DOT is concerned that we might engage in nationwide application of criteria developed on the basis of unique local circumstances. In such a case, it believes a formal rulemaking would be an appropriate approach.

The Rail Act sets out the criteria we must assess in determining whether the public convenience and necessity permit or require the sale of a line. The applicant bears the burden of proving these criteria, which include the refusal of the railroad to make efforts within a reasonable time to provide adequate service, inadequacy of current service, lack of adverse financial and operational effects on the operating railroad if the line is sold, and the likelihood of improved service if the line is transferred.

Because all these factors, including the adequacy of existing rail service, involve local service needs and considerations unique to the owning railroad, we believe these applications require case-by-case analysis.

II. Specific Concerns

Purpose and Scope, Section 1128.1. Those comments which addressed the scope of the program were concerned with the eligibility of lines under the program and the application of the standard of 3 million gross ton miles of traffic per mile (3MGTM/M) during the first 3 years of the program.

Concern exists in identifying which lines are eligible for the feeder line program, particularly lines of the bankrupt Chicago, Rock Island and Pacific Railroad Company (Rock Island) and Chicago, Milwaukee, St. Paul and

Pacific Railroad Company (Milwaukee Road). Under the Rail Act, only two categories of rail lines qualify for the program: (1) lines for which we find the public convenience and necessity permit or require the sale; and (2) lines that appear in category 1 or 2 of the carrier's System Diagram Map but for which the carrier has not filed an application to abandon. The standard of 3MGTM/M of traffic or less applies to these lines only for the first 3 years of the program. Since the Rail Act specifically excludes lines for which abandonment applications have been filed, Rock Island and Milwaukee Road lines that were the subject of abandonment applications do not qualify.

In discussing the eligibility of lines, we should also clarify the status of rail lines abandoned during the 18-month period preceding the effective date of the Rail Act and subsequently acquired by a financially responsible person. Some parties thought these lines qualified for the program. Under the provisions of the Rail Act, these lines are not eligible for acquisition under the program. However, they are eligible for exemption from the provisions of Title 49 of the United States Code (with the exception of the Chapter 107 provisions governing transportation under a joint rate).

Under the first 3 years of this program, eligible lines are limited to those carrying less than 3MGTM/M of traffic in the preceding calendar year. Some parties wanted to know how to make the necessary computation and whether the limitation applies to a given line or just to the portion of the line sought to be acquired. Section 1128.1 of the final rules defines the term to include the tare (empty) weight of the cars carrying the cargo plus the weight of the cargo. This is the commonly used method in the industry for estimating the traffic density for a line when gross ton miles must be determined. If freight only was to be considered, Congress would have used the term gross ton miles of revenue freight. This section also specifies that the 3MGTM/M standard applies to the portion of the line to be acquired.

Notice of Intent to Purchase, Section 1128.2. Under § 1128.2 of the regulations, a person giving notice of its intent to acquire a rail line must be financially responsible. A number of the comments requested that we define the term "financially responsible person." It was suggested that financially responsible persons should be limited to those comprised of or affiliated with shipper groups. Apparently, it is feared that other persons may give the appearance of financial responsibility only to have financial difficulty or to withdraw service shortly after acquiring a railroad line.

Section 1128.2(a) of the final regulations states that the term financially responsible person may include a shipper or group of shippers; a State, local, or regional government or transportation authority; a Class III railroad; or any other entity (except a Class I or Class II railroad or an entity affiliated with a Class I or II railroad).

We do not believe that limiting the term to shipper-affiliated groups is appropriate. This could preclude possible operations by independent financially responsible entities capable of providing efficient and long-term service. Further, there are a number of safeguards built into the program. The Rail Act requires that each applicant be able to pay the Constitutional minimum value of the property and be able to prove ability to provide adequate service for at least 3 years. We will carefully scrutinize all evidence as to financial responsibility before requiring the sale of property to any applicant. In addition, rail users and other concerned parties will have an opportunity to comment on the merits of any application.

The AAR suggested that the determination of an applicant's financial responsibility be made prior to negotiations and disclosure of data by the carrier. The railroads are concerned with possible harassment, futile negotiations, and the time-consuming and expensive collection of data for parties who are not financially qualified.

We share these concerns, but do not believe a preliminary determination of financial responsibility is necessary at the notice stage. Section 1128.2(b) of the notice provisions requires an applicant to submit preliminary evidence of its financial responsibility in the notice of intent. If the railroad considers these data deficient, it can request that the prospective purchaser voluntarily submit additional data sufficient to establish a preliminary showing of financial responsibility. If the railroad can demonstrate that a preliminary showing of financial responsibility has not been made, it can petition us for appropriate relief. Also, section 1128.3(a) of the final rules requires that an applicant reasonably compensate the selling railroad for providing data generally not available to the public. This should help to screen out parties who may not be financially responsible.

The proposed regulations required that copies of the notice of intent be provided to the Commission, the Designated State Agency in the State(s) in which the property is located, the owning railroad, and all significant users of rail service located on the line. It was requested that the regulations also require that a copy be made available to a designated official of railway labor. We agree, and have amended section 1128.2(a) to require a copy of the notice of intent to be sent to the Railway Labor Executives' Association, 400 1st Street, N.W., Washington, D.C. 20001.

Application to Purchase, Section 1128.3.

Financial Responsibility. A primary concern was the type of evidence required to establish financial responsibility. The parties who commented on this point argued that additional guidance and some uniformity is needed for this critical aspect of the acquisition process. We agree. Accordingly, § 1128.3(b)(4) of the final rules is amended to require that evidence of financial responsibility must include, but not be limited to: balance sheets, *pro forma* income statements for at least 3 years, and sources of funds for acquisition and operation (such as federal, state, shipper, and private contributions), including any loan commitments and/or dedication of funds for this proposal.

We do not believe it is necessary to require that binding contracts guaranteeing shipper participation be submitted or that federal and State funding agreements actually be in place prior to an applicant invoking our jurisdiction, as suggested by AAR. As noted above, § 1128.3(b)(4) now requires that an applicant specify in the application all sources of funds for acquisition and operation, including federal, state, shipper, and private contributions. Section 1128.3(b)(9) of the regulations further requires that an applicant include in the application any preconditions to be placed on shippers in order for them to receive service (such as assuming a share of any subsidy payments). It further provides that, if the application is approved, no further preconditions will be placed on shippers without our approval. This information, plus any related comments filed during the proceeding, generally should provide sufficient information to assess the financial responsibility of the applicant and the feasibility of the proposed acquisition.

Negotiations. In the area of negotiations, more specific guidelines were desired concerning the report to be submitted on the status of negotiations. Accordingly, § 1128.3(b)(11) of the final rules specifies that these status reports should include a description of the negotiations (participants, dates of

meetings, and progress), points of agreement, specific areas of disagreement, and general problems.

Trackage Rights. The proposed regulations required only a description of the trackage rights which would be required by the acquiring party to allow for reasonable interchange with the selling carrier or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by an applicant. More specific guidelines were requested because of the limited nature of these trackage rights and our need, as well as that of the affected railroads, to assess the effect of these trackage rights on the owning railroad's operations. This concern also seemed valid. Section 1128.3(b)(14) of the final rules specifies that trackage rights requests shall include a description of the actual trackage required, the specific need for this trackage, the frequency of proposed operations, specific times of operation, alternatives to trackage rights, if any, and any other pertinent data relating to the proposed operations.

Some of the comments also questioned the anticipated extent (mileage) of these trackage rights. There was concern on the part of railroads that these trackage rights might be used as a vehicle to obtain access to distant interchange points. As a result, assurances were sought that reasonable interchange points would be established.

To avoid any possible misunderstanding, § 1128.3(b)(14) of the final rules specifies that the interchange point will be at the point closest to the junction with the line of the owning carrier that will allow for an efficient interchange of traffic. This will reduce the possibility of abuse and minimize interference with other train movements.

One party questioned what would happen if the noncontiguous feeder lines between which trackage rights were needed to move power equipment or empty rolling stock were connected by the selling carrier's trackage rights over another railroad. Under these circumstances, we cannot require the transfer of trackage rights to the acquiring carrier. The law authorizes us to require these trackage rights only of the selling carrier. However, this does not preclude the acquiring railroad from negotiating for trackage rights or direct interchange with the other railroad.

The AAR requested that the regulations specify the following with respect to trackage rights: (1) the purchasing railroad's crews must pass the owning carrier's operating rules examination before being allowed to operate trains over trackage subject to connecting rights, and (2) the purchaser must agree to indemnify the owning railroad for loss and damage arising out of its exercise of trackage rights, unless such loss and damage is caused by the negligence of the owning line. The railroads maintain that knowledge of the owning carrier's operating rules is essential from a safety aspect as these operating rules specify the signal and train control procedures applicable to a particular carrier's operations. They make the point that the presence of inexperienced crews and the additional train movements created by these trackage rights could pose a safety hazard.

The railroads have raised legitimate safety concerns in this area. Accordingly, the final rules will require knowledge of the selling railroad's operating rules. Under § 1128.3(b)(14), an applicant will now be required to submit with its application a statement agreeing that its train and engine crew personnel will take the operating rules examination before operating trains over the property of the selling carrier subject to the trackage rights.

The railroads' request concerning insurance also is reasonable. Accordingly, § 1128.3(b)(8) of the final rules specifies that the applicant's liability insurance must include coverage sufficient to indemnify the selling carrier from all personal and property damage resulting from operations by the feeder line operator in exercising trackage rights, unless the loss or damage is caused by the negligence of the owning line.

Joint Rates/Divisions. The AAR suggested that the application requirements be amended to provide that any applicant who requests joint rates or divisions be required to provide detailed evidence demonstrating the reasonableness of the proposal including estimates of costs and anticipated revenues. AAR fears that because of the marginal nature of many of the feeder lines, purchasers will try to seek a change in divisions, rather than increasing rates, in an effort to have the connecting carrier subsidize the feeder line operation. Accordingly, AAR wants the applicant to submit detailed evidence demonstrating the reasonableness of the proposed division.

We agree that the language in the final rules should be more specific with respect to the type of evidence to be submitted for requested joint rates and divisions. Section 1128.3(b)(15) of the final rules requires a description of any necessary division agreements, the railroads involved in the proposed division(s), the estimated revenues from such division(s), and the total costs of operating the line segments (including trackage rights). Applicants are required to justify on a cost basis the reasonableness of a proposed division or joint rate. As set out in the proposed rules, in setting joint rates or divisions between the selling carrier and the acquiring party, we will not set the rate for the selling railroad's share of the joint rate at less than the applicable revenue/variable cost percentage set by 49 U.S.C. 10709(d)(2) (as amended by section 202 of the Rail Act) unless the selling carrier specifically asks us to do so.

Reasonable Compensation for the Collection of Data. The AAR maintains that the carriers should be allowed to charge a prospective purchaser for supplying data not generally available to the public. The collection of data can be a time-consuming and expensive process for the railroad, particularly in this type of proceeding. Accordingly, § 1128.3(a) of the final rules provides for such compensation.

Copies of the Application. Several comments pointed out that the proposed regulations did not specify upon whom copies of the application should be served. Section 1128.3(a) of the final rules requires that copies of the application shall be served on the Commission, the Designated State Agency in the States in which the property is located, the owning railroad, all significant users of rail services located on the line, and the Railway Labor Executives' Association and shall be made available to interested parties upon request.

Transfer of Title. It was suggested that the regulations clarify that once the sale is made, transfer should be of all of the right, title, and interest in the property, without reserving leases or licenses, mineral rights, or other residual property rights, unless the parties specifically agree otherwise. Since the value established for the property should take into account such leases, licenses, and rights, § 1128.3(b)(4) of the final rules requires that in determining the value of the line, the applicant identify separately the amounts, if any, included for such rights, licenses, and leases. If the purchaser wishes to exclude these items, a statement to this effect should be included.

Procedures for Handling Applications, Sections 1128.4 and 1128.5. Further clarification of the procedures for handling competing applications was requested. Accordingly, §§ 1128.4(d) and 1128.5(d), which cover category 1 and 2 applications and applications seeking public convenience and necessity

findings, respectively, specify that: (1) competing applications must be filed within 30 days of the filing of an initial application, as was provided for in the proposed rules; (2) these applications are subject to the same information and service requirements as the initial application; and (3) parties will have 30 days from the date competing applications are filed during which to comment. We will weigh the financial responsibility and service capability of each applicant, plus any comments by the affected railroad, shippers and communities indicating their order of preference.

It was also requested that all evidence be verified and that the regulations include a statement that incomplete applications will be rejected on their face. With respect to the former request, § 1128.3(a) of the final regulations specifies that all evidence be submitted in the form of verified statements. The latter concern was already addressed in the proposed regulations. Sections 1128.4(a) and 1128.5(a) provide that we will accept or reject an application with respect to its completeness within 15 days in the case of applications for category 1 or 2 lines and within 30 days in the case of lines involving a public convenience and necessity finding.

The time period for filing replies to comments on the application was considered inadequate. Sections 1128.4(c) and 1128.5(c) of the final rules extend the reply period from 15 to 20 days to allow parties additional time.

Commission Order, Section 1128.6. Section 1128.6(c) of the regulations provides that if an application requires us to set joint rates or divisions, we will do so based on the evidence of record in the proceeding. However, unless specifically requested to do so by the selling carrier, we will not set the rate for the selling railroad's share of the joint rate at less than the level set by 49 U.S.C. 10709(d)(2) (for the year in which the acquisition is made). NGFA did not believe we adequately explained why we would guarantee a selling carrier a division which equalled the minimum threshold level for our maximum ratemaking jurisdiction.

Our basis for this approach is two-fold. First, under section 202 of the Rail Act, we have no jurisdiction over rates that fall below this threshold level. To be consistent with this provision, we cannot force a selling railroad to accept a rate below that level. Second, if we were to set the selling carrier's share of divisions below that threshold level, rail users might try to buy the line as a way to circumvent the railroad's right to establish rates up to that level. This would thwart Congress' clear intent that we not interfere with or mandate rates below Congressionally-determined levels.

Acquisition Cost, Section 1128.7. The AAR pointed out that the owning railroad should be able to use qualified in-house real estate personnel in setting property valuations. The AAR believes railroads should not have to pay appraisers when they have in-house experienced personnel whose job is to determine land values. Section 1128.7(d)(1)(iv) of the regulations states the railroad must submit an appraisal by a qualified appraiser if it wishes to challenge applicant's evidence of net liquidation value. This section does not preclude a railroad from using in-house personnel. However, to avoid any ambiguity, the term qualified appraiser will be defined to include qualified in-house real estate personnel.

The AAR questioned the inclusion of equipment as an element in the appraisal value of property under § 1128.7(d)(1)(ii) of the regulations. It points out that section 401 does not permit any condemnation of rail equipment. The use of the term "equipment" in the proposed regulations was not intended to mean locomotives or freight cars but equipment such as signalling equipment on the line. In order to remove possible misunderstanding in the area, the term "equipment" is deleted from § 1128.7(d)(1)(ii).

We invited comments on what methodology, if any, should be used to determine net liquidation and going concern values, or whether parties should be free to submit whatever information they think persuasive. Although those parties who commented indicated they would like guidance in this area, no methodology or suggested guidelines were offered. Accordingly, no standard definitions are adopted, and we will assess net liquidation and going concern value assessments on a case-by-case basis.

Concern was registered with respect to the timing and form of payment of the purchase price for the property. The AAR maintains that the purchase price should be paid in full in cash 60 days after the issuance of an administratively final order requiring the property's sale. The regulations do provide a specific period of time for consummation of the sale. Under §§ 1128.7(d)(1)(vi) and 1128.7(d)(2)(viii), the parties have 60 days from the date of our decision to consummate the sale, whether they select the adjudicatory procedure for determining net liquidation and going concern values or the final offer arbitration process. The final regulations do not specify the terms or form of payment of the purchase price. This is a matter which properly falls within the negotiation process. For example, a railroad might accept a lower price, if immediate cash payment is offered. The reverse may also be true. The timing and nature of the payment may, thus, become an important part of the negotiation, and should not be subject to a uniform rule.

The AAR maintains that ascertainment of value of a line is of sufficient importance to require oral hearing. The rules provide two methods for determining the purchase price of a line: (1) the acquiring parties may attempt to prove net liquidation value and going concern value under § 1128.7(d)(1) of the regulations, or (2) both parties (the purchaser and railroad) may select final offer arbitration under § 1128.7(d)(2). If the latter option is chosen, an oral hearing is not necessary because both parties will have agreed to the sale of the property at the price we select. However, under the first option, where contested valuations are involved, no such agreement has been reached. The acquiring party and the railroad will each present their own evidence regarding the value of the property. Based on the evidence submitted, we will determine the price at which the railroad must sell the property. Oral hearings may help us develop a complete and sufficient record and resolve discrepancies in such cases; however, we intend to convene oral hearings infrequently, and only in complex cases where written submissions are likely to offer insufficient evidence upon which to determine an equitable sale price. Accordingly, section 1128.7(b) of the final rules provides that we may, upon request by either party, conduct oral hearings.

This Notice of Final Rules is issued under 5 U.S.C. 553, and 49 U.S.C. 10910. The rules do not significantly affect the quality of the human environment, the conservation of energy resources, or adversely affect the economic interests of small businesses or organizations.

Other Matters

In our proposed rules we failed to include the filing fee for applications filed under these regulations. We have determined that the appropriate fee will be $300. That filing fee will be reflected in 49 CFR 1002.2(d)(49).

Our proposed rules did not include the number of copies of applications or pleadings required by these rules. An applicant must file an original and 10 copies of its application. An original and 10 copies of any other pleading must

also be filed. This requirement will be included as 49 CFR 1128.7.

It is ordered

1. Chapter X of Title 49 of the *Code of Federal Regulations* is amended by adding, as Part 1128, the regulation set forth in the Appendix.

2. This decision is effective upon the date published in the **Federal Register.**

Decided: June 26, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Clapp concurred with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Clapp, concurring:

The rules we adopt today implement section 401 of the Staggers Rail Act of 1980. Through section 401 and establishment of the Feeder Railroad Development Program, Congress intended to provide shipper groups and government agencies with an alternative to inadequate rail service and to provide an opportunity for preservation of feeder lines prior to total downgrading of the lines. Under these rules, a prospective purchaser must give public notice of intent to purchase at least 90 days before an application is filed. What the rules may not make clear is that a deficient *notice* may cause the Commission to reject the *application* filed three months or more after the *notice*. This could obviously delay proposed acquisitions or give competing applications an advantage.

Some of the problems associated with defective notices could be eliminated through early identification and correction. Providing for prior review of proposed notices by Commission staff personnel, for example, could have been useful. Alternatively, we could have provided for quick rejection of deficient notices.

Fortunately, those who stand to lose most through filing faulty notices have it within their power to exercise caution in filing notices. Without the necessary care, I fear that the intent of Congress, as expressed in section 401, may be frustrated.

Appendix

PART 1128—FEEDER RAILROAD DEVELOPMENT PROGRAM

Sec.

1128.1 Purpose and scope.
1128.2 Notice of intent to purchase.
1128.3 Application to purchase.
1128.4 Procedures for handling an application for a line contained in category 1 or 2 of the owning carrier's system diagram map.
1128.5 Procedures for handling an application seeking a finding of public convenience and necessity.
1128.6 Commission order.
1128.7 Acquisition cost.
1128.8 Copies

Authority: 5 U.S.C. 553; 49 U.S.C. 10910.

§ 1128.1 Purpose and scope.

Under 49 U.S.C. 10910, the Commission can require the sale of certain rail lines to a financially responsible person. To be eligible for such sale, either the line must appear in category 1 or 2 of the owning railroad's System Diagram Map (but the railroad has not filed an application to abandon it), or the public convenience and necessity, as specifically defined in Section 10910, must permit or require the sale of the line. Furthermore, until October 1, 1983, section 10910 is only applicable to lines that carried less than three million gross ton miles of traffic per mile in the preceding calendar year. The term three million gross ton miles, as used in these regulations, shall be calculated by adding the ton miles of the cargo and the ton miles related to the tare (empty) weight of the freight cars used to transport the cargo in the loaded movement. In calculating the gross ton miles, only those related to the portion of the line segment being purchased shall be included. This Part sets forth the regulations and procedures to carry out the provisions of this program.

§ 1128.2 Notice of intent to purchase.

(a) A financially responsible person who wishes to acquire a rail line pursuant to these procedures shall, at least 90 days prior to applying to the Commission for such purpose, notify the following persons or entities of its intent to purchase a line of railroad: the Interstate Commerce Commission; the Designated State Agency in the States(s) in which the property is located; the owning railroad; all significant users of rail services located on the line; and the Railway Labor Executives' Association, 400 1st Street, N.W., Washington, D.C. 20001. As used in this part, the term "financially responsible person" can include: a shipper or group of shippers; a State, local or regional government or transportation authority; a Class III railroad; or any other entity (except a Class I or II railroad or an entity affiliated with a Class I or II railroad). "Significant user" means (1) each of the 10 rail patrons who originated and/or received the largest number of carloads on the line (or each patron if there are fewer than 10), and (2) any other rail patron who originated and/or received 50 or more carloads on the line proposed for acquisition during the 12-month period preceding the month in which the Notice is filed.

(b) The Notice shall contain the following information: the docket number, the identity of the applicant, and identification of the properties that the applicant wishes to purchase; a statement of the basis upon which the line is eligible for this program (including (1) applicable tonnage and (2) system diagram map designation or service deficiency allegations directed to the public convenience and necessity test); the applicant's reasons for wishing to acquire the properties; and preliminary evidence of the applicant's financial responsibility. Additionally, the Notice must contain a summary of the essential terms to be contained in the application, including an estimate of the net liquidation value of the property (with appraisal, if available), and an indication that the acquiring party is prepared to offer at least that amount to the owning railroad. It should specifically state any preconditions to service which the applicant would impose and the extent of the exemption from Title 49 provisions which the applicant would elect. The Notice shall also state that any interested party may submit comments or recommendations to the Commission with respect to the Notice and application, and that other interested and financially responsible persons may also propose to acquire the property. The Notice shall also name the applicant's representative to whom inquiries and requests for applications may be made.

(c) Before notice is given, the applicant must obtain a docket number from the Commission's Section of Finance. The Notice shall be served by certified mail on each party identified in subparagraph (a) above, and shall be posted in each station on the line and published in a local newspaper at least once a week for three consecutive weeks. An affidavit shall be filed stating that the service requirements of this subparagraph have been met. The Commission will publish a summary of the Notice in the **Federal Register.** If an applicant wishes to publish in a local newspaper a summary of the Notice, the applicant must include in the summary the name and address of applicant's representative to whom interested parties may request a copy of the full Notice.

§ 1128.3 Application to purchase.

(a) Not less than 90 days after filing the Notice required in § 1128.2 of these regulations, the party wishing to acquire the line may file an application with the Commission for the purchase of the rail properties described in the Notice. All applications filed under these regulations, whether they are initial applications or competing applications, must be served upon the persons or entities listed in § 1128.2(a) of these regulations and made available to interested parties upon request. All

statements or information filed in support of or in opposition to the application shall be verified. The applicant shall pay the railroad the reasonable costs of providing data that would not otherwise be available or arrayed in the format desired. The railroad shall itemize by major category the expenses charged to the applicant such as xeroxing, labor costs associated with reproduction and assimilation of the data, and computer time.

(b) The Application shall contain the following information:

(1) The name and address of the proposed purchaser.

(2) The names and addresses of its officers and directors.

(3) A description of applicant's affiliation with any railroad.

(4) Information sufficient to establish that the applicant is a financially responsible person as defined in § 1128.2(a) of these regulations. Evidence of financial responsibility shall include, but not be limited to, balance sheets and *pro forma* income statements for at least three years and the identification of all sources of funds for acquisition and operation of the line (such as federal, state, shipper, and/or private contributions), including any loan commitments and/or dedication of funds for this proposal. In this regard, the applicant must demonstrate its ability: (i) to pay the higher of the net liquidation value or going concern value of the line; and (ii) to cover expenses associated with providing service over the line (such as, but not limited to, operating costs, rents, and taxes) for the first three years after acquisition of the line.

With regard to paragraph (b)(4)(i) of this section, estimates of net liquidation and going concern values, and complete descriptions of the methods by which such calculations were made, must be included. An appraisal by a qualified person of the net liquidation value of the line must also be included. In determining the value of the line, the amounts, if any, included for rights, such as mineral rights, licenses, and leases, shall be identified separately. If the purchase is to exclude these items, a statement to this effect shall be included.

(5) An offer to purchase the line at the higher of the two estimates submitted pursuant to subparagraph (4).

(6) The dates for the proposed period of operation of the line covered by the application.

(7) An operating plan that identifies the proposed operator; attaches any contract that the applicant may have entered into with the proposed operator; describes in detail the service that is to be provided on the line, including all interline connections; and demonstrates that adequate transportation will be provided over the line for at least three years from the date of acquisition.

(8) A description of the extent of the applicant's and the operator's liability insurance. If trackage rights are requested, the insurance shall be at a level sufficient to indemnify the owning railroad against all personal and property damages that result from negligence on the part of the operator in exercising the trackage rights.

(9) Any preconditions (such as assuming a share of any subsidy payments) that will be placed on shippers on order for them to receive service, and a statement that if the application is approved, no further preconditions will be placed on shippers without Commission approval. (THIS STATEMENT WILL BE BINDING UPON THE APPLICANT IF THE APPLICATION IS APPROVED.)

(10) The name and address of any person(s) that will subsidize the operation of the line.

(11) A statement that the applicant has negotiated with the owning railroad for the purchase of the properties and a report on the status of those negotiations. The status report shall include, but not be limited to, a description of the negotiations (participants, dates of meetings, and progress), points of agreement, specific areas of disagreement, and general problems.

(12) A statement that the applicant will seek a finding by the Commission that public convenience and necessity (PC&N) permit or require the acquisition, or a statement that the line is currently in category 1 or 2 of the owning railroad's System Diagram Map. If the latter, a copy of the relevant portion of the map must be attached to the application. If the applicant seeks a finding of PC&N from the Commission, then the application must contain evidence sufficient to permit the Commission to find that:

(i) the rail carrier operating the line refused within a reasonable time to make the necessary efforts to provide adequate service to shippers who transport traffic over the line;

(ii) the transportation over the line is inadequate for the majority of shippers who transport traffic over the line;

(iii) the sale of the line will not have a significantly adverse financial effect on the rail carrier operating the line;

(iv) the sale of the line will not have an adverse effect on the overall operational performance of the rail carrier operating the line; and

(v) the sale of the line will be likely to result in improved railroad transportation for shippers who transport traffic over the line.

With regard to paragraph (b)(12) (i) of this section, the applicant's evidence shall detail the nature of the claimed service inadequacy, the specific complaints of shippers on the line, the type of service requested, the owning railroads' responses to those requests, and the time period involved.

With regard to paragraph (b)(12) (ii) of this section, the applicant should identify all significant users on the line, estimate the tonnage and carloads shipped or received by each, and submit statements by a majority of the users explaining why the present service is inadequate.

(13) A statement of the extent to which the applicant intends to elect exemption from any of the provisions of Title 49, United States Code, and a statement that if the application is approved, no further exemptions will be elected. (This Statement Will Be Binding Upon the Applicant if the Application is Approved.)

(14) A description of any trackage rights required over the owning railroad that are needed to allow reasonable interchange or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the applicant, and an estimate of the reasonable compensation for such rights, including a full explanation of how the estimate was reached. The description of the trackage rights shall include, but not be limited to, the following information: milepost or other identification for each segment of track; the need for the trackage rights (interchange of traffic, movement of equipment, etc.); frequency of operations; times of operation; any alternative to the use of the tracks; and any other pertinent data. Trackage rights that are necessary for the interchange of traffic shall be limited to the closest point to the junction with the owning railroad's line that allows the efficient interchange of traffic. A statement shall be included that the applicant agrees to have its train and crew personnel take the operating rules examination of the railroad over which the operating rights are exercised.

(15) A description of any joint rates and divisions agreements that must be established. The description(s) shall include, but not be limited to, the following information: the railroad(s) involved; the estimated revenues that will result from the division(s); and the total costs of operating the line segment

purchased (including the trackage rights fees).

(16) The extent to which the owning railroad's employees who normally service the line will be used.

(17) If the application is filed before October 1, 1983, information sufficient to allow the Commission to determine that the line sought to be acquired carried less than three million gross ton miles of traffic per mile in the preceding calendar year.

(18) A statement of the applicable time period for filing comments and submitting competing applications, with the Commission's address where they should be filed.

(c) The Commission may, if it finds that the circumstances of the application suggest a pattern of litigation that constitutes unfair harassment of the owning railroad, issue an order requiring applicant to show cause why the application should not be summarily dismissed.

§ 1128.4 Procedures for handling an application for a line contained in category 1 or 2 of the owning carrier's system diagram map.

Only applications seeking to acquire a line contained in category 1 or 2 of the owning carrier's System Diagram Map shall be subject to the following procedures:

(a) The Commission shall accept or reject an application with respect to its completeness within 15 days of its receipt.

(b) The railroad and other interested parties wishing to comment shall file within 30 days of the filing date of the application their verified statements commenting on the application.

(c) Verified reply statements shall be filed within 20 days after comments are received.

(d) Competing applications shall be filed within 30 days of the initial application's receipt. Parties have 30 days from the date competing applications are filed with the Commission to comment on them. All competing applications are subject to the same requirements imposed on initial applications in § 1128.3 of these regulations. Comments on competing applications shall be verified and indicate the order or preference between applications and the specific reasons for such preference.

(e) When the Commission finds that (1) the traffic level on the line sought to be acquired was less than three million gross ton miles of traffic per mile in the preceding calendar year (Note: this finding will *not* be required for applications filed after October 1, 1983); (2) the line is classified in category 1 or 2 of the owning railroad's System Diagram Map, and (3) the applicant is a "financially responsible person" as defined in § 1128.2(a) of these regulations, it shall issue an order requiring that the rail line involved be sold to the applicant, upon payment by the applicant of the Constitutional minimum value of the properties, established in accordance with § 1128.7 of these regulations.

§ 1128.5. Procedures for handling an application seeking a finding of public convenience and necessity.

Only applications seeking a public convenience and necessity finding shall be subject to the following procedures:

(a) The Commission shall accept or reject an application with respect to its completeness within 30 days of its receipt.

(b) The railroad and other interested parties wishing to comment shall file within 60 days of the filing date of the application their verified statements commenting on the application.

(c) Verified reply statements shall be filed no later than the 80th day after the filing date of the application.

(d) Competing applications shall be filed within 30 days of the initial application's receipt. Parties have 30 days from the date competing applications are filed with the Commission to comment. All competing applications are subject to the same requirements imposed on initial applications in § 1128.3 of these regulations. Comments on competing applications shall be verified and indicate the order of preference between applications and the specific reasons for such preference.

(e) The applicant shall bear the burden of proving the statutory criteria set forth in § 1128.3(b)(12). All evidence filed in support of these contentions shall be in the form of verified statements.

(f) If the Commission determines that the statements and the reply statements do not contain sufficient evidence to permit a decision on the merits, the Commission will set the proceeding for further oral or written hearing.

(g) If the Commission finds that the applicant has not successfully carried the burden of proof with respect to one or more of the statutory criteria, the Commission shall deny the application.

(h) If the Commission finds that the applicant has successfully carried the burden of proof with respect to each criteria, it shall order the properties covered by the application to be sold to the applicant upon payment by the applicant of the Constitutional minimum value of these properties, established in accordance with § 1128.7 of these regulations.

§ 1128.6. Commission order.

(a) In Any Commission decision that orders a line to be sold, the Commission will also address any related issues raised in the application.

(b) If trackage rights are sought in the application, the Commission shall, based on the evidence of record, set the adequate compensation for such rights, if the parties have not agreed to a price.

(c) If the application requires the Commission to set joint rates or divisions, the Commission shall do so, based on the evidence of record in the proceeding. Unless specifically requested to do so by the selling carrier, the Commission will not set the rate for the selling railroad's share of the joint rate at less than the applicable level (for the year in which the acquisition is made) set by 49 U.S.C. 10709(d)(2), which limits Commission maximum ratemaking jurisdiction to rates above certain cost/price ratios.

§ 1128.7. Acquisition cost.

(a) If the applicant and the owning railroad agree between themselves on an acquisition price, that price shall be the final price and not subject to any of the requirements of this subpart.

(b) If the Commission has issued an order requiring the rail properties covered by an application to be sold to the applicant, and the owning railroad and the applicant cannot agree on a sale price, the Commission will, upon a request by the applicant, determine the value of the properties which shall not be less than the Constitutional minimum value, as that term is defined in 49 U.S.C. 10910(b)(1)(B).

The Commission may, upon request of either party, conduct an oral hearing to determine the value of the property.

(c) A request by the applicant that the Commission set the Constitutional minimum value of the properties to be sold shall be made within 60 days of the Commission's order requiring the properties to be sold, and must be accompanied by a statement by the applicant that it has attempted unsuccessfully to negotiate with the railroad during that period and describing the status of the negotiations.

(d) The Commission shall make available to the parties two separate procedures under which the Constitutional minimum value may be set. In its petition asking the Commission to set the Constitutional minimum value, the applicant must state its preferred method.

(1) If the applicant chooses to submit evidence sufficient to prove both the net liquidation value (NLV) and the going concern value (GCV) of the rail properties approved for sale, the following procedures shall apply:

(i) Applicant must submit information and evidence proving NLV and GCV with its petition asking the Commission to set the Constitutional minimum value.

(ii) The appraisal submitted with the application shall be a sufficient submission as to NLV, but must be broken into the constituent parts of NLV (for example, land, track, material, and facilities).

(iii) Applicant shall be free to submit whatever evidence it deems persuasive of GCV, and may seek to use the Commission's discovery procedures for information that is vital to applicant's case and is exclusively in the control of the owning railroad.

(iv) The owning railroad may submit evidence within 30 days of applicant's petition regarding NLV and GCV. If it wishes to challenge applicant's evidence of NLV, the railroad must submit an appraisal by a qualified appraiser that meets the requirements of paragraph (d)(1)(ii) of this section. If it wishes to challenge applicant's evidence of GCV, the railroad shall submit whatever evidence it deems persuasive. The term "qualified appraiser" as used in this subsection includes qualified railroad personnel whose primary job responsibilities include the valuing or appraising of land and other railroad assets.

(v) The Commission shall determine the acquisition cost based on the record of the proceedings, and such determination shall be final.

(vi) The applicant shall have 60 days (or whatever other period the parties agree to) from the date of the Commission's decision to consummate the sale at the price set by the Commission or, within 30 days, notify the owning railroad of its decision not to acquire the line.

(2) As an alternative to the procedures in paragraph (d)(1) of this section the parties may choose final offer arbitration. This method, if selected, shall be binding on both parties, and the sale shall be consummated at the arbitrated price, unless both parties agree to withdraw from this option. If arbitration is not used, then the procedures in paragraph (d)(1) of this section will be followed. Under final offer arbitration, the following procedures shall apply:

(i) The applicant shall, in its petition asking the Commission to determine the Constitutional minimum value of the properties, state its selection of the arbitration option.

(ii) The petition must include a signed statement by the railroad agreeing to final offer arbitration as described in these regulations.

(iii) The applicant must certify in the petition that the applicant and the owning railroad have exchanged final offers for the purchase and sale of the properties.

(iv) The petition must include the same final offers the parties previously exchanged (unless they have both agreed to a modification) along with: (A) a statement by each that it believes the offer satisfies the Constitutional minimum value requirement of the Staggers Rail Act of 1980; (B) an explanation by each of the factors to which the difference between the two offers is attributable; and (C) an explanation by each of why its figure better meets the statutory requirements.

(v) The Commission shall select whichever of the two offers better meets the statutory requirement of Constitutional minimum value. The Commission will pick one of the two offers, and will not select a different amount.

(vi) The applicant shall have 60 days (or whatever other period the parties agree to) from the date of the Commission's decision to consummate the sale at the price set by the Commission, unless both parties agree to a withdrawal of the application.

§ 1128.8 Copies.

An original and 10 copies of an application, verified statement, comment or any other pleading required by these rules should be submitted to the Secretary, Interstate Commerce Commission, Washington, DC, 20423. The outside envelope and the first page of any document submitted under these rules should be clearly marked "Feeder Line Development."

PART 1002—FEES

§ 1002.2 [Amended]

49 CFR 1002 is amended by adding 49 CFR 1002.2(d)(49) to read as follows:

* * * * *

(d) * * *

(49) An application filed under 49 U.S.C. 10910, Feeder Line Development Program	$300

[FR Doc. 81-20064 Filed 7-9-81; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 132
Friday, July 10, 1981

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

Retirement; Health Care Employees

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is proposing revised regulations to exclude from Civil Service Retirement (CSR) law coverage health care employees of the National Health Service Corps (NHSC) serving under appointments limited to four years or less in health manpower shortage areas. These employees are not expected to continue in Federal service beyond four years and should be covered by social security. By excluding them from CSR, the proposed regulation would in effect extend social security coverage to them.

DATE: Comments must be received on or before September 8, 1981.

ADDRESS: Send written comments to Mr. Craig B. Pettibone, Office of Pay and Benefits Policy, Compensation Group, Office of Personnel Management, P.O. Box 57, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: John Landers (202) 632–4634.

SUPPLEMENTARY INFORMATION: NHSC, a part of the Public Health Service, Department of Health and Human Services (HHS), encourages the establishment of private practice types of health care delivery in areas designated by the Secretary of HHS as critical manpower shortage areas. In these communities the Corps employs health care personnel who are appointed under an expected Civil Service authority which limits employment of any one individual to four years. During the four-year period, the employee is expected to be hired by the local community to permanently staff the health facility which the Federal Government established in that area.

Under the CSR law (5 U.S.C. 8331 et seq.), OPM is authorized to exclude from coverage those employees in the executive branch whose employment is temporary or intermittent. The regulatory definition of temporary employment for this purpose is employment under an appointment limited to one year or less (5 CFR 833.201(a)(1)). The regulations provide that other nonpermanent appointments (term and indefinite appointments) are also excluded even though they are not limited to one year or less. However, neither of these types of appointment is appropriate for NHSC health care personnel in health manpower shortage areas. Thus, these employees are covered under CSR. But, because they are expected to leave Federal service within four years they will not complete the minimum five years of service required for a CSR annuity. At the same time, their CSR coverage operates to exclude them from social security coverage. The proposed regulation will exclude these employees from CSR coverage, and thus allow them to receive social security credit for their NHSC service. The exclusion would apply only to those employees who are hired after the proposed regulation becomes effective, or after a four-day break from covered service.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

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

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

PART 831—RETIREMENT

Accordingly, the Office of Personnel Management proposes to amend Subpart B of 5 CFR Part 831 by adding § 831.201(a)(18) to read as follows:

§ 831.201 Exclusions from retirement coverage.

(a) * * *

(18) Health care employees of the National Health Service Corps serving under appointments limited to four years or less in health manpower shortage areas.

(5 U.S.C. 8347(g))

[FR Doc. 81-20201 Filed 7-9-81; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 273

[Amdt. No. 198]

Food Stamp Program: Wage Matching

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rule would amend the Food Stamp Program regulations, published October 17, 1978 (43 FR 47846), which implemented the Food Stamp Act of 1977. Public Law 96–249 amended the Internal Revenue Code of 1954 to permit access by officials of the U.S. Department of Agriculture and State agencies which administer the Food Stamp Program to certain information concerning earnings from self-employment, wages and retirement income provided by the Internal Revenue Service to the Social Security Administration. This rulemaking will implement this law which provides the requisite legal foundation for accessing wage, benefit and other information contained in Social Security Administration files, and will result in savings due to a reduction in errors and fraud.

DATE: Comment period: Comments must be received on or before September 8, 1981 to be assured of consideration.

ADDRESS: Comments should be submitted to: Alberta C. Frost, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Washington, D.C. 20250. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 am to 5:00 pm, Monday through Friday) at 500 12th Street SW., Washington, D.C. Room 678.

FOR FURTHER INFORMATION CONTACT: Susan McAndrew, Chief, Program Standards Branch, Program Development Division, Food and Nutrition Service, Washington, D.C. 20250. Phone (202) 447-6535. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing this provision is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed with regard to the requirements of Executive Order 12291, and it has been determined that the proposal is not a major rule as defined by that Order. It is not likely to result in an annual effect on the economy of $100 million or more because this rule does not mandate that State agencies undertake wage matching. Since it is proposed that this activity be optional, it is assumed that State agencies implementing wage matching will be those which are already computerized and probably already engaged in matching for other programs. If State agencies have a matching system operating it will cost very little to expand the use of the system for food stamp purposes. This proposal is not likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. State food stamp agencies that choose to implement wage matching might experience some increase in Program administrative costs, but it is not anticipated that such an increase would be major. Because this proposed rule would not affect the business community, it would not result in significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposal has also been reviewed with regard to the requirements of Public Law 96-354, and William Hoagland, Administrator of the Food and Nutrition Service, has determined that the proposal does not have a significant economic impact on a substantial number of small entities. The proposal has no impact whatsoever on small businesses or small organizations. It authorizes State agencies to access wage and benefit information in the files of the Social Security Administration in determining food stamp eligibility. The primary impact is on State governments and individual recipients. To the extent that county governments operate the Food Stamp Program within States, they may be affected. However, the proposal does not require States or counties to take any action; it authorizes these actions in an effort to provide tools and flexibility to State and local administrators to reduce error rates. Moreover, there should not be significant economic costs where wage matching is conducted.

INTRODUCTION: Pub. L. 96-58, 93 Stat. 389, Aug. 14, 1979, amended the Food Stamp Act of 1977 to enable the Secretary and State agencies to require, as a condition of eligibility for participation in the Food Stamp Program, that applicants and participants furnish their social security numbers (SSN). State agencies were authorized by the legislation to use SSN's to access Social Security Administration (SSA) records for the purpose of verifying unearned income for individuals receiving benefits under title XVI (the Supplemental Security Income program) and as a means of preventing duplicate participation. With the passage of the 1980 amendments to the Food Stamp Act (Pub. L. 96-249, 94 Stat. 357, May 26, 1980), Congress has expanded the use to which the SSN's can be put. Section 127 of the 1980 amendments (94 Stat. 365-366) amends the Internal Revenue Code of 1954 to provide statutory authority for accessing wage, benefit, and other information contained in Social Security Administration files and in files maintained by State unemployment compensation agencies. (Subsection (b) of the amendment, allowing access to wage information from State unemployment compensation agencies, does not take effect until January 1, 1983, and is not included in this rulemaking.)

The legislative history of the 1980 amendments indicates that Congress believes wage matching will prove to be a useful tool for avoiding incorrect eligibility determinations and for limiting and identifying overpayments. See H.R. Rpt. No. 96-788, 96th Cong., 2nd Sess., pp. 101-111. The Department's Inspector General has also testified to this effect. Matching techniques would allow States to identify more readily those households with unreported or incorrectly reported earnings or benefits, thereby preventing error and abuse. The AFDC program now requires wage matching, and has already profited from the availability to States of wage information contained in SSA records. Congress expects that increased matching will also be productive in the Food Stamp Program.

Authorizing States to Conduct Wage Matching and Guidelines on the Use of Wage Matches

The Food Stamp Amendments of 1980 (Pub. L. 96-249) remove the legal barriers that have previously denied State agencies and the Department of Agriculture access to information on the earnings of Program applicants and participants that is contained in the files of the Social Security Administration. House Committee Report No. 96-788 explains that Pub. L. 96-249 provides "the requisite legal foundation for such access at the discretion of the Secretary or the States subject to limitations of purpose and procedural safeguards." H.R. Rpt. 96-788, p. 102. Accordingly, these regulations would authorize States at their discretion to secure earnings information and use it to conduct wage matches.

Section 127 of Pub. L. 96-249 amends the Internal Revenue Code of 1954 to permit the Commissioner of Social Security to disclose information from SSA files only to the extent needed to determine Food Stamp Program eligibility and benefit levels. In addition, these proposed rules would restrict use by State agencies of SSA wage and benefit information to these same purposes.

Since the legislative history of section 127 clearly indicates that one of the purposes of the section is to detect fraud (H.R. Rpt. 96-788, pp. 101-111), the Department believes Congress contemplated that when information obtained from SSA indicates likely fraudulent acquisition of coupons by a household, the information would be used in the investigation and possible prosecution of the household for fraud. The regulations reflect this belief. The proposed rules would also provide for State agencies and SSA to execute a data exchange agreement specifying the procedures to be used in requesting and providing wage information. Discussion with staff at the Department of Health and Human Services indicates that an agreement to provide for Food Stamp Program wage matching can be added to existing agreements between SSA and State agencies for AFDC wage matching.

Section 127 of the Amendments also provides, through conforming

amendments to sections 6103 and 7213 of the Internal Revenue Code, safeguards and procedures to assure proper handling of the information provided by SSA in light of the privacy interests associated with such information. The safeguards and procedures imposed by the Internal Revenue Code provide for, among other things, restricting access to persons who have a legitimate need for the information released, assuring that those persons are trained on privacy issues and assuring proper physical security for the information. The proposed regulation would require that States agree to comply with the provisions of sections 6103 and 7213 in their data exchange agreements with SSA, and that the Department of Agriculture also observe those provisions.

In accordance with existing food stamp regulations (§ 273.2(f)(4)(iv)), the proposed rule would provide that if information provided through wage matching contradicts statements made by the household, the household would be afforded an opportunity to resolve the discrepancy. This is necessary because the household may have more current wage information than the data available from SSA.

The Department encourages State agencies with the capability to conduct matching of food stamp information to do so. The Department recognizes that States have varying capabilities for conducting matches stemming from the varying degrees of automation they employ in administering the Food Stamp Program. Public Law 96-249 increases to 75% the federal share of State costs in initiating or upgrading automated systems. Regulations to effectuate this provision will be proposed shortly. In addition, legislation providing increased federal matching for automation in the AFDC program will become effective during 1981. The Department expects that an increasing number of States will develop capability to conduct wage matching effectively.

Implementation. States which opt to wage match will need to execute appropriate data exchange agreements with SSA as a prerequisite to securing access to wage information in SSA files. Once these agreements are executed State agencies may implement the wage match provisions at their discretion.

Therefore Parts 272 and 273 are proposed to be amended as follows:

PART 272—REQUIREMENT FOR PARTICIPATING STATE AGENCIES

1. A new paragraph (34) is added to § 272.1(g) as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(34) Amendment 198. State agencies opting to match earnings data provided by applicants and participants with information maintained by the Social Security Administration shall execute data exchange agreements with the Social Security Administration upon publication of final regulations. After execution of this agreement, State agencies may implement wage match provisions at their discretion.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In § 273.2 paragraph(f)(7) is deleted, paragraph(f)(8) is designated (7) and revised, and paragraph (9) is designated(f)(8) as follows:

§ 273.2 Application processing.

* * * * *

(f) *Verification.* * * *

(7) *State Data Exchange (SDX) and Beneficiary Data Exchange (BENDEX).*

(i) The State agency may verify SSI benefits through the State Data Exchange (SDX), and Social Security benefit information through the Beneficiary Data Exchange (BENDEX), or through verification provided by the household. The State agency may use SDX and BENDEX data to verify other food stamp eligibility criteria. The household shall be given an opportunity to verify the information from another source if the SDX of BENDEX information is contradictory to the information provided by the household. Determination of the household's eligibility and benefit level shall not be delayed past the application processing time standards of paragraph (g) of this section if SDX or BENDEX data are unavailable.

(ii) The State agency may verify applicants' and participants' statements regarding income (or the lack of income) through access to data concerning self-employment, wages and payments of retirement income which has been disclosed to the Social Security Administration pursuant to paragraphs(l) (1) or (5) of section 6103 of the Internal Revenue Code of 1954. If such SSA data, which may affect eligibility or benefit levels, contradicts statements made by the household or contained on the household's application, the household shall be afforded an opportunity to resolve the discrepancy prior to the eligibility determination or to an action to terminate or reduce the household's benefits.

(iii) Information on earnings and benefits disclosed by the Social Security Administration may be used only for the purpose of:

(A) Verifying a household's eligibility;

(B) Verifying the proper amount of benefits;

(C) Investigating to determine whether participating households received benefits to which they were not entitled; and

(D) Conducting criminal or civil prosecutions based on receipt of food stamp benefits to which participating households were not entitled.

(iv) Information on earnings and benefits may be disclosed by SSA and used by a State agency only to the extent provided in data exchange agreements between SSA and the State agency. These agreements shall specify the procedures to be used in requesting and providing this information. The agreements shall assure compliance with the safeguards and other requirements contained in sections 6103 and 7213 of the Internal Revenue Code which govern the disclosure of information on earnings and retirement income by SSA to State agencies and its use by State agencies in the administration of the Food Stamp Program. The State agency may access SDX and BENDEX data without release statements from households, provided the State agency makes the appropriate data request to SSA and executes the necessary data exchange agreements with SSA. Any such information disclosed to officials of the U.S. Department of Agriculture shall also be handled in compliance with the safeguards and other requirements contained in section 6103 of the Internal Revenue Code.

(91 Stat 958 (7 U.S.C. 2011-2027))

(Catalog of Federal Domestic Assistances Program No. 10.551 Food Stamps)

Dated: June 30, 1981.

G. William Hoagland,

Administrator.

[FR Doc. 81-20020 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-30-M

Food Safety and Inspection Service [1]

9 CFR Part 319

[Docket No. 79-768]

Definitions and Standards of Identity or Composition Braunschweiger, Liver Sausage, Liverwurst

AGENCY: Food Safety and Inspection Service, USDA.

[1] Pursuant to the reorganizational plans outlined in USDA Secretary's memo 1030-1, issued June 19.

Continued

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Federal meat inspection regulations by revising the present standards for "Liver Sausage" and "Braunschweiger" to provide more flexible standards to serve the needs and preferences of consumers without changing the basic taste and consistency characteristics of these products. The current provision mandating the use of fresh and/or frozen pork would be made optional. The proposal would permit the use of fresh, frozen, and/or cured beef, veal, and/or pork, individually or in combination. Added beef fat would be expressly allowed in "Braunschweiger" and "Liver Sausage". The standard would also provide that products which are prepared from a single species are to be labeled appropriately, such as "Beef Braunschweiger" or "Pork Liverwurst."

DATE: Comments must be received on or before September 8, 1981.

ADDRESSES: Written comments to: Regulations Coordination Division, Attn: Annie Johnson, FSIS Hearing Clerk, Food Safety and Inspection Service, Room 2637, South Agriculture Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Hibbert, Director, Meat and Poultry Standards and Labeling Division, Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has made an initial determination that this proposed rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that this proposal will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). If promulgated, the standards would merely provide a small increase in ingredient flexibility to meat processors with regard to the production of Liver Sausage and Braunschweiger, and it is anticipated that there would be no significant economic impact upon any of these processors.

Comments

Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Regulations Coordination Division. Comments should reference the docket number located in the heading of this document. All comments made pursuant to this proposal will be made available for public inspection in the Regulations Coordination Division between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Background

1. Present Standards

The Secretary of Agriculture is authorized under section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c)) to prescribe definitions and standards of identity or composition for meat food products. The present standards for "Liver Sausage" and "Braunschweiger", developed under this authority and contained in § 319.182 of the Federal meat inspection regulations (9 CFR 319.182), now provide:

" 'Liver Sausage' and 'Braunschweiger' are cooked sausages made from fresh and/or frozen pork and pork livers and/or beef livers and may contain cured pork, beef and veal, and pork fat. Mechanically Processed (Species) Product may be used in accordance with § 319.6. Liver sausage may also contain beef and pork byproducts, pork skins, sheep livers and goat livers. These products shall contain not less than 30 percent of liver computed on the weight of the fresh liver and may contain binders and extenders as permitted in § 319.140."

The Agency was petitioned by Fred Usinger, Inc., to amend the standards to explicitly allow the addition of beef fat to these products. The petition states that beef fat imparts the firmness and texture to the products which customers have come to expect, and that the use of small amounts of beef fat in Liver Sausage and Braunschweiger is part of traditional formulations for these products predating the standard of identity regulation.

The Agency has reviewed this regulation as a result of this request and believes the present standards should be revised in several respects.

The standards specifically permit the use of added pork fat, but do not explicitly allow for the use of added beef fat. This language is somewhat contradictory with regard to Liver Sausage, since this product may contain beef byproducts and added beef fat qualifies as a beef byproduct. This restriction also appears to be unnecessary and impracticable since both Braunschweiger and Liver Sausage may include beef ingredients which contain varying amounts of beef fat.

The present standards require that some pork must be used in both Liver Sausage and Braunschweiger, but do not specify any minimum amount. Beef and/or veal can now be used as optional ingredients in unrestricted amounts. Therefore, it appears that the current requirement that some pork must be used unnecessarily precludes the purchase of these products by many consumers who for religious or other reasons do not eat pork.

In addition, neither standard requires special labeling to inform the consumer when ingredients of only a single species are used. Finally, the present standard for "Liver Sausage" does not specifically provide for the term "Liverwurst," a synonym for "Liver Sausage."

In view of these circumstances, it appears that the present standards for these products may not be sufficiently adaptable to enable consumers to select products that meet their individual needs and preferences and to allow processors the flexibility to meet these desires. Therefore, the Administrator is proposing to revise the present regulations to provide new standards for "Braunschweiger" and "Liver Sausage" or "Liverwurst." The proposed changes should permit processors to provide consumers with a wider variety of products without altering the basic product characteristics.

2. Proposed Standards

The proposed "Braunschweiger" standard would permit the use of cured, fresh, and/or frozen pork, beef, and/or veal, individually or in combination. It also would permit the use of pork and/or beef fat. The proposed standard would retain the present reqirement that 30 percent livers be used while adding veal livers as an optional ingredient. It would also retain the optional use of mechanically processed (species) product and binders and extenders. If prepared from components of a single species, the product name would be required to reflect that species, such as

1981, The Food Safety and Quality Service has become the Food Safety and Inspection Service. A notice detailing the agency's reorganization is now being drafted for later publication.

"Beef Braunschweiger." The proposed standard also maintains the exclusion of byproducts other than fat. "Braunschweiger" has always had smoked taste characteristics, though the current standard does not specifically mention this fact. The smoked taste has been achieved by the use of smoked meats or smoke flavoring or by smoking the sausage itself. The proposal recognizes and specifically requires this taste and specifies the methods of obtaining it.

The proposed "Liver Sausage" or "Liverwurst" standard would permit the use of cured, fresh, and/or frozen pork, beef, and/or veal, individually or in combination. It also would permit the use of pork and/or beef byproducts, including added fat. The proposed standard would retain the present requirement that 30 percent livers be used and would specify that in addition to pork, beef, sheep, and goat livers, veal livers may be used. The permitted use of mechanically processed (species) product and binders and extenders would be retained. If "Liver Sausage" or "Liverwurst" is prepared from components of a single species, the product name, such as "Pork Liver Sausage", would be required to reflect that species.

Accordingly, it is proposed to amend § 319.182 of the Federal meat inspection regulations (9 CFR 319.182) as follows:

1. The authority citation for Part 319 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 et seq., 601 et seq., 33 U.S.C. 466–466k.

2. The Table of Contents would be amended to reflect the revised heading of § 319.182 to read: "Braunschweiger and Liver Sausage or Liverwurst."

3. Section 319.182 (9 CFR 319.182) would be revised as follows:

§ 319.182 Braunschweiger and Liver Sausage or Liverwurst.

(a) "Braunschweiger" is a cooked sausage made from fresh, cured, and/or frozen pork, beef, and/or veal and at least 30 percent pork, beef, and/or veal livers computed on the weight of the fresh livers. It may also contain pork and/or beef fat. Mechanically Processed (Species) Product may be used in accordance with § 319.6. Binders and extenders may be used as permitted in § 319.140. The product must have a smoked taste characteristic, which may be imparted by use of smoked meats, smoke flavoring or smoking. If prepared from components of a single species, the product name shall reflect the species, e.g., "Beef Braunschweiger."

(b) "Liver Sausage" or "Liverwurst" is a cooked sausage made from fresh, cured, and/or frozen pork, beef, and/or veal and at least 30 percent pork, beef, veal, sheep, and/or goat livers computed on the weight of the fresh livers. It may also contain pork and/or beef byproducts. Mechanically Processed (Species) Product may be used in accordance with § 319.6. Binders and extenders may be used as permitted in § 319.140. If prepared from components of a single species, the product name shall reflect that species, e.g., "Pork Liver Sausage."

Done at Washington, D.C., on June 25, 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 81-20183 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20, 30, 40, and 70

[Docket No. PRM-30-58]

Receipt of Petition for Rulemaking From the National Bureau of Standards, Department of Commerce

AGENCY: Nuclear Regulatory Commission.

ACTION: Publication of a petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission is publishing a petition for rulemaking from the National Bureau of Standards, U.S. Department of Commerce. The petition suggests alternative amendments to NRC regulations that would exempt radioactive material obtained directly or indirectly from environmental sources from specific license application requirements. The suggested amendments would facilitate environmental standards activity for the NBS and remove potential ambiguity in the application of NRC regulations.

DATE: Comment period expires September 8, 1981.

ADDRESSES: A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

All persons who desire to submit written comments concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7211.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission (NRC) received a petition for rulemaking from the National Bureau of Standards, U.S. Department of Commerce on May 14, 1981. The petition has been assigned Docket No. PRM–30–58. The petition suggests amendments to NRC regulations that would "* * * make the ownership, possession, manufacture, production, transfer, receipt, acquisition, and use of any radioactive material obtained directly or indirectly from environmental sources (that is soil, water, air, biota) generally permitted without a requirement for specific application to the Commission. * * *"

The petitioner states, in part that "* * * Because of the plutonium and americium content of soil, tissue, etc., * * * once an environmental sample has passed through a licensee's hands the material is subject to all NRC requirements. Specifically, anyone receiving this material from the initial licensee would have to have a specific license. * * *"

The petitioner intends to provide a variety of environmental standards which would be collected from a variety of places in North America, assayed as to the content for a number of isotopes, and packaged for sale as standards. Under existing regulations and NRC's licensing interpretation, this process could require license applications to the NRC. As the petitioner states, the samples would "* * * include $^{239-240}Pu$, ^{241}Am, Th, U, ^{60}Co, ^{137}Cs, ^{55}Fe. * * * Typical activity levels are 2 to 4 dpm per gram of Pu, U, and Th and 0.1 dpm per gram of ^{241}Am.

The problem would be further accentuated if some sort of chemistry were done on the samples to concentrate the radioactive components such as might occur at an intermediate stage of an analysis procedure."

The petitioner submits two alternative solutions to the problem. Although a specific solution addressing the plutonium and americium content of the environmental sample would solve NBS's specific problem, a broader alternative would remove potential ambiguity in the regulations as they might apply to individuals not normally

covered by them. The NRC may adopt either alternatives or both alternatives together.

The NRC requests public comment on this petition for rulemaking. The public may comment on either alternative or a combination of both alternatives. The alternative amendments are as follows:

Alternative 1

Add the following statement as the last sentence in §§ 20.2, 30.1, and 70.2 and as paragraph (e) in § 40.13:

"Radioactive material derived from the sampling of environmental sources are not subject to the provisions of this part."

In connection with this option the petitioner states, "* * * It is presumed a working definition of sampling can be derived which would not include mining and milling operations and similarly a definition of environmental sources which would exclude waste streams and such of licensed activities. To alleviate concern relating to total activity, the definition of sampling can be qualified so that the total sample activity is specified not to exceed 10 CFR 30.71 limits, where they exist."

Alternative 2

1. Add the following entry to § 30.70:

§ 30.70 Schedule A—Exempt concentrations.

Element (atomic number)	Isotope	Col. I gas concentration μCi/ml[1]	Col. II liquid and solid concentration μCi/ml[2]
* * * * * * *			
Alpha emitting byproduct material, non-specific		2×10^{-11}	1×10^{-7}
* * * * * * *			

2. Add the following entry to § 30.71:

§ 30.71 Schedule B.

Byproduct material	Microcuries
* * * * * * *	
Alpha emitting byproduct material, non-specific	0.001
* * * * * * *	

In connection with this option the petitioner would include appropriate cross references in 10 CFR Parts 40 and 70.

Dated at Washington, DC this 6th day of July 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-20308 Filed 7-9-81; 8:45 am]

BILLING CODE 7590-01-M

FARM CREDIT ADMINISTRATION

12 CFR Parts 613 and 614

Eligibility and Scope of Financing Loan Policies and Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, proposes new and amended regulations concerning (1) the extension of credit by Federal land banks and land bank association, production credit associations to eligible borrowers specifically for basic processing and/or marketing of their products; and (2) the extension of credit by Federal intermediate credit banks and, in turn, production credit associations to eligible borrowers repayable in not more than ten years under policies approved by a district Farm Credit board. The regulations will implement two of the major authorities conferred on institutions of the Farm Credit System by the Farm Credit Act Amendments of 1980 (Pub. L. 96-592).

DATES: Written comments must be received on or before July 28, 1981.

ADDRESSES: Submit any comments in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578 (202-755-2181).

SUPPLEMENTARY INFORMATION: Currently, standards for the financing of the processing and/or marketing activities of eligible borrowers are set administratively by the Farm Credit Administration rather than by regulations. As to term lending by Federal intermediate credit banks and production credit associations, current regulations limit repayment terms to not more than seven years, consistent with prior law.

Public comments on these proposed new and amended regulations must be received within 20 days from the date of publication. This shortened period for comment has been set by the Federal Farm Credit Board based on its finding that the standard 60-day period is not necessary since these proposed regulations have been distributed and available to interested parties in draft format since approximately February 9, 1981, and the shortened period will provide adequate opportunity for additional public participation in the rulemaking procedure.

For the reasons set out in the preamble, Parts 613 and 614 of Chapter VI, Title 12, of the *Code of Federal Regulations* is amended as shown.

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

Subpart B—Eligibility To Borrow From Federal Land Banks and Production Credit Associations

1. Section 613.3045 is added to read as follows:

§ 613.3045 Financing of basic processing and marketing activities.

(a) Federal land banks and production credit associations may provide financing for processing (including storage) and marketing activities related to the production of farmers, ranchers, and producers or harvesters of aquatic products. It is intended that benefits from the processing and marketing authority accrue to persons eligible to borrow from Federal land banks or production credit associations (as defined in § 613.3010 and § 613.3020). Such financing may be furnished provided that:

(1) The basic processing and/or marketing activities constitute a logical

and actual extension of a farmer's, rancher's, or aquatic producer's or harvester's operation. (It is intended that credit be made available for financing forward integration from the production stage through the basic processing and/or marketing stage.)

(2) The farmer, rancher, or producer or harvester of aquatic products produces on a sustained basis a minimum of 20 percent of the "throughput" (based on annual usage) of the basic processing and/or marketing operation or such higher percentage established by the bank board. Essentially all of the additional "throughput" utilized in the processing and/or marketing stage shall be purchased from or handled for persons eligible to borrow from Federal land banks or production credit associations (as defined in § 613.3010 and § 613.3020).

(3) Where the ownership of the processing and marketing activities, whether a legal entity or unincorporated, differs from that of the basic production unit, all of the ownership of that operation shall be vested in persons eligible to borrow from Federal land banks or production credit associations (as defined in § 613.3010 and § 613.3020).

(4) All policies in connection with the processing and/or marketing authority shall be submitted to FCA for prior approval.

(b) The coordinated district board policies shall provide the basic framework for more detailed procedures to be developed by the banks. All policies shall embody at least the following:

(1) The minimum "throughput" requirement and variations of these requirements.

(2) The method for defining basic processing and/or marketing activities by commodity or groups of commodities.

(3) Provisions for limiting financing extended under the processing and marketing authority to those needs directly associated with the processing and/or marketing operations.

(4) Provisions for identifying processing and/or marketing loans where less than 50 percent of the throughput is produced by the borrower or owners of the processing and/or marketing activity.

(5) Provisions for requiring an analysis and documentation in loan files of the ownership and operational features of the borrower sufficient to establish loan eligibility under § 613.3045(a) and continuing eligibility at each new loan or loan renegotiation.

(c) District boards shall adopt policies establishing specific Federal land bank and production credit association responsibilities and/or limitations for the financing of processing and/or marketing activities.

* * * * *

PART 614—LOAN POLICIES AND OPERATIONS

Subpart C—Lending Authorities

2. Section 614.4110 is revised to read as follows:

§ 614.4110 Production credit associations.

Each production credit association, under policies established by the bank board and procedures prescribed by the bank, may make, guarantee, or participate with other lenders in short- and intermediate-term loans and other similar financial assistance to eligible borrowers. Short- and intermediate-term loans may be made for a term not exceeding 7 years, or such longer periods, not to exceed 10 years as provided in § 614.4200. Loans to eligible producers or harvesters of aquatic products for the purposes enumerated in § 614.4200(d) may be for a term not exceeding 15 years.

Subpart E—Loan Terms and Conditions

3. Section 614.4200 is amended by revising paragraphs (c) and (d) and removing (e) as follows:

§ 614.4200 Production credit associations.

* * * * *

(c) Longer intermediate-term loans may be made with maximum maturity not to exceed 10 years from date of initial disbursement. Adoption of this longer intermediate-term loan program is optional with each district Farm Credit board.

(1) Loans extended under this 10-year program shall meet the following criteria:

(i) Specific major capital items can be financed, such as new equipment, new or remodeled buildings, or facilities with a useful life and value, after normal depreciation, which exceeds the term of the loan at all times. The loan will be amortized and the purpose of the loan specifically identified.

(ii) The borrower's earnings history, repayment record, and net earnings projections must satisfactorily support the loan and provide assurance for repayment within 10 years.

(iii) Long-term real estate mortgage credit must not be practical for the applicant to obtain if the loan is being made to finance or refinance the purchase of real estate.

(2) District boards shall adopt policies relating to:

(i) Cooperation between production credit associations and Federal land bank associations in the consideration of any loans bordering on the longer term real estate mortgage category.

(ii) Conditions under which this authority can be delegated and withdrawn from a production credit association.

(iii) Methods to be followed in credit reviews whereby loans of this type, made during the period covered by the review, will be reviewed and commented upon as to compliance with policy and procedures.

(iv) Provisions for easy identification and adequate reporting on loans of this type to enable timely supervision by the bank.

(3) The policies are subject to Farm Credit Administration approval.

(d) Longer term loans may be made with maturities not to exceed 15 years to producers or harvesters of aquatic products for major capital expenditures including but not limited to purchase of vessels, construction or purchase of shore facilities, and similar purposes directly related to the producing or harvesting operation.

(e) [Removed]

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)

Larry W. Edwards,

Acting Governor.

[FR Doc. 81-20202 Filed 7-9-81; 8:45 am]

BILLING CODE 6705-01-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 297 and 380

[Economic Regulations Special Regulations Docket: 39744; EDR-427; SPDR-82]

Proposed Rule To Allow Foreign Indirect Air Carriers To Organize Charters and Consolidate Freight in Interstate and Overseas Markets

Dated: June 25, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Board proposes to relieve foreign indirect air carriers from the provisions of the Act which prevent them from organizing charter/tours or consolidating freight in interstate and overseas air transportation. Foreign indirect air carriers would be required to apply for authority in domestic markets using procedures identical to those required for an application to engage in foreign indirect air transportation.

Approval of this authority would depend on whether the government of the applicant had granted reciprocal rights to U.S. companies. This proposal is in response to submissions by Transamerica Airlines, Thomson Vacations, Arthurs Travel and Unitours requesting that foreign charter operators be relieved from the provisions of the Act to the extent necessary to organize domestic charters.

DATES: Comments by: September 8, 1981. Reply Comments by: September 23, 1981.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Request to be put on the Service List by: July 27, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39744, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Glenn M. Datnoff (202) 673-5203, Legal Division, Bureau of international Aviation, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The Civil Aeronautics Board is proposing to relieve foreign indirect air carriers from various provisions of the Act to the extent necessary to organize chaters or consolidate freight between U.S. points, provided that adequate reciprocity exists and that they use the services of direct U.S. air carriers. Currently, foreign air freight forwarders, foreign cooperative shippers associations and foreign charter/tour organizers are restricted to services in foreign air transportation. Only companies that are U.S. citizens can market interstate and overseas air transportation. This action would eliminate the citizenship barrier to entry, promote competition among indirect carriers, increase business on U.S. air carriers and reaffirm the U.S. commitment to promote competition in the air transportation industry. It will also give foreign indirect carriers the same commercial opportunities in the U.S. that U.S. indirect carriers have long enjoyed in many of the commercially important foreign markets. Grant of this relief will be limited to foreign indirect air carriers whose governments grant U.S. citizens economically reciprocal opportunities. Amendments to Part 297 and Part 380 of the Board's regulations would be made to conform them to this new policy.

This rulemaking is partially prompted by a comment filed by Transamerica Airlines, Inc. in Docket 38023 (EDR-398/SPDR-77, 45 FR 26084, April 17, 1980), wherein the Board proposed a simple registration procedure to authorize foreign indirect air carriers to organize charter/tours in foreign air transportation. The carrier requested, *inter alia*, that foreign charter organizers receive authority to operate between points within the U.S. It asserted that the public is disserved by prohibiting these businesses from competing in the domestic marketplace. Transamerica stated that elimination of this regulatory bar is necessary to maintain and enhance competition in the domestic charter industry. Since several U.S. charter operators have been acquired by foreign owners, they are foreclosed from promoting charter programs in domestic markets. This results in a reduction of competitors and price/service options available to the traveling public.

The general issue is also raised by an application from Thomson Vacations, Inc., Arthurs Travel, Inc. and Unitours, Inc., requesting permission to organize domestic charter/tours. In support of their application, they presented the same basic arguments enumerated by Transamerica for the grant of such authority. The application of Thomson *et al.* was discussed in Order 81-5-83 where we granted the application, pending final disposition of the issues in this rulemaking.

We believe our proposed action is broadly consonant with Congressional intent expressed in adopting the Airline Deregulation Act of 1978 (P.L. 95-504) and the International Air Transporation Competition Act of 1979 (P.L. 96-120) and lawful under the Federal Aviation Act. Through these Acts, Congress has amended our mandate to place far greater reliance on competitive market forces to regulate air transportation. A significant part of that mandate is the removal of unnecessary restrictions on the air transport industry. To carry out this mandate, Congress has given us greater powers to effectuate its procompetitive policy including, *inter alia*, power to grant foreign indirect air carriers relief from any provision of the Act. We tentatively conclude that relieving all foreign indirect air carriers from the Act to the extent necessary to allow them to operate in interstate and overseas air transportation is consistent with the public interest.

Grant of this relief could benefit both the traveling public and the industry through enhanced competition in the promotion of domestic charter tours and air freight forwarding. Competition, free of government intervention, is usually the best way to optimize consumer benefits. The greater the number of suppliers, the greater the chances that all segments of the public will have their demands satisfied. The domestic airlines will benefit because the traffic generated by foreign charter organizers and air freight forwarders will necessarily be flown by U.S.-flag carriers. Section 1108(b) of the Act proscribes operations by foreign direct carriers in domestic markets. To the extent that additional competition from the applicants stimulates new business, U.S.-flag carriers will receive additional revenues. This will help strengthen the economic posture of U.S. direct carriers, particularly the traditionally low-fare charter specialists. Sound economic conditions in air transportation is of course one of the public interest factors Congress has given the Board to consider. Morever, the effect of entry by foreign entities will produce new sources of capital and, in the case of charter/tour organizers, may help revitalize an industry that has ebbed in the face of low-fare options offered by scheduled direct carriers.

We must also consider in the balance foreign aviation policy concerns. Most of our major trading partners allow U.S. indirect carriers to operate within their borders. They do not view their own charter/tour organizers and air freight forwarders as carriers. The United States is one of the few developed countries that presently restricts domestic indirect air carriage to its citizens. This policy is obviously inconsistent with our overall procompetitive international aviation policy, in which we attempt to persuade our international trading partners to accept a competitive, market-oriented posture to entry, pricing and market access standards. Our ability to effectuate a competitive international aviation regime, free of unfair restrictions on U.S.-flag carriers, is hindered by restrictions such as these, particularly where the restrictions are not mandated by law. The elimination of this artifical barrier to entry would demonstrate our continued commitment to a competitive marketplace and lend support to our negotiating efforts for liberalizations in other facets of air transportation.[1]

[1] The aviation industry is almost unique among U.S. transportation industries in imposing

Continued

Our proposal to eliminate this barrier to entry is consistent with recent Board action to minimize our oversight responsibilities toward foreign and domestic indirect carriers. With regard to U.S. air freight forwarders, the Board has reduced regulatory interference by eliminating the requirement to file cargo tariffs and by substantially reducing the registration requirements (ER–1094, 44 FR 6634, January 31, 1979). We are proposing to reduce the Board's regulatory oversight even further (EDR 421, 46 FR 20563, April 6, 1981). With regard to domestic charter operators, there is no present registration requirement, and the Board has substantially reduced the amount of data required to be submitted in a charter prospectus. We are contemplating further regulatory reductions here as well.

The Board has also reduced regulatory restraints on foreign indirect air carriers. In ER–1159, 44 FR 69633, December 4, 1979, the Board substituted a simple registration procedure for foreign forwarders and foreign cooperative shippers associations in lieu of the more time-consuming section 402 permit procedure. The new registration procedure is similar to that required of domestic air freight forwarders and domestic cooperative shippers associations and has promoted competition by allowing foreign forwarders to respond more quickly to the dynamics of the marketplace.[2] In a Notice of Proposed Rulemaking, SPDR–77, 45 FR 26084, April 17, 1980, the Board proposed to exempt foreign charter/tour orgnanizers from obtaining a section 402 permit in favor of registration, similar to that in effect for foreign freight forwarders. Our proposed action is yet another step to provide equal competitive opportunitities to this class of carrier.

As we explained in Order 81–5–83, the Airline Deregulation Act provides legal authority to support the action proposed here. We noted there that section 416(b)(3)[3] of the Act provides the Board broad discretion over foreign indirect air carriers who do not operate aircraft and therefore play an important but essentially supportive role in air transportation. We stated our belief that "Congress intended to permit the Board to allow U.S. and foreign indirect air carriers to engage in whatever operations they would be entitled to perform if the Act did not apply." Section 416(b)(3) permits us to relieve foreign indirect air carriers from any provision of the Act which would otherwise proscribe their operations in domestic markets. As we note above, we tentatively believe that use of this provision to permit wider authority by foreign indirect air carriers is consistent with the public interest.

We recognize that this proposal is a departure from the policy inherent in our decision in *Sitmar Cruises, Inc.*, Docket 26350, Order 75–8–88. The *Sitmar* case arose from a section 402 application to transport passengers by air between U.S. points, connected to a movement by surface means between a U.S. and a foreign point. The Board concluded that Sitmar's operation would not be in foreign air transportation since its sole air operation was in interstate markets, albeit related to a movement between a U.S. point and a foreign point. The Board found that a section 402 foreign air carrier permit does not contemplate or authorize domestic operations, since it only pertains to foreign air transportation. Reasoning by analogy to the policy embodied in section 1108(b) of the Act, which precludes transportation of traffic on foreign *aircraft* between two U.S. points for remuneration or hire, the Board concluded that grant of the proposed authority would not be consistent with the public interest even if it possessed authority to grant the award. The Board recognized, however, that section 1108(b), by its terms, did not pertain to foreign indirect air carrier operations. While we have previously applied the policy behind section 1108(b) to the operations of foreign indirect air carriers, it is clear that the express statutory language does not require it, so long as the foreign companies utilize U.S. direct air carriers. Moreover, our proposed change of this policy is consistent with the pro-competitive mandate of the Airline Deregulation Act of 1978 and the International Air Transportation Competition Act of 1979.

In order to allow foreign indirect air carriers to conduct business in interstate and overseas air transportation, we propose to add a new paragraph (d) to § 297.10 and a new paragraph (7) to proposed § 380.20(a) which will relieve them from any provisions of the Act that would otherwise proscribe the proposed operations.[4] Since section 1108(b) bars foreign aircraft from common carrier operations conducted solely between U.S. points, only U.S. air carriers could be used by foreign indirect companies for domestic operations. We propose to amend Parts 297 and 380 to emphasize that foreign indirect air carriers could only use the services of U.S. direct air carriers in interstate and overseas air transportation (§ 297.12 and § 380.10). Foreign direct carriers could be used, as before, only for operations in foreign air transportation.

In considering reciprocity, the Board will look at the substance (*i.e.*, reciprocal economic benefits) rather than an exchange in form only. For example, U.S. domestic operating authority may be more valuable to foreign carriers than reciprocal rights granted to the U.S. counterpart—due to the disparity in geographic size and population between the U.S. and most foreign countries. Therefore, at minimum, we would anticipate that effective reciprocity would encompass not only identical authority to U.S. indirect carriers, but also fifth freedom operating authority.

Foreign indirect air carriers that currently hold authority from the Board to operate in foreign air transportation must resubmit an application for the domestic relief proposed by this rulemaking. We shall amend the registration form of Part 297 and the one proposed for Part 380 to clearly indicate the type of air transportation held by each foreign company. We have included a specimen form for Part 297. Since we have not yet finalized our rulemaking to permit foreign charter/tour operators to use a registration form, we have not attached that specimen registration form; however, it will confirm to the amendments we propose to the Part 297 form.

Sixty days will be allowed for comments on this proposal. As we have done in other rulemakings, we will dispose of applications by foreign indirect air carriers to operate in domestic markets on a case-by-case basis while the rulemaking is pending. Foreign operators should be aware that

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citizenship requirements on indirect carriers. The elimination of this regulatory bar would be a large step in harmonizing U.S. policy toward foreign indirect carriers in the transportation industry as a whole.

[2] There has been a three-fold increase in foreign authority granted since implementation of the new registration procedures.

[3] Section 416(b)(3) [49 USC 1386(b)(3)]: The Board may by order relieve foreign air carriers who are not directly engaged in the operation of aircraft in foreign air transportation from the provisions of this Act to the extent and for such periods as such relief may be in the public interest.

[4] In SPDR–77, the Board proposed an amendment to its Public Charter Rules (§ 380.20) to relieve foreign indirect air carriers (charter/tour operators) from the permit procedures of section 402 of the Act. Our proposed amendments to that provision incorporate that proposal. In addition, the Board also proposed a provision (§ 380.68) in SPDR–77 which would preclude foreign charter operators from moving passengers between points within the United States. If a final rule containing that provision is adopted prior to the completion of this rulemaking, we would eliminate that provision if a final rule were adopted in this proceeding.

the relief is only an interim measure pending final disposition of this rulemaking. This interim authority will automatically expire 120 days after the final decision on this rule is adopted. Foreign operators should adjust the marketing of their services to ensure that consumers are not inconvenienced should the rule not be finalized.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96-354, requires that agencies consider flexible approaches to the regulation of small business and other small entities. It requires regulatory analysis for rules that, if adopted, will have a "significant economic impact on a substantial number of small entities." This is applicable to rules that effectively reduce regulatory restrictions.

The analysis is required to describe the need, objectives, legal basis for and flexible alternatives to the actions proposed here. The first three requirements are satisfied by the discussion above. The only alternative to our proposed action is to maintain the *status quo*. While this might eliminate a competitive burden on domestic indirect air carriers, it would not attain the positive results derived from competition.

In addition, the analysis must include a description of the small entities to which this proposal would apply, the reporting, recordkeeping or other requirements of the proposed rule and any other Federal rules that may duplicate, overlap or conflict with it. As we have previously stated, this rule would apply to all foreign indirect air carriers, *i.e.*, foreign air freight forwarders, foreign cooperative shippers associations and foreign charter operators. The proposed rule would not duplicate, overlap or conflict with any other Federal rule and would not impose any additional reporting, recordkeeping or compliance requirement other than confirmation of a foreign government's reciprocity disposition.

Accordingly, the Civil Aeronautics Board proposes to amend Chapter II of 14 CFR as follows:

PART 297—FOREIGN AIR FREIGHT FORWARDERS AND FOREIGN COOPERATIVE SHIPPERS ASSOCIATIONS

1. In Part 297, the Table of Contents is amended by revising the title of § 297.10 so that it reads:

Sec.

* * * * *

297.10 Relief from the Act.

* * * * *

2. In Part 297, § 297.1 would be revised to read:

§ 297.1 Purpose.

This part establishes registration procedures and operating rules for foreign air carriers that engage indirectly in interstate, overseas and foreign air transportation of property. It relieves these carriers from certain provisions of the Act, and establishes simplified reports for them.

3. Section 297.2 would be revised to read:

§ 297.2 Applicability.

This part applies to interstate and overseas air transportation of property and to foreign air transportation of property outbound from the United States by foreign indirect air carriers. It also applies to applications for registration as a foreign indirect air carrier of property.

4. Paragraph (d) of § 297.3 would be revised to read:

§ 297.3 Definitions.

* * * * *

(d) "Foreign indirect air carrier" means any person, not a citizen of the United States, who undertakes indirectly to engage in the air transportation of property.

5. In § 297.10 the title would be revised and a new paragraph (d) would be added to read:

§ 297.10 Relief from the Act.

Foreign indirect air carriers with an effective registration under this part are relieved from the following sections or subsections of the Act:

(a) * * *

(b) * * *

(c) Section 404(a)(2) (Carrier's duty to establish just and reasonable rates, etc.); and

(d) If awarded interstate or overseas air transportation operating rights, any other provision of the Act that would otherwise prohibit them from engaging in the interstate or overseas air transportation of property.

6. A new § 297.12 would be added to read:

§ 297.12 General requirements.

(a) The direct air transportation provided must be performed by direct air carriers that hold authority under section 401, 402 or 416 of the Act or are operating under Part 298 of this chapter;

(b) Only U.S. citizen direct air carriers may provide direct air transportation operations in interstate and overseas air transportation.

(c) Foreign indirect air carriers which hold authority to engage in foreign air transportation must apply separately for permission to consolidate freight in interstate and overseas air transportation.

7. Section 297.25 would be revised to read:

§ 297.25 Cancellation or conditioning of registration.

The registration of a foreign indirect air carrier may be cancelled or subjected to additional terms, conditions or limitations if:

* * * * *

(d) A substantial ownership or control interest is acquired by persons who are not citizens of the country of citizenship of the registrant;

(e) There is a failure of effective reciprocity; or

(f) The Board finds that it is in the public interest to do so.

PART 380—PUBLIC CHARTERS

8. In Part 380, the Table of Contents is amended by revising the title of § 380.20 so that it reads:

Sec.

* * * * *

380.20 Relief from the Act.

* * * * *

9. In Part 380, paragraph (b) of § 380.5 would be revised to read:

§ 380.5 Procedures for imposition of limitations and restrictions on Public Charter operations.

* * * * *

(b) Petitions seeking the issuance of such an order to show cause may be filed by any person. Answers to such petitions are permitted, but a failure to file an answer shall not prejudice anyone. Each such petition and any answer thereto shall conform to the requirements of § 302.3 of the Board's rules of practice. Copies of such petitions and answers shall be served on such persons as the Director, Bureau of Domestic Aviation, or, in the case of operations by foreign charter operators, the Director, Bureau of International Aviation, or their designee, shall direct.

* * * * *

10. Paragraph (d) of § 380.10 would be revised to read:

§ 380.10 Public Charter general requirements.

Public Charters under this part shall meet the following requirements:

* * * * *

(d) The air transportation portion of the charter must be performed by direct air carriers that hold authority under section 401, 402, or 416 of the Act, or are operating under Part 298 of this chapter except that only U.S. citizen direct air

carriers may provide air transportation for operations in interstate and overseas air transportation;

* * * * *

11. In § 380.20 the title would be revised and paragraph (a) would be revised to read:

§ 380.20 Relief from the Act.

(a) Charter operators and foreign charter operators are hereby relieved from the following provisions of the Federal Aviation Act of 1958, as amended, only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to organize and arrange Public Charters:

(1) Section 401.

(2) Section 402.

(3) Section 403.

(4) Section 404(a), except the requirement to provide adequate service in connection with Public Charters operated hereunder.

(5) Section 405(b).

(6) Section 407(b) and (c).

(7) If foreign charter operators receive interstate or overseas air transportation rights, any other provision of the Act that would otherwise prohibit them from organizing and arranging Public Charters in interstate or overseas air transportation.

* * * * *

12. Section 380.21 would be revised to read:

§ 380.21 Approval of certain interlocking relationships.

To the extent that any officer or director of a charter operator (other than foreign charter operators) would be in violation of any of the provisions of section 409(a) (3) and (6) of the Act by participating in interlocking relationships covered by the relief granted by § 380.20, such participation is hereby approved by the Board.

13. Section 380.62 as proposed by SPDR–77, 45 FR 26084, April 17, 1980, would be revised by a new paragraph (d) to read:

§ 380.62 Registration applications.

* * * * *

(d) The applicant shall clearly indicate in its application for registration whether it requests authority to engage in foreign, interstate and/or overseas air transportation.

14. Section 380.66 as proposed by SPDR–77, 45 FR 26084, April 17, 1980, would be amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read:

§ 380.66 Cancellation or conditioning of the registration.

The registration of a foreign charter operator may be canceled or subjected to additional terms, conditions, or limitations if any of the following occur:

* * * * *

(d) There is a failure of effective reciprocity; or

(e) The Board finds that it is in the public interest to do so.

(Sections 204, 416, of Pub. L. 85–726, as amended; 72 Stat. 743, 771; 92 Stat. 1731, 1732; 49 USC 1324, 1386)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20262 Filed 7-9-81; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 438

Proprietary Vocational and Home Study Schools

AGENCY: Federal Trade Commission.

ACTION: Invitation to discuss trade regulation rule revisions with staff.

SUMMARY: The Federal Trade Commission is publishing a draft of the Staff's recommended revisions to the Trade Regulation Rule concerning Proprietary Vocational and Home Study Schools, 16 CFR 438, 43 FR 60797, December 28, 1978. The Second Court of Appeals set aside the rule and remanded it to the Commission on December 13, 1979.

The draft contains recommended revisions made in response to the Second Circuit's opinion and other revisions which the staff believes necessary to correct drafting oversights in the rule as originally promulgated. The staff also recommended revisions in its draft rule for the purpose of improving the rule, lessening the compliance burden, or correcting technical deficiencies.

The Commission invites interested parties to discuss with the staff the content of the revised rule, the need for the revisions already recommended and any additional revisions or alternatives to the provisions which the staff has included in its draft. Summaries of discussions of substantive issues will be placed in the public record.

DATES: All discussions must be completed by September 8, 1981.

ADDRESS: Persons wishing to review the public record in the proceeding can do so at: Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Walter Gross, Federal Trade Commission, PM–H–272, 6th Street and Pennsylvania Ave., N.W., Washington, D.C. 20580 (202) 523–3911.

SUPPLEMENTARY INFORMATION: The Federal Trade Commission is publishing a draft of the staff's recommended revisions to the Trade Regulation Rule concerning Proprietary Vocational and Home Study Schools ("the rule") 16 CFR 438 which the Commission issued on December 28, 1978, 43 F.R. 60797. The Second Circuit Court of Appeals set aside the rule and remanded it to the Commission on December 13, 1979. (*Katharine Gibbs School, Inc.* v. *FTC*, 612 F. 2d 658 (2d Cir. 1979), citing procedural and substantive error in the rule's promulgation.

The *Katharine Gibbs* decision held that the Commission failed to define with specificity in the rule the unfair or deceptive acts and practices which the rule was designed to prevent. The Court also held that there was no rational connection between abusive practices and the rule's requirement for a pro rata refund to students who cancel their enrollments after the expiration of a cooling-off period mandated by the rule. The Court also held that the requirement that schools disclose their placement record for recent graduates was too restrictive in format and that the provision for preemption of state law was overly broad. Substantively, the Court upheld: (1) the rule's requirement for an initial "cooling-off" period during which a student could cancel and receive a full refund, (2) the provision for "constructive notice of cancellation" for students with prolonged absences, (3) the requirement that schools disclose their graduation and drop-out records. The dissent from the majority opinion would have upheld the entire rule.

The staff's draft contains recommended revisions made in response to the Second Circuit's opinion and contains other revisions which the staff believes necessary to correct drafting oversights in the rule as originally promulgated. The staff has also recommended revisions in its draft rule for the purpose of "improv(ing) the rule, lessen(ing) the compliance burden, or correct(ing) technical deficiencies." A copy of Part I of the staff's memorandum explaining the revisions is being placed on the public record for review by interested parties.

The Commission is publishing the rule for public scrutiny at this time prior to taking any other action with respect to

it. The Commission is inviting interested parties to discuss with the staff during the next sixty days the content of the revised rule, the need for the revisions which the staff has recommended and any additional revisions or alternatives to the provisions which the staff has included in its draft. Summaries of discussions of substantive issues will be placed on the public record.

At the end of the discussion period the staff has been instructed to report to the Commission with any further revisions to the rule it deems to be warranted. The Commission will then consider the entire revised draft along with any recommendations for further revisions and take action in accordance with applicable law and regulation.

The text of the staff's recommended revisions to 16 CFR 438 follows:

PART 438—PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Sec.

438.0 Definitions.
438.1 Specified unfair or deceptive practices.
438.2 Enrollment and cooling-off period.
438.3 Disclosure of graduation and placement rates.
438.4 Cancellation and refund procedures after cooling-off period.
438.5 Contract notice.
438.6 Notice to be mailed.
438.7 Advertising Disclaimers.
438.8 Waiver requirements.
438.9 Preemptive effect of the rule.
438.10 Effective date of the rule.
Appendices A through R.

Authority: 38 Stat. 717, as amended (15 U.S.C. 41, *et seq.*).

§ 438.0 Definitions.

For the purposes of this Rule, the following definitions shall apply:

(a) *Prospective Student.* A "prospective student" is any person who seeks to enroll in a course but does not include any person whose enrollment has been sponsored or required by a government agency, charitable organization, labor union, school (other than the school in which enrollment is being made), or the person's employer, when that agency, organization, union, school or employer has identified and selected the course to be taken.

(b) *Student.* A "student" is any prospective student who has entered into an enrollment contract with a school, and not cancelled that contract before the cooling-off period specified in § 438.2 of this rule has ended.

(c) *Course.*

(1) The term "course" means a residence, correspondence or combination program of study, education, training or instruction consisting of a series of lessons, and/or classes which are coordinated, arranged, or packaged to constitute a curriculum or program of instruction and sold collectively, so long as the course purports to prepare or qualify individuals, or improve or upgrade the skills individuals need for employment in any specific occupation, trade or in job positions requiring mechanical, technical, business, trade, artistic, supervisory, clerical or other skills.

(2) The term "course" shall not be construed to include high school equivalency courses or general self-improvement courses which do not purport to offer training necessary to obtain employment in a specific skill or trade.

(3) The term "course" shall not be construed to include a program two years in length or longer which consists of accredited college level instruction that culminates in a standard college degree, as defined in 38 U.S.C. 1652(g), as amended.

(4) The term "course" shall not be construed to include any course with a total contract price of less than one hundred dollars ($100), or a training program of no more than three days duration.

(d) *Total Contract Price.* The "total contract price" is the total price paid or to be paid by the student for the property or services which are the subject of the enrollment contract, including charges for registration, ancillary services and any finance charges determined in accordance with the Federal Reserve Board's Regulation Z (12 CFR 226.4). However, the school must not add to the total contract price, the "cancellation fee" which the school is permitted to retain under § 438.4(d). Any equipment which the school provides to the student must be included within the total contract price unless the school discloses in the enrollment contract and the notice required by § 438.6 of this rule, the price being charged for the equipment. If the equipment is provided at different points in time during the duration of the contract, the amount being charged for each installment of equipment must be disclosed in the enrollment contract.

(e) *School.* A "school" is any person, partnership or corporation engaged in the operation of a privately owned school, studio, institute, office or other facility which offers residence, correspondence or combination courses.

(f) *Graduate.* A "graduate" is any student who fully completes all of the lessons or classes required by the school and discharges any other requirements or obligations established by the school as prerequisites for completing the full course of study.

(g) *Dropped Out.* Any student who does not fully complete all of the lessons or classes required by the school as constituting the full course of study and who cancels by any of the methods prescribed in § 438.4(a) of the rule or is terminated by the school shall be deemed to be a student who "dropped out" of his or her course.

(h) *Still Enrolled.* Any student who has neither graduated nor dropped out of his or her course shall be deemed to be "still enrolled."

(i) *Most Recent Academic Year.* The "most recent academic year" is the year ending June 30 prior to the calendar year in which disclosures are required to be made pursuant to § 438.3 (a) and (b).

(j) *New Course.* A "new course" is any course which (1) has substantially different course content and occupational objectives from any course previously offered by the school, and (2) was not offered by the school before the most recent academic year. A course shall remain a new course until the beginning of the next calendar year after the first academic year in which the course produces graduate(s).

(k) *Combination Course.* A "combination course" is any course that consists of both correspondence lessons and residence classes.

(l) *Constructive Notice.* A student shall be deened to have provided "constructive notice" of his or her intention to withdraw from a course.

(1) For residence courses with fixed class schedules or the equivalent portion of a combination course, by failing to attend residence instructional facilities for a period of five consecutive days on which that class meets;

(2) For residence courses without fixed class schedules, or the equivalent portion of a combination course, by failing to atttend residence classes or failing to untilize residence instructional facilities for a period of sixty (60) consecutive days;

(3) For correspondence courses of instruction, or the equivalent portion of a combination course, by failing to submit a lesson for a period of 120 consecutive days.

(m) *Course with/without a fixed class schedule.* A "course without a fixed class schedule" is a residence course which does not have precise dates for class admissions, where enrollees do not attend classes by a prearranged schedule, or where there is not a precise graduation date (and in which the financial obligation of enrolled students is determined by the number of classes they have actually attended). Any other

residence course shall be deemed to be a "course with a fixed class schedule."

(n) *Enrollment Contract.* An "enrollment contract" is any written or oral agreement, however named, which creates or evidences an obligation binding a student to purchase a course from a school provided that the agreement or instrument is entered into after the effective date of this trade regulation rule.

(o) *Job or Earnings Claim.* A "job or earnings claim" is any general or specific job or earnings claim.

(p) *General Job or Earnings Claim.* A "general job or earnings claim" is any express claim or representation concerning the general conditions or employment demand in any employment market now or at any time in the future or the amount of salary or earnings generally available to persons employed in any occupation.

(q) *Specific Job or Earnings Claim.* A "specific job or earnings claim" is any express claim or representation concerning the employment opportunities available to students or the demand for students who purchase the school's course, or the amount of salary or earnings available to students who purchase the school's course.

(r) *Media Advertisement.* A "media advertisement" is any advertisement disseminated to the public by means of print or broadcast media, including newspapers, magazines, radio, television, posters, or any other means. It does not include promotional materials that are mailed by a school or distributed by its sales representatives.

(s) *Equipment.* The term "equipment" includes any tools or other devices delivered to the student for use in the course but does not include records, tapes, slides, film, books, or any other written course materials.

(t) *Course Materials.* The term "course materials" includes any property such as records, tapes, slides, film, books or other written study materials which the school delivers to the student for use in the course, but does not include "equipment."

§ 438.1 Specified unfair or deceptive practices.

(a) In connection with the sale or promotion of any course in or affecting commerce, it is an unfair or deceptive act or practice for any school to:

(1) Misrepresent the employment opportunity, demand for, or salary potential of, the school's graduates.

(2) Represent the general demand for persons having particular vocational skills or the ability of those persons to find employment, without having prior substantiation for those claims.

(3) Use "help wanted" or "employees needed" claims, or otherwise misrepresent that jobs are available, when the purpose of the representation is to obtain leads for student enrollments.

(4) Fail to disclose to prospective students the placement rate and salary information for graduates from courses of the school when the school has used express job or earnings claims in promoting the courses, or misrepresent the school's placement record or earnings of graduates.

(5) Fail to disclose to prospective students material prerequisites to either successfully completing the course or to obtaining related employment.

(6) Use generalized employment data, projections or studies without disclosing material factors contained in the original source of the information which are necessary for their correct interpretation.

(7) Misrepresent the content of a course or that successful completion of the course qualifies the person for a particular job, position or license.

(8) Mislead persons as to their ability to complete a course or obtain employment as a result of the course.

(9) Misrepresent the scope of the school's placement assistance.

(10) Fail to disclose the school's graduation and drop-out rates for the course in which the student has enrolled; or misrepresent the school's graduation or drop-out rates.

(11) Misrepresent to a prospective student the date on which the right to cancel the enrollment contract under either state or federal cooling-off laws begins or ends, or otherwise misrepresent the student's cancellation rights or the school's refund policy.

(12) Attempt to dissuade the student from discussing with others his or her enrollment decision during the cooling-off period specified by state and federal law.

(13) Fail to disclose or misrepresent the nature or significance of any document which the student or prospective student is requested to sign.

(14) Falsely represent that commissioned sales representatives, who are remunerated based on numbers of students enrolled, or whose continued employment depends upon quotas, are salaried employees or that they are counselors or school admissions officials, or otherwise misrepresent their true status.

(15) Misrepresent the need to pass an aptitude or qualifications test before acceptance for enrollment; misrepresent the selectivity of the school's admission process or use similar negative sales tactics designed to lead prospective students to believe that they must convince the school of their acceptability for enrollment when such is not the case.

(16) Misrepresent to prospective students the number of places available or deadlines for enrollment in a particular course or the imminence of price increases to induce an immediate enrollment decision.

(17) Use harrassment, emotional duress, appeals designed to evoke shame or humiliation or use similar high pressure sales methods for the purpose of overcoming the prospective student's desire to avoid making an immediate enrollment decision.

(18) Misrepresent the school's size, location, facilities, or equipment.

(19) Misrepresent the number, titles or educational qualifications of instructors or other school personnel.

(20) Misrepresent by the use of a trade or business name, lable, insignia or in any other manner, the nature of the school's business or its relationship, affiliations or connections with any other business, or with any branch of government.

(21) Misrepresent that a school or any of its courses is accredited, licensed or approved by any private or governmental agency or misrepresent the significance or meaning of such approval, licensure or accreditation.

(22) Misrepresent that the school or any of its courses is approved, endorsed or recommended by any person or organization or misrepresent the extent of approval or endorsement which a school enjoys among former students, employers or any other persons.

(23) Misrepresent that through affiliation with a parent organization, students upon graduation can obtain employment with the parent organization.

(24) Misrepresent that other educational institutions will give credit for courses completed or otherwise misrepresent the transferability of course credits.

(25) Misrepresent that a loan is a grant or scholarship which does not have to be repaid or misrepresent the nature, existence or availability of loans, scholarships or grant money.

(26) Misrepresent the availability of part-time employment opportunities for students during the course.

(27) Fail to disclose to prospective students that training or course materials are only available in English when the prospective student does not communicate in English.

(28) Fail to disclose that additional expense items, such as books, supplies, and equipment, are not included in the

tuition price, or otherwise misrepresent the total contract price.

(b) The Commission has adopted this rule in order to prevent the unfair or deceptive acts or practices defined in subsection (a). It is a violation of this rule for any school to fail to comply with the requirements set forth in §§ 438.2 through 438.8 of this part. If the school complies with the requirements of §§ 438.2 through 438.8 of this part, it does not violate this rule.

§ 438.2 Enrollment and cooling-off period.

(a) The school must give the prospective student a completed copy of the enrollment contract at the time the prospective student signs the contract, or upon the school's receipt of an enrollment contract completed entirely by mail. The enrollment contract must be written in the same language, e.g., Spanish, as that principally used in the oral sales presentation, if any, made by the school and must contain the name and address of the school.

(b) The school must place on the enrollment contract the explanation of the prospective student's cooling-off rights contained in the notice entitled "CANCELLING THIS CONTRACT" required by § 438.5 of this rule. If the school does not place the "CANCELLING THIS CONTRACT" notice on the front page of the enrollment contract, the school must place on the front page the following notice: "An explanation of your cancellation and refund rights is on page—of this contract." This notice must be printed in boldface type.

(c) If the school does not obtain a signed enrollment contract from the prospective student, it must give him or her a document containing the "CANCELLING THIS CONTRACT" notice required by § 438.5 of this rule when the prospective student expresses his or her intention to enroll in the school. In addition to the required notice, the document must contain the name and address of the school. [The purpose of this provision is to ensure that prospective students who enter into enrollment contracts without signing a written instrument get the same notice as prospective students who sign an enrollment contract.]

(d) After the school has accepted the enrollment of the prospective student, the school must deliver to the prospective student the disclosure of the school's graduation rate, and placement rate if applicable, required by § 438.3 of this rule. This notice must be mailed to the prospective student unless a waiver is obtained in accordance with § 438.8. In the same envelope containing that notice to the prospective student, the school must also deliver to the prospective student on a separate sheet of paper, the notice entitled "HOW TO CANCEL THIS CONTRACT" required by § 438.6 of this rule.

(e) If a prospective student cancels the enrollment contract during the cooling-off period described in the notices required by § 438.5 and § 438.6, the school must refund all payments made by the prospective student and cancel and return any evidence of indebtedness within fourteen days after receiving any notice of cancellation. If a school fails to comply with § 438.5 and § 438.6, it shall not retain any money or evidence of indebtedness from a prospective student for that course.

(f) If, during the cooling-off period, a school offering a residence course provides a prospective student with equipment which it has itemized in the notices required by § 438.5 and § 438.6, and the prospective student cancels his or her enrollment contract during the cooling-off period, the school may charge the prospective student for the full cost of the equipment, unless the prospective student returns it to the school within twenty (20) days of cancellation. If, during the cooling-off period, the school has provided the prospective student with course materials and has itemized the cost of those materials in a separate document which it gives to the prospective student along with the course materials, the school may charge the prospective student, when he or she cancels during the cooling-off period, for the cost of the materials unless the prospective student returns them to the school within twenty (20) days of cancellation.

Any equipment or course materials for correspondence courses which a school provides to prospective students during the cooling-off period may be retained by the prospective student without charge if he or she cancels during the cooling-off period.

(g) Enrollment contracts which are subject to the provisions of this section are exempted from compliance with the Federal Trade Commission's Trade Regulation Rule Concerning a Cooling-Off Period For Door-to-Door Sales, 16 CFR 429.

§ 438.3 Disclosure of graduation and placement rates.

(a) On the Disclosure Form entitled "How Our Students Are Doing" (described by Paragraph (e) of this Section) a school shall disclose its graduation rate for the course that is the subject of the enrollment contract in the following manner:

(1) For the duration of each calendar year beginning January 1, the school shall disclose these figures for the most recent academic year:

(i) The number of students who were enrolled in the course during the period. (This includes the number of individuals who became students during the period as well as the number of students who were students at the beginning of the period.)

(ii) The number of students still enrolled at the end of the period.

(iii) The number of students who left the course by graduating or dropping out.

(iv) The number of percentage of students who left the course by dropping out.

(v) The number and percentage of students who left the course by graduating.

(2) For new courses (as defined in § 438.1(i)), the school shall make the following disclosure:

Since this course is new, we are not able to give you information on the graduation or placement rates of our students or the amount of money you might earn after completing this course. As an alternative, we suggest you talk to a job counselor or state employment office about your chances of finding a job in the field we train you for. They may have current information on job opportunities in the area where you live. In addition, they can offer you information on starting salaries and requirements for prior work experience.

Provided, however, that a new course with respect to which no general job or earnings claim is made may make the following disclosure:

Since this course is new, we are not able to give you information on the graduation rate of our students.

(3) A school may, at its option, include the following statements on the Disclosure Form in the manner shown on Appendix A:

In evaluating these figures, you should know that students may drop out of a course for a variety of reasons. These range from dissatisfaction with the course to inability to do the work. Other students drop out of school for personal reasons, such as poor health.

(4) For purpose of this section the term "student" does not include a person who has not attended at least one residence school class, or submitted at least one correspondence lesson.

(b) If a school makes a job or earnings claim for a course other than a new course, the school shall disclose the following placement information on the Disclosure Form entitled "How Our Students Are Doing," described by paragraph (e) of this section for each

course that is the subject of the enrollment contract:

(1) The school shall disclose these figures for students who graduated during the most recent academic year:

(i) The number and percentage of graduates who obtained jobs for which the course prepared them;

(ii) The number and percentage of graduates who did not get jobs for which the course prepared them;

(iii) The number and percentage of graduates who did not seek jobs;

(iv) The number and percentage of graduates for whom information could not be obtained;

(v) The number and percentage of graduates who obtained jobs by their yearly gross salary or earnings, in increments of two thousand dollars ($2,000);

(vi) The number and percentage of graduates who refused to provide salary or earnings information.

(2) A school may at its option include the following statement on the disclosure form in the manner shown in Appendix A if any of the salary figures which the school has obtained are based upon employment for less than 30 hours per week:

In evaluating the salary ranges you should know that *(number)*[1] of our graduates were working part-time. Therefore, their annual income will usually be less than that of a person who works full time.

(c) The disclosure specified by paragraph (b) of this section must be based on the school's actual knowledge of its graduates' experiences. Actual knowledge shall be verified, at a minimum, by a list that includes the following information for each graduate:

(1) The graduate's name and address (or telephone number);

(2) The employer's name (if any);

(3) The name or title of the job obtained for which the course prepared him or her;

(4) The graduate's annual gross salary expressed in increments of two thousand dollars ($2,000), or an indication of the student's refusal to provide such salary information;

(5) An indication from the graduate that he or she did not seek a job;

(6) An indication that no response was received from the graduate when such is the fact.

In obtaining the requisite information schools may use the form entitled "Occupational Employment Questionnaire" set forth in Appendix B of this Rule.

[1] School enter exact number of graduates who reported they were working less than 30 hours per week.

A school must make a reasonable effort to contact all of its graduates.

(d) No school shall make any specific job or earnings claim for a new course.

(e) The information required or permitted to be disclosed under paragraphs (a) and (b) of this section shall be contained in a Disclosure Form entitled "How Our Students Are Doing." The Disclosure Form shall contain no other information or representations. The name of the school and course shall appear at the top of the form, immediately below the title of the form. The format of this notice must conform to the example set forth in Appendix A, including the same capitalization and underlining of words (except that when underlining is indicated italics may be substituted). This form must be mailed to all prospective students who have entered into enrollment contracts. It must be contained in the same envelope as the notice explaining the prospective student's cancellation, cooling-off and refund rights required by § 438.6 of this rule. Unless the waiver provisions of § 438.8 of this rule apply, no other materials may be included in that envelope.

(f) If a school makes a general job or earnings claim or a specific job or earnings claim that is not substantiated by the Disclosure Form required by paragraph (e) above, the school must possess a reasonable basis for each such claim at all times that the claim is made and the school must not know or have reason to know of facts which would make the claim inapplicable to the school, its enrollees or a particular geographical area served by the school. A "reasonable basis" shall consist of a statistically valid and reliable survey which substantiates the claim.

(1) Nothing in paragraph (f) above shall be construed to prohibit schools from making jobs or earnings claims which are substantiated by projections from the "Occupational Outlook Handbook" published by the Bureau of Labor Statistics or by similar projections published by other federal or state agencies. However, when such claims are contained in nonmedia advertising, the schools must clearly and conspicuously disclose in immediate conjunction with the claim, any limitations, restrictions or caveats accompanying or made applicable to those projections in their original source.

(2) A school shall maintain records adequate to disclose the facts upon which each claim covered by this paragraph is based. Such records shall be maintained for three years from the date the claim is made.

§ 438.4 Cancellation and refund procedures after cooling-off period.

(a) After the cooling-off period provided for in § 438.2 has ended, a student may cancel his or her enrollment in the course by written notification to the school. Cancellation by the student is effective on the date the student mails or delivers writen notification to the school or on the date that the student gives the school constructive notice (as defined in § 438.0(1)) of his or her intention to withdraw from the course.

(b) If a student gives the school written notice of his or her intention to remain enrolled in a course, the time period for measuring constructive notice will begin anew from the date of the written notice. Any previous cancellation by virtue of the student's constructive notice will not be effective if the student provides this written notice of his or her intention to remain enrolled prior to settlement of the student's account in the manner required by § 438.4(e).

(c) Nothing in this section shall prohibit schools from cancelling students for failing to attend classes or submit lessons over periods of shorter duration than those prescribed in § 438.0(1); provided that the shorter period is substituted for the prescribed period in the Contract Notice required by § 438.5 and the Notice to be Mailed required by § 438.6.

(d) If a student cancels his or her enrollment contract after the cooling-off period, the school shall not receive, demand or retain more than:

(1) The cost of any equipment which the school has itemized in the enrollment contract and provided to the student before he or she cancels,

(2) A cancellation fee in the amount of $25 or 10 percent of the total contract price (not to exceed $75) whichever is greater, and

(3) A pro rata portion of the total contract price. The total obligation under items (2) and (3) above, combined must not exceed the total contract price.

The pro rata portion shall be calculated in the following manner:

(1) The school must divide the total number of classes, hours or lessons in the course into the total contract price to get a cost per class, hour or lesson.

(2) The resulting number shall be multiplied by:

(i) The number of classes or hours held before cancellation in a course with a fixed class schedule.

(ii) The number of classes or hours attended before cancellation in a course without a fixed class schedule.

(iii) The number of lessons sent in a correspondence course.

(3) For combination courses, the school must disclose separate prices for the residence and correspondence portions of the course in the enrollment contract (or school catalog, or other written instrument to be provided to the student if the school does not use a written enrollment contract), and the pro rata portion of the total contract price shall be the sum of the separate pro rata obligations for the residence portion and the correspondence portion.

(e) The school must within twenty-one (21) days of the date of cancellation provide the student with the correct refund payment, if any, or must canel that portion of the student's indebtedness that exceeds the amount due to the school and notify the student of his or her remaining obligation.

§ 438.5 Contract notice.

(a) The school must include in the enrollment contract the following notice in 10-point type: [The same method of capitalization and underlining of words used in the notices as set forth in the appendices must be used by the school. All subtitles in the notices must be in boldface type. The title of the notice "CANCELLING THIS CONTRACT" must be in all capitals with boldface type. The notices must be written in the same language, e.g., Spanish, as the oral sales presentation, if any, used by the school.]

(1) For correspondence courses without a separate equipment charge, the notice set forth in Appendix C;

(2) For correspondence courses with a separate equipment charge, the notice set forth in Appendix D;

(3) For residence courses without fixed class schedules without a separate equipment charge, the notice set for in Appendix E;

(4) For residence courses without fixed class schedules with a separate equipment charge, the notice set forth in Appendix F;

(5) For residence courses with fixed class schedules without a separate equipment charge, the notice set forth in Appendix G;

(6) For residence courses with fixed class schedules with a separate equipment charge, the notice set forth in Appendix H;

(7) For combination courses without a separate equipment charge, the notice set forth in Appendix I;

(8) For combination courses with a separate equipment charge, the notice set forth in Appendix J.

(b) If a residence school has classes of varying length and calculates its students' financial obligations on an hourly basis, the school must substitute the word "hour" for the word "class" in the notices required by paragraphs (a)(3) through (a)(8).

§ 438.6 Notice to be mailed.

In the same envelope containing the Disclosure Form required by § 438.3 of this rule, the school must deliver to the prospective student the following notice after the school has accepted the enrollment contract of the prospective student: [Unless the school has obtained a waiver provided by § 438.8 of this rule, the notice must be mailed to the prospective student. The text of the notice must be in 10-point type. The same method of capitalization and underlining of words used in notices set forth in the appendices must be used by the school. All subtitles in the notice must be in boldface type. The title of the notice "HOW TO CANCEL YOUR CONTRACT" shall be in all capitals with boldface type. The notice must be written in the same language, e.g., Spanish, as the oral sales presentation, if any, made by the school.]

(a) For correspondence courses without a separate equipment charge, the notice set forth in Appendix K;

(b) For correspondence courses with a separate equipment charge, the notice set forth in Appendix L;

(c) For residence courses without fixed class schedules without a separate equipment charge, the notice set forth in Appendix M;

(d) For residence courses without fixed class schedules with a separate equipment charge, the notice set forth in Appendix N;

(e) For residence courses with fixed class schedules without a separate equipment charge, the notice set forth in Appendix O;

(f) For residence courses with fixed class schedules with a separate equipment charge, the notice set forth in Appendix P;

(g) For combination courses without a separate equipment charge, the notice set forth in Appendix Q;

(h) For combination courses with a separate equipment charge, the notice set forth in Appendix R.

§ 438.7 Advertising disclaimers.

(a) If a school makes any job or earnings claims for any course in a media advertisement, the school must include the following disclaimer in this advertisement:

Graduation from this course does not ensure that you will get a job. To find out how our graduates have done, send for our job placement record.

(b) If a school makes any written job or earnings claims about any course, other than a media advertisement, the school must include in that document full disclosures of the school's graduation and placement rates required by § 438.3 (a) and (b).

(c) If a school makes any general job or earnings claims for a new course, that school must make the following disclosure in lieu of those required in paragraphs (a) and (b):

(1) In media advertisements: Since this course is new, we are not able to tell you about the experience of our students in getting jobs.

(2) All other, non-media, advertisements: Since this course is new, we are not able to give you information on the graduation or placement rates of our students, or the amount of money you might earn after completing this course. As an alternative, we suggest you talk to a job counselor or state employment office about your chances of finding a job in the field we train you for. They may have current information on job opportunities in the area where you live. In addition, they can offer you information on starting salaries and requirements for prior work experience.

§ 438.8 Waiver requirements.

(a) Except as specifically permitted below, the school may not include in the enrollment contract or any other document a waiver of any of the rights or obligations created by this rule. No oral waiver of any of these rights or obligations shall be effective. A school offering a residence course with a fixed class schedule may obtain a waiver of the fourteen-day cooling-off period from a prospective student provided that the following conditions are met:

(1) The waiver must be executed in handwriting by the prospective student.

(2) The date of the prospective student's enrollment application must be less than fourteen days before classes begin.

(3) The prospective student must be given until the third day after classes begin or the seventh day after the prospective student's receipt of the graduation and placement records, whichever is later, to cancel his or her enrollment and receive a full refund of all money paid.

(b) If the school elects to obtain a waiver under the circumstances and conditions set forth above, the school may hand deliver to the student the notices required by § 438.3 and § 438.6 in lieu of mailing them. Additionally, the school must include in the same envelope as that containing the notices, a separate document which contains the following language:

Important Notice

You have given up the right contained in your enrollment agreement and the enclosed notice to a full fourteen day period to cancel your contract and receive a full refund. Instead, you will be given three days after classes begin or seven days after receipt of this notice, whichever is later, to cancel and receive a full refund. If you cancel *after* this new deadline, your contract and the enclosed notice describe how we will settle your account.

No other materials may be included in that envelope.

§ 438.9 Preemptive effect of the rule.

This trade regulation rule preempts inconsistent state law, rules or regulations.

§ 438.10 Effective date of the rule.

The effective date of the Rule will be ————. Schools must be in full compliance with the rule no later than ————. Disclosures required by § 438.3 shall be made on the basis of the most recent academic year beginning ————.

Appendix A—How Our Students Are Doing

[School Name] ————————————
Course ————————————

This form has been prepared to give students and their families important background information to use in evaluating the performance of our school.

Graduation Rate—From July 1 to June 30, 19—

Number

2,800 students were enrolled in the course during the period.

1,000 of these students were still enrolled at the end of the period.

1,800 of these students left the course.

540 or 30% of the students who left dropped out.

1,260 or 70% of the students who left graduated.

In evaluating these figures, you should know that students may drop out of a course for a variety of reasons. These range from dissatisfaction with the course to inability to do the work. Other students drop out of school for personal reasons, such as poor health.

Placement and Earnings Record

Since we made job placement or earnings claims in promoting this course, we have prepared our record in these areas for your review. Here is what we know about our students who graduated during the 12-month period ending June 30, 19—:

	Percent
1,260 students graduated	100
900 graduates got jobs in the field of ————	71
171 graduates did not get jobs in the field of ————	14
63 graduates did not seek jobs	5
126 graduates could not be located or did not ———— respond	10

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APPENDIX B

OCCUPATIONAL EMPLOYMENT QUESTIONNAIRE

REPORT CONTROL SYMBOL

IMPORTANT: Read instructions carefully before completing this questionnaire.

1. NAME AND ADDRESS OF FORMER STUDENT

2. NAME AND ADDRESS OF SCHOOL

3. SCHOOL RECORDS SHOW THAT STUDENT COMPLETED OR LEFT THE FOLLOWING PROGRAM ON THE DATE SHOWN ▶	A. TITLE OF PROGRAM	B. DATE ENROLLED	C. DATE COMPLETED	D. IF NOT COMPLETED, DATE LEFT

QUESTIONS FOR THE FORMER STUDENT (Items 4 through 11)

4. DID YOU COMPLETE THIS PROGRAM WITH VA EDUCATIONAL ASSISTANCE WHILE ON ACTIVE DUTY IN THE U.S. ARMED FORCES? ☐(1) YES ☐(2) NO

5. ARE YOU CURRENTLY ATTENDING SCHOOL? ☐(1) YES ☐(2) NO

6. WHAT IS YOUR CURRENT EMPLOYMENT STATUS? (Check one)

☐(1) Employed part-time
☐(2) Employed full-time
(If you checked box 1 or 2, continue to Item 7 below)
☐(3) Employed full-time military service
☐(4) Unemployed (Not employed, but actively seeking employment.)
☐(5) Not in the labor force (Not employed and not seeking employment because of choice, illness, full-time student status, retirement, pregnancy, or other such reason.)
(If you checked boxes 3, 4, or 5, skip to Item 8; do not answer Item 7)

7. NAME OF EMPLOYER (If self-employed, check this box ☐)

7B. YOUR JOB TITLE

7A. NAME OF IMMEDIATE SUPERVISOR AND BUSINESS ADDRESS

7C. YOUR JOB DUTIES (Describe briefly your principal duties)

7D. DATE BEGAN JOB (Mo)_____ (Yr)____

7E. CURRENT SALARY (Without overtime, before deductions) $_____ (per)_____ (Hr/Wk/Mo) (Hrs. worked/Wk)_____

7F. IN YOUR OPINION, IS THIS JOB: (Check one)

☐(1) Directly related to the program shown in Item 3A above.
☐(2) Closely related to the program shown in Item 3A above.
(If you checked box 1 or 2, skip to Item 8; do not answer Items 8, 9, and 10)
☐(3) Not related to the program shown in Item 3A above. ▶ (If you checked box 3, continue to Item 8)

8. SINCE COMPLETION OF PROGRAM, HAVE YOU BEEN EMPLOYED, FOR PAY OR PROFIT, IN THE OCCUPATIONAL CATEGORY FOR WHICH THE PROGRAM WAS DESIGNED TO PROVIDE TRAINING?

☐(1) YES, directly related to the training (Continue to Item 8A)
☐(2) YES, closely related to the training (Continue to Item 8A)
☐(3) NO (Skip to Item 10; do not answer Item 9)

8A. (If "YES" to Item 8) WAS JOB OBTAINED WITHIN 4 MONTHS OF GRADUATION? ☐(1)YES ☐(2)NO

If you have held more than one job which relates to your training since you graduated, please provide answers for the related job you held for the longest period.

9. NAME OF EMPLOYER

9B. YOUR JOB TITLE

9A. NAME OF IMMEDIATE SUPERVISOR AND BUSINESS ADDRESS

9C. YOUR JOB DUTIES (Describe briefly your principal duties)

9D. DATE OF EMPLOYMENT (From)_____ (To)_____

9E. SALARY (Without overtime, before deductions) $_____ (per)_____ (Hr/Wk/Mo)

9F. WAS THIS JOB: ☐(1) Full-time ☐(2) Part-time (Skip to Item 11; do not answer Item 10)

10. SINCE YOU ANSWERED "NO" TO ITEM 8, HAVE YOU BEEN AVAILABLE FOR EMPLOYMENT IN THE TYPE OF WORK FOR WHICH YOUR COURSE PROVIDED TRAINING?

☐(1) YES (If "YES," skip to Item 11; do not answer Item 10A) ☐(2) NO ("NO," continue to Item 10A)

10A. CHECK ALL THE BOXES BELOW WHICH EXPLAIN WHY YOU HAVE NOT BEEN AVAILABLE FOR EMPLOYMENT IN THIS TYPE OF WORK.

☐(1) I took the program for personal enrichment, avocational, or recreational purposes only.
☐(2) I have continued my schooling.
☐(3) I became disabled and cannot do this type of work.
☐(4) I became pregnant, forcing me to forego a new career.
☐(5) I was unwilling to move to a new location to accept an available job.
☐(6) My marital status changed, causing me to forego a new career.
☐(7) Other reasons (Explain)

11. SIGNATURE OF PERSON COMPLETING QUESTIONNAIRE

11A. DATE SIGNED

11B. TELEPHONE NO. WHERE YOU CAN BE REACHED (Include area code)

12. REMARKS: (Enter name change, new address, or additional comments on any of the items above)

THIS IS THE END OF THE QUESTIONNAIRE. THANK YOU FOR YOUR COOPERATION. PLEASE RETURN THE COMPLETED QUESTIONNAIRE IN THE ENCLOSED, PRE-ADDRESSED ENVELOPE. PLEASE MAIL IT TODAY TO THE SCHOOL ADDRESS SHOWN IN ITEM 2.

TO BE COMPLETED BY SCHOOL

13A. DATA PROVIDED BY: ☐ QUESTIONNAIRE ☐ INTERVIEW ☐ SCHOOL RECORDS

13B. CLASSIFICATION OF GRADUATE'S RESPONSE (This item is not always completed.) (See instructions on reverse.) ☐ DIRECTLY RELATED ☐ CLOSELY RELATED ☐ NOT RELATED

13C. DATA AUTHENTICATED BY: (Signature and Title of school official)

13D. DATE

CENSUS D, FEBRUARY 15, 1980

BILLING CODE 6750-01-C

A breakdown of the starting salaries for these graduates is summarized below:

Starting salary/average yearly earnings (dollars)	Number of students	Percent of total
12,000–13,999	135	15
10,000–11,999	135	15
8,000–9,999	270	30
6,000–7,999	225	25
2,000–3,999	45	5
Refused to tell	90	10
Total	900	100

In evaluating the salary ranges you should know that [*enter number*] of our graduates were working part time. Therefore, their annual income will usually be less than that of a person who works full time.

Appendix C—[Correspondence Courses Without a Separate Equipment Charge] Cancelling This Contract

This notice explains yur rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claims insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. To determine the exact amount, we multiply the price for each lesson by the number of lessons you sent in and add a $—— cancellation fee. We compare this to what you have paid to see if you are entitled to a refund or owe us additional money. The price for each lesson is figured by dividing the $—— course cost by the — lessons in the course. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not send in any lessons for 120 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix D—[Correspondence Courses With a Separate Equipment Charge] Cancelling This Contract

This notice explains your rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claims insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Equipment

A description of the equipment we will send you and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmmeter	Jan. 13, 1978 (or lesson number)	$32
Circuit board	Feb. 31,1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— course cost by the lessons in the course. This gives us a price per lesson of $——. We multiply this price per lesson by the number of lessons you sent in.

Finally, we add a $—— cancellation fee and the cost of any equipment we have provided you. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not send in any lessons for 120 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix E—[Residence Courses Without Fixed Class Schedules Without a Separate Equipment Charge] Cancelling This Contract

This notice explains your rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claims insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If we provided you with course materials such as textbooks or lesson units during the fourteen day period and gave you a separate statement itemizing their costs, you will have to return these materials within twenty (20) days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. To determine the exact amount, we multiply the price for each class by the number of classes you attended and add a $—— cancellation fee. We compare this to what you have paid to see if you are entitled to a refund or owe us additional money. The price for each class is figured by dividing the $—— course cost by the $—— classes in the course. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for 60 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix F—[Residence Courses Without Fixed Class Schedules With a Separate Equipment Charge] Cancelling This Contract

This notice explains your rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claims insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Equipment

A description of the equipment we will send you and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmmeter	Jan. 13, 1978 (or lesson number)	$32
Circuit board	Feb. 31, 1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation. Any equipment we provided you for this course must be returned to us within twenty (20) days from the day you cancel this contract or you will owe us the amount shown above.

If we provided you with course materials such as textbooks or lesson units during the fourteen day period and gave you a separate statement itemizing their costs, you will have to return these materials within 20 days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— course cost by the — classes in the course. This gives us a price per class of $——. We multiply this price per class by the number of classes you attended before you cancelled.

Finally, we add a $—— cancellation fee and the cost of any equipment we have provided you. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for 60 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix G—[Residence Courses With Fixed Class Schedules Without a Separate Equipment Charge] Cancelling This Contract

This notice explains your rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claim insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the

fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us with two (2) weeks from the day we receive your cancellation.

If we provided you with course materials such as textbooks or lesson units during the fourteen day period and gave you a separate statement itemizing their costs, you will have to return these materials within twenty (20) days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. To determine the exact amount, we multiply the price for each class by the number of classes held and add a $—— cancellation fee. We compare this to what you have paid to see if you are entitled to a refund or owe us additional money. The price for each class is figured by dividing the $—— course cost by the — classes in the course. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for five (5) straight days on which classes meet, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix H—[Residence Courses With Fixed Class Schedules With a Separate Equipment Charge] Cancelling This Contract

This notice explains your rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claims insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Equipment

A description of the equipment we will send you and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmmeter	Jan. 13, 1978 (or lesson number)	$32
Circuit board	Feb. 31, 1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation. Any equipment we provided you for this course must be returned to us within twenty (20) days from the day you cancel this contract or you will owe us the amount shown above.

If we provided you with course materials such as textbooks or lesson units during the fourteen day period and gave you a separate statement itemizing their costs, you will have to return these materials within 20 days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— course cost by the — classes in the course. This gives us a price per class of $——. We multiply this price per class by the number of classes held before you cancelled.

Finally, we add a $—— cancellation fee and the cost of any equipment we have provided you. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for five (5) straight days on which classes meet, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix I—[Combination Course Without a Separate Equipment Charge] Cancelling This Contract

This notice explains your rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claims insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period you may owe us some money. To determine the exact amount, we multiply the price for each lesson in the home study portion of this course by the number of lessons you sent in. The price for each lesson is figured by dividing the $—— cost of the home study portion of this course by the — lessons in that part of the course. We add to this the amount you owe us for the residence portion of this course. To determine this we multiply the price for each class by the number of classes held up to the time you cancel. The price for each class is figured by dividing the $—— cost for the residence portion of this course by the — classes in the course. We add to this total a $—— cancellation fee. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not send in any lessons for 120 straight days at any point during the home study portion of this course or do not attend classes for 5 straight days on which classes are held during the residence portion of this combination course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix J—[Combination Courses With a Separate Equipment Charge—Cancelling this Contract

This notice explains your rights and responsibilities concerning cancellation of this contract.

Automatic Cancellation

This contract is automatically cancelled and you do not owe us any money if the following two (2) forms are not mailed to you:

How Our Students Are Doing

Tells you how many students complete the course [for schools making job or earnings claims insert "and the placement rate of our graduates"].

How To Cancel Your Contract

Provides information on how to cancel this contract. Also, this form describes how we figure what is owed for students who have already begun the course.

Your Right To Cancel

If you decide not to take this course, you have fourteen (14) days to cancel this contract and get a full refund. The fourteen days start on the day we mail these forms. The How To Cancel Your Contract form shows you when the fourteen days are up. To cancel, you must sign the bottom of the How To Cancel Your Contract form we are sending you, put on the date and mail the form to us no later than midnight of the fourteenth day.

You can also cancel this contract by sending us a letter no later than midnight of the fourteenth day. Be sure to date and sign your letter. If possible, keep a copy. Your contract will be cancelled the day you mail this letter.

Equipment

A description of the equipment we will provide you with and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmmeter	Jan. 13, 1978 (or lesson or class number).	$32
Circuit board	Feb. 31, 1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— cost for the home study portion of this course by the — lessons in the course. This gives us a price per lesson of $——. We multiply this price per lesson by the number of lessons you sent in. We add to this the amount you owe us for residence portion of this course. We divide the $—— cost for the residence portion of this course by the — classes in the course. This gives us a price per class of $——. We multiply this price per class by the number of classes held before you cancel. Finally, we add a $—— cancellation fee and the cost of any equipment we have provided you. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

If you do not send in any lessons for 120 straight days at any point during the home study portion of this course, or do not attend classes for 5 straight days on which classes are during the residence portion of this combination course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

Appendix K—[Correspondence Courses Without a Separate Equipment Charge] How to Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel, sign this form, date it, and mail it to us before midnight on ——. If you cancel this contract within this fourteen (14) day period, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. To determine the exact amount, we multiply the price for each lesson by the number of lessons you sent in and add a $—— cancellation fee. We compare this to what you have paid to see if you are entitled to a refund or owe us additional money. The price for each lesson is figured by dividing the $—— course cost by the — lessons in the course. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not send in any lessons for 120 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: ——

Student's Signature: ——

Appendix L—[Correspondence Courses With a Separate Equipment Charge] How to Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel, sign this form, date it, and mail it to us before midnight on ——.

Equipment

A description of the equipment we will send you and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmmeter	Jan. 13, 1978 (or lesson number)	$32
Circuit board	Feb. 31, 1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— course cost by the — lessons in the course. This gives us a price per lesson of $——. We multiply this price per lesson by the number of lessons you sent in.

Finally, we add a $—— cancellation fee and the cost of any equipment we have provided you. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not send in any lessons for 120 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: ——————————
Student's Signature: ——————————

Appendix M—[Residence Courses Without Fixed Class Schedules Without a Separate Equipment Charge] How to Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel, sign this form, date it, and mail it to us before midnight on ————. If you cancel this contract within this fourteen (14) day period, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If we provided you with course materials such as textbooks or lesson units during the fourteen day period and gave you a separate statement itemizing their costs, you will have to return these materials within twenty (20) days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. To determine the exact amount, we multiply the price for each class by the number of classes you attend and add a $—— cancellation fee. We compare this to what you have paid to see if you are entitled to a refund or owe us additional money. The price for each class is figured by dividing the $—— course cost by the — classes in the course. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for 60 straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: ——————————
Student's Signature: ——————————

Appendix N—[Residence Courses Without Fixed Class Schedules With a Separate Equipment Charge] How to Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel, sign this form, date it, and mail it to us before midnight on ————.

Equipment

A description of the equipment we will send you and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmmeter	Jan. 13, 1978 (or lesson number)	$32
Circuit board	Feb. 31, 1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation. Any equipment we provided you for this course must be returned to us within twenty (20) days from the day you cancel this contract or you will owe us the amount shown above.

If we provided you with course materials such as textbooks or lesson units during the fourteen-day period and gave you a separate statement itemizing their costs, you will have to return these materials within 20 days or we will charge you for them

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— course cost by the — classes in the course. This gives us a price per class of $——. We multiply this price per class by the number of classes you attended. Finally, we add a $—— cancellation fee, [and the cost of any equipment we have provided you]. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for sixty (60) straight days at any point during the course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: ——————————
Student's Signature: ——————————

Appendix O—[Residence Courses With Fixed Class Schedules Without a Separate Equipment Charge] How to Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel, sign this form, date it, and mail it to us before midnight on ————. If you cancel this contract within this fourteen (14) day period, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If we provided you with course materials such as textbooks or lesson units during the fourteen-day period and gave you a separate statement itemizing their costs, you will have to return these materials within 20 days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. To determine the exact amount, we multiply the price for each class by the number of classes held before you cancel and add a $—— cancellation fee. We compare this to what you paid to see whether you are entitled to a refund or owe us additional money. The price for each class is figured by dividing the $—— course cost by the — classes in the course. If you are entitled to a refund we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for five (5) straight days on which classes meet, we will cancel your contract. But you will be given an opportunity to apply for

reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: _____
Student's Signature: _____

Appendix P—[Residence Courses With Fixed Class Schedules With a Separate Equipment Charge] How to Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel sign this form, date it, and mail it to us before midnight on ———.

Equipment

A description of the equipment we will send you and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmeter	Jan. 13, 1978 (or lesson number)	$32
Circuit board	Feb. 31, 1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation. Any equipment we provided you for this course must be returned to us twenty (20) days from the day you cancel this contract or you will owe us the amount shown above.

If we provided you with course materials such as textbooks or lesson units during the fourteen-day period and gave you a separate statement itemizing their costs, you will have to return these materials within 20 days or we will charge you for them.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— course cost by the — classes in the course. This gives us a price per class of $——. We multiply this price per class by the number of classes held before you cancel. Finally, we add a $—— cancellation fee and the cost of any equipment we have provided you. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not attend classes for five (5) straight days on which classes meet, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: _____
Student's Signature: _____

Appendix Q—[Combination Courses Without a Separate Equipment Charge] How to Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel, sign this form, date it, and mail it to us before midnight on ———. If you cancel this contract within this fourteen (14) day period, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period you may owe us some money. To determine the exact amount, we multiply the price for each lesson in the home study portion of this course by the number of lessons you sent in. The price for each lesson is figured by dividing the $—— cost of the home study portion of this course by the — lessons in that part of the course. We add to this the amount you owe us for the residence portion of this course. To determine this we multiply the price for each class by the number of classes you attend up to the time you cancel. The price for each class is figured by dividing the $—— cost for the residence portion of this course by the — classes in the course. We add to this total $—— cancellation fee. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

To cancel this contract after the fourteen day cooling-off period you must mail or deliver a written notice of cancellation to us.

If you do not send in any lessons for 120 straight days at any point during the home study portion of this course or do not attend classes for 5 straight days on which classes are held during the residence portion of this combination course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: _____
Student's Signature: _____

Appendix R—[Combination Courses With a Separate Equipment Charge] How To Cancel Your Contract

We have accepted you for enrollment in our course. You have fourteen (14) days from the day we mailed you this notice to cancel your contract and get a full refund. To cancel, sign this form, date it, and mail it to us before midnight on ———.

Equipment

A description of the equipment we will send you and the installment charges are summarized below:

Item	Delivery date	Cost
Ohmmeter	Jan. 13, 1978 (or lesson or class number).	$32
Circuit board	Feb. 31, 1978	20

Settling Your Account

If you cancel this contract before the fourteen (14) day period is over, we will refund any money you have paid us within two (2) weeks from the day we receive your cancellation.

If you cancel this contract after the fourteen (14) day period, you may owe us some money. We divide the $—— cost for the home study portion of this course by the — lessons in the course. This gives us a price per lesson of $——. We multiply this price per lesson by the number of lessons you sent in. We add to this the amount you owe us for the residence portion of this course. We divide the $—— cost for the residence portion of this course by the — classes in the course. This gives us a price per class of $——. We multiply this price per class by the number of classes held before you cancel. Finally, we add a $—— cancellation fee and the cost of any equipment we have provided you. The total is compared to what you paid to see if you are entitled to a refund or owe us additional money. If you are entitled to a refund, we will send it to you within twenty-one (21) days from the day you cancel.

If you do not send in any lessons for 120 straight days at any point during the home study portion of this course or do not attend classes for 5 straight days on which classes are held during the residence portion of this combination course, we will cancel your contract. But you will be given an opportunity to apply for reinstatement by writing to us that you wish to continue.

I have changed my mind and want to cancel this contract.

Date: _____
Student's Signature: _____

By Direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc 81-20356 Filed 7-9-81; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 17 and 33

Regulation of Domestic Exchange—Traded Commodity Options

Correction

In FR Doc. 81-18915, appearing on page 33293 in the issue of Monday, June 29, 1981, make the following corrections.

1. On page 33298, second column, add the following words to the end of the last line: "emphasize, however, that in proposing".

2. On page 33301, third column, fourth line, the word "on" should read "of".

3. On page 33308, second column, in the twelfth line from the bottom of the page, the phrase reading "as the form of the report," should have read "as to the form of the report,".

4. On page 33317, second column, the second line of § 1.27(a)(6) should have read: "investments were liquidated or otherwise".

5. On page 33319, second column, the first paragraph should have appeared as two paragraphs, as follows:

(b) Any contract of sale of any commodity for future delivery traded on or subject to the rules of any contract market or involving the prices of such contracts, except for such contracts involving gold, sugar or Government National Mortgage Association mortgage-backed certificates traded under the terms and conditions prescribed in this Part;

If the transaction is or is held out to be of the character of, or is commonly known to the trade as, an "option," "privilege," "indemnity," "bid," "offer," "put," "call," "advance guaranty," or "decline guaranty."

6. On page 33322, second column, sixth line, the word "is" should have read "it".

7. On page 33326, third column, in the fifteenth line of paragraph (d)(2), the word "underly" should have read "underlying".

8. On page 33330, second column, in the thirteenth line, the word "requires" should have read "requests".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Proposed Change in the Field Organization of the Customs Service

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This notice proposes to amend the Customs Regulations to change the field organization of the Customs Service by:

—Extending the limits of the Saginaw-Bay City-Flint, Michigan, port of entry (Region IX), to include the Tri-City Airport;

—Extending the limits of the San Francisco-Oakland, California, port of entry (Region VIII), to include Travis Air Force Base;

—Extending the limits of the Durham, North Carolina, port of entry (Region IV), to include the Raleigh-Durham Airport complex; and,

—Clarifying the limits of the Columbus, Ohio, port of entry (Region IX).

The proposed changes are part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

DATE: Comments must be received on or before: September 8, 1981.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations and Information Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Richard C. Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, the Customs Service proposes to:

—Extend the limits of the Saginaw-Bay City-Flint, Michigan, port of entry (Region IX), to include the Tri-City Airport;

—Extend the limits of the San Francisco-Oakland, California, port of entry (Region VIII), to include Travis Air Force Base;

—Extend the limits of the Durham, North Carolina, port of entry (Region IV), to include the Raleigh-Durham Airport complex; and,

—Clarify the limits of the Columbus, Ohio, port of entry (Region IX).

(a) *Saginaw-Bay City-Flint, Michigan.* The limits of the consolidated Customs port of entry of Saginaw-Bay City-Flint, Michigan, were extended by T.D. 79-74 (44 FR 12029). However, the extension did not encompass the Tri-City Airport. Because virtually all of the international aircraft arriving in the area, particularly general aviation from Canada, now is processed at the recently improved Tri-City Airport, Customs has determined that the port limits should be extended to include that facility.

As extended, the geographical boundaries of the consolidated port of entry of Saginaw-Bay City-Flint, Michigan, would include:

All the territory within the corporate limits of Saginaw and Bay City; from Bay City due west along the right-of-way of U.S. Highway No. 10, to the intersection of Garfield Road and U.S. Highway No. 10, south on Garfield Road to and including the Tri-City Airport, bounded on the west by Garfield Road, on the east by Hackett Road, on the south by Freeland Road and on the north by Sarle Road; the territory embracing the Townships of Zilwaukee, Carrollton and Buena Vista, in Saginaw County; the Townships of Portsmouth and Frankenlust, in Bay County; the right-of-way of Interstate Highway 75, south to and including Flint Township; the city of Flint; and that portion of Genesee Township bounded by Saginaw Street on the west, Stanley Road on the north, Lewis Road on the east, and the city of Flint on the south; all in the State of Michigan.

(b) *San Francisco-Oakland, California.* T.D. 79-74 also clarified, but did not change the geographical description of the port limits of the Customs port of entry of San Francisco-Oakland, California. The Regional Commissioner of Customs, San Francisco (Region VIII), now has requested that the port limits be extended to include Travis Air Force Base.

Travis Air Force Base, located near San Francisco, California, is outside both the city and Customs port of entry limits. However, Customs provides manpower for service at this location on a regular basis. To ensure continued service for this workload, now subject to the uncertainty and additional costs associated with out-of-port service, Customs proposes to extend the San Francisco-Oakland, port limits to include Travis Air Force Base.

As extended, the geographical boundaries of the San Francisco-Oakland, California, port of entry would include:

All the territory within the corporate limits of San Francisco and Oakland; all points on the San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay; all points in the San Joaquin River in Contra Costa and San Joaquin Counties, to and including Stockton; north along U.S. Interstate 80 to Airbase Parkway, east along Airbase Parkway to and including the territory comprising the Travis Air Force Base; all points on the Sacramento River in Solano, Yolo, and Sacramento Counties, from the junction of the Sacramento River within the San Joaquin River in Sacramento County, to and including Sacramento, California; and all points on the Sacramento River Deep Water Ship Channel in Solano, Yolo, and Sacramento Counties, from and including the junction of Cache Slough with the Sacramento River, to and including Sacramento; all in the State of California.

(c) *Durham, North Carolina.* Operations at the Durham, North Carolina, Customs port of entry reflect an increase in the volume of aircraft and over-the-road shipments, accompanied by a decrease in the importation of tobacco for warehousing. Planning now is underway to expand the Raleigh-Durham Airport complex to accommodate the increased traffic and larger aircraft. The Raleigh-Durham Airport, which is outside the current port limits, is expected to encompass the major portion of Durham's workload.

Also, Customs has been advised that it must vacate its present Durham office. Because adequate office space is available at the Raleigh-Durham Airport, Customs believes that moving its offices to the airport and extending the present port limits to include the airport would locate manpower closer to major work locations and improve Customs service in the area.

As extended, the geographical boundaries of the Durham, North Carolina, port of entry would include:

All the territory within the corporate limits of Durham; and from the southeast intersection of the corporate limits of Durham and U.S. Highway No. 70, southeast along U.S. Highway No. 70 to State Road 1002 (also named Airport Road), southwest along State Road 1002 to and including the territory comprising the Raleigh-Durham Airport; and beginning at the intersection of the southeastern corporate limits of Durham and Ellis Road, southerly along the west side of Ellis Road a distance of 1.1 miles to Cook Road, then westerly along the north side of Cook Road a distance of .6 mile to Alston Avenue, then northwesterly along the east side of Alston Avenue a distance of 1.2 miles to the corporate limits of Durham; all in the State of North Carolina.

(d) *Columbus, Ohio.* The port limits of the Columbus, Ohio, Customs port of entry coincide with the city's corporate limits. However, because the city has annexed surrounding areas on a piecemeal basis over the years, there now are areas within the city which are not included in the Customs port of entry. As a result, it often is difficult to determine whether service at various locations is being provided inside or outside port limits.

In order to clarify the port boundaries to improve service to the public, the description of the Columbus port limits would be amended to read:

All the territory within the corporate limits of Columbus, Ohio; all of the territory completely surrounded by the city of Columbus; and, all of the territory enclosed by Interstate Highway 270 (outer belt), which completely surrounds the city.

Amendments to the Regulations

If the proposed changes are adopted, the list of Customs regions, districts, and ports of entry in § 101.3, Customs Regulations (19 CFR 101.3), would be amended accordingly.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), on normal business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations and Information Division, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority

These changes are proposed under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101–5 (46 FR 9336).

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of Title 5, United States Code (as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act"), because it is not likely to have a significant economic impact upon a substantial number of small entities.

Customs routinely establishes, expands, and eliminates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although this change may have a limited effect upon some small entities, it is not expected to be significant because extending the port limits at Customs Ports of entry in other areas has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: June 17, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-20234 Filed 7-9-81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-049A]

Occupational Exposure to Lead; Quantitative Fit Testing Provisions; Extension of Comment Period

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; extension of comment period, correction.

SUMMARY: On May 19, 1981, the Occupational Safety and Health Administration proposed an interim rule permitting the use of specified forms of qualitative fit testing to determine the adequacy of the fit of negative pressure respirators under the occupational health standard regulating exposure to lead (46 FR 27358). Comments were requested by July 6, 1981. OSHA has received requests for an extension of the comment period because the validation data have not yet been available for inspection and copying and, therefore, comment. This notice announces an extension of the comment period to

August 4, 1981. In addition, an incorrect reference in the notice to negative or positive pressure tests as qualitative tests is corrected.

DATE: Comments must be received no later than August 4, 1981.

ADDRESS: Comments should be sent to the OSHA Docket Office, Docket No. H-049A, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone 202-523-7894.

FOR FURTHER INFORMATION CONTACT: Frank Tipton, Room N3718, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone 202-523-7174.

SUPPLEMENTARY INFORMATION: On May 19, 1981, the Occupational Safety and Health Administration (OSHA) issued a notice of proposed rulemaking (46 FR 27358) for an interim rule to permit the use of specified forms of qualitative fit testing to determine the adequacy of the fit of negative pressure respirators under the occupational health standard regulating exposure to lead. The present lead standard requires that quantitative fit testing be performed (29 CFR 1910.1025(f)(3)(ii)).

The May 19, 1981, notice (46 FR 27358) required comments to be submitted by July 6, 1981, and specifically requested comment on the sufficiency of the validation data for the proposed qualitative fit test protocols. OSHA has received requests for an extension of the comment period because the validation data have not yet been available for inspection and copying and, therefore, comment. Consequently the comment period is hereby extended to August 4, 1981, so that the data can be made available and to give the public an opportunity to review and comment on the data.

Comments should be sent by August 4, 1981, to OSHA Docket Office, Docket No. H-049A, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone 202-523-7894.

In the background section of the proposal (46 FR 23759) in column 1, OSHA stated that qualitative fit testing ". . . relies upon the employee's subjective response to pressure, an irritant fume, or a substance with a characteristic odor or taste." The word "pressure" was inadvertently included and should be deleted. The reference to "pressure" is an allusion to the positive pressure test and negative pressure test which are used by an employee as a fit check to assure that the respirator facepiece is properly seated on the face each time a respirator is put on, and are not qualitative fit tests.

(Secs. 6(b), 8(g), 84 Stat. 1593, 1600 (29 U.S.C. 655(b), 657(g)); 5 U.S.C. 553; Secretary of Labor Order 8-76, (41 FR 25059))

Signed at Washington, D.C., this 2nd day of July 1981.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 81-20143 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1870-4]

Approval and Promulgation of Implementation Plans Kentucky; Approval of 1979 Ozone Revisions

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA proposes conditional approval of the State Implementation Plan (SIP) revisions submitted by the Kentucky Department for Natural Resources and Environmental Protection for the Boone, Campbell and Kenton Counties ozone nonattainment area. These revisions correct deficiencies in the transportation control measures (TCM) portion of the plan for all three counties and the auto emission inspection/maintenance (I/M) portion of the plan for Boone County only. As a condition of full approval, the Kentucky Department for Natural Resources and Environmental Protection must submit a valid I/M implementation schedule which has been formally adopted by Boone County. This revised schedule must be submitted by September 14, 1981. The disapproval of the plan for Campbell and Kenton Counties, and the attendant construction moratorium, will remain in effect there because the plan does not contain provisions for an I/M program.

DATE: To be considered, written comments must be received on or before August 10, 1981.

ADDRESSES: Written comments may be submitted to Melvin Russell, EPA, Region IV, Air Programs Branch, 345 Courtland Street, Atlanta, Georgia 30365. All comments received and copies of the materials submitted by Kentucky may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Library, Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365

FOR FURTHER INFORMATION CONTACT: Melvin Russell, EPA, Region IV, Air Programs Branch, 345 Courtland Street, Atlanta, Georgia 30365, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On January 25, 1980, (45 FR 6092) EPA conditionally approved the Part D ozone SIP for the Northern Kentucky (Boone, Campbell, and Kenton County) nonattainment areas. The conditions involved two areas: (i) Legal authority for an I/M program, and (ii) commitments to implement and enforce various TCMs and to analyze other TCMs as required by Section 108(f) of the Act. These conditions are discussed in more detail in the January 25, 1980, **Federal Register**. Corrections of these deficiencies were required by June 30, 1980 and June 1, 1980, respectively.

It was anticipated that the Kentucky General Assembly would enact legal authority for a state-run I/M program during its 1980 session. However, although an I/M bill was passed by the Kentucky Senate, it was voted down in the House. Thus, the General Assembly adjourned on April 15, 1980, without enacting any I/M legal authority. EPA and the Kentucky Department for Natural Resources (KDNREP) explored other means to enact an I/M program for the counties in time to meet the June 30 deadline. The only remaining alternative appeared to be the adoption and implementation of an I/M program by the county governments. Only Boone County expressed any interest in this approach, and on July 11, 1980, an I/M ordinance was enacted by the Boone County Fiscal Court. The Campbell and Kenton County governments refused to take any action to implement the program locally. Because the deadline had passed and no action had been taken to correct the deficiencies noted in the conditional approval for Campbell and Kenton Counties and no action appeared imminent, EPA disapproved the ozone SIP for Campbell and Kenton Counties on September 22, 1980 (45 FR 62866).

EPA policy at the time required disapproval of the SIP for the entire nonattainment area in a state if an acceptable plan had not been submitted, even though an acceptable plan has been submitted for a political subdivision within the nonattainment area. In addition, at that time the Boone County I/M ordinance and TCM commitments had not yet been officially submitted as SIP revisions. For these

reasons, the Boone County portion of the plan was disapproved also, although it was recognized that Boone County would likely have an approvable plan. The disapproval of the SIP triggered a moratorium on the issuance of permits for new or modified major hydrocarbon sources, as required by Section 110(a)(2)(I) of the Act. On September 22, 1980, (45 FR 62850) EPA proposed modification of its policy to allow the lifting of the permit moratorium in a political subdivision which has an approved plan, even if there is not an approved plan for the entire nonattainment area. Final action on this change in policy should be officially published soon. Kentucky has also submitted as SIP revisions the Boone County I/M ordinance and an implementation schedule adopted by the county. The I/M implementation schedule is no longer valid because certain milestone dates have already been missed. Also submitted were letters of commitment by the appropriate state and local agencies to implement and enforce previously adopted TCMs and to analyze additional TCMs under Section 108(f). These submittals were made on November 19, 1980.

EPA feels these submittals satisfy all the conditions of approval outlined in the January 25, 1980 **Federal Register**, with the exception of legal authority for I/M in Campbell or Kenton Counties. The Boone County I/M ordinance provides for annual inspection of all motor vehicles licensed in the county beginning no later than December 31, 1982, and provides penalties for nonconforming vehicles. The program will utilize a central inspection facility, probably to be operated by the county. Although the county has adopted a schedule for implementation of the I/M program, the schedule is no longer valid because certain milestones have not been met. The county must adopt a new schedule which includes all the milestones presented in the July 17, 1978, I/M policy memorandum from David G. Hawkins to the Regional Administrators.

The ordinance provides that the emission standards for the I/M program will be compatible with Federal requirements. EPA interprets this to mean that the county I/M program will satisfy the requirement for minimum program effectiveness as specified in the July 17, 1978, I/M policy memorandum. It is expected that regulations will be adopted which will demonstrate that the Boone County I/M program will achieve the required emission reductions (25% using MOBILE 1 or 35% using MOBILE 2) in light duty vehicle emissions. The demonstration must be included as part of the 1982 SIP revisions as required by the SIP policy published January 22, 1981 (46 FR 7182).

The TCM commitment letters contain commitments from the appropriate agencies to: (1) Implement and enforce TCMs identified in the SIP; (ii) examine the long-term as well as short-term air quality benefits from the TCM projects identified in the SIP; and (iii) analyze all Section 108(f) measures and justify not adopting any measures found infeasible.

Action

EPA proposes to conditionally approve the Boone County portion of the Kentucky ozone SIP. If EPA policy is changed as now proposed to allow lifting of the permit moratorium from a portion of a nonattainment area, the permit moratorium will be lifted in Boone County upon approval of the Boone County portion of the Kentucky SIP. EPA also proposes to approve the TCM portion of the ozone SIP for Campbell and Kenton Counties. This will mean that all portions of the ozone SIP for these two counties will be approved, except for the portions relating to I/M programs. The permit moratorium for these two counties will remain in effect. As a condition of full approval, by September 14, 1981, the Kentucky Department for Natural Resources and Environmental Protection must submit a valid I/M implementation schedule adopted by Boone County.

As previously stated, written comments may be submitted for up to 30 days following the publication of this notice (August 10, 1981). At the close of the comment period, EPA will review all comments and publish a notice of final rulemaking.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. The actions proposed today, if promulgated, are not major because they only approve State actions. They will impose no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule if promulgated constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

(Secs. 110, 172, Clean Air Act, as amended, (42 U.S.C. 7410 and 7502))

Dated: June 22, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-20224 Filed 7-9-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1871-4]

Approval and Promulgation of Implementation Plans; Massachusetts

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The purpose of this Notice is to fulfill an approval condition set forth in the Final Rulemaking Notice (FRN) for Massachusetts published on September 16, 1981 (45 FR 61293) approving certain State Implementation Plan (SIP) revisions for paper, fabric and vinly surface coaters. EPA is proposing to approve Regulations 310 CMR 7.18 (14), (15), and (16) submitted in fulfillment of the above mentioned condition in the FRN.

DATE: Comments must be received on or before August 10, 1981.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M. St., S.W. Washington, D.C. 20460 and Department of Environmental Engineering, One Winter Street, Boston, Massachusetts 02111.

Comments should be submitted to Harley Laing, Region I, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: John L. Hanisch, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On March 6, 1981, the state of Massachusetts submitted Regulations 310 CMR 7.18 (14), (15), and (16) in response to conditions for approval of the paper, fabric and vinly surface coating portion of the Massachusetts SIP. The commitment of the state to further study VOC controls for these

sources and to develop and submit regulations to EPA based on the conclusions of the study has thus been fulfilled. These conditions are not restated here, but copies of the Final Rulemaking Notrice (FRN), 45 61293 are available at the locations listed in the Addresses section of this Notice.

Paper, Fabric and Vinyl Coating Surfaces

In response to conditions specified in the FRN 45 61293, the state of Massachusetts completed sutdies of the paper, fabric and vinyl coating industries and developed regulations to control emissions from these source categories. The state held public hearings on the regulation on February 17, 19 and 20, and on March 6, 1981, adopted and submitted the regulations to EPA.

The paper and fabric surface coating regulation requires that all sources comply with an emission limit of 2.9 pounds of volatile organic compounds (VOCs) per gallon of coating (excluding water) at application on a solids applied basis by December 31, 1982. Surface coating facilities can receive exemptions and alternative emission limits by documenting, to the state's satisfaction, that achieving the 2.9 pounds per gallon limit using add-on controls is not economically feasible. In order for the state to grant an exemption, the source must commit to study the feasibility of reformulation to low/no solvent surface coating mix, include a work plan with interim milestone dates, and agree to install add-on controls to achieve their alternative emission limits if reformulation is determined to be inappropriate. Since the economic conditions of the company may change over the course of the reformulation study, the state will reevaluate the source every two years to determine if the economic condition of the source continues to justify the alternative add-on control emission limit. Any alternative RACT determination must be submitted to EPA as State Implementation Plan Revisions.

The vinyl surface coating regulation includes a limit of 3.8 pounds of VOCs per gallon of coating (excluding water) at application on a solids-applied basis. The exceptions for vinyl surface coating are the same as those for paper and fabric surface coating.

Proposed Action:

EPA proposes to approve as RACT the VOC portion of the SIP revision as it pertains to paper surface coating, fabric surface coating and vinyl surface coating.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action imposes no new requirements, and would approve state-determined control levels.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because, if promulgated, it will only approve Massachusetts state actions enabling sources to meet state-determined control levels and adds no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Section 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Section 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7401 and 7601).

Dated: June 11 1981.

Lpslie Carothers,

Acting Regional Administrator, Region I.

[FR Doc. 81-20257 Filed 7-9-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-7-FRL 1875-4]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: In order to satisfy the requirements of Part D of the Clean Air Act, as amended, the State of Missouri revised its State Implementation Plan (SIP) in 1979. On April 9, 1980, EPA conditionally approved certain elements of Missouri's plan. On February 12, 1981, the State submitted documentation for the purpose of fulfilling two of these conditions. One of these conditions required the East-West Gateway Coordinating Council (EWGCC) to complete an analysis of alternative transportation measures and to secure commitments from responsible agencies to specific transportation strategies which will achieve emission reductions for motor-vehicle-related pollutants in the St. Louis nonattainment area. The other condition required the EWGCC to provide the results of the requisite carbon monoxide dispersion modeling committed to in the approved Section 175 work plan. On March 4, 1981 (46 FR 15180), EPA published a notice to advise the public of receipt of the documentation from the State to meet these two conditions.

The present notice is published to advise the public of EPA's proposed action on this submission, and to request comments.

DATES: Comments must be received on or before August 10, 1981. EPA believes that the 30-day period provided for public comment, indicated below, is adequate because of the limited scope of the revisions and the fact that the revisions have been available for review since March 4, 1981.

ADDRESSES: Comments should be addressed to Mary C. Carter at the following location: Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

Copies of the state submission are available at the preceding address as well as the following locations: Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65101; East-West Gateway Coordinating Council, 112 North Fourth Street, St. Louis, Missouri 63102.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: On April 9, 1980, EPA conditionally approved certain elements of Missouri's SIP with regard to the requirements of Part D of the Clean Air Act, as amended. The reader is referred to the **Federal Register** notice published on that date (45 FR 24140) for a detailed discussion of that action. In the April 9 rulemaking, EPA approved an extension until 1987 for attainment of the carbon monoxide (CO) and ozone (O_3) standards in the St. Louis area. As a result, the State will be required to submit a SIP revision in 1982 which demonstrates attainment of these standards by 1987. This 1982 SIP revision is in addition to the submissions required to meet the April 9 conditions on approval of the SIP.

Section 172(b)(11)(C) requires the SIP to identify specific measures necessary for attainment of the air quality standards for CO and O_3, as necessary, by 1987. This includes transportation control measures as specified in Section 110(a)(3)(D). One of the conditions promulgated by EPA in the April 9, 1980 action, required the EWGCC to complete an analysis of alternative transportation measures and to secure commitments from responsible agencies to specific transportation strategies which will achieve emission reductions of 6.45% in the St. Louis nonattainment area. This analysis was due January 31, 1981. On January 28, 1981, EWGCC adopted a package of transportation measures and commitments. This package, submitted to EPA on February 12, 1981, includes commitments from responsible agencies for implementing specific transportation strategies which EWGCC's analysis indicates will achieve overall reductions in hydrocarbon emissions of 6.5%. These commitments to transportationl control measures (TCMs) include improved mass transportation, carpooling, vanpooling, electric vehicle use, park-and-ride lot development, and traffic flow improvements. The goal for increases in transit ridership between 1978 and 1987 has been decreased from 50% to 30% in this submission, because this goal is believed to be more realistic. EWGCC's analysis indicates that a 6.5% reduction in hydrocarbon emissions will result from the set of TCMs which they adopted including a 30% increase in transit ridership and commitments to traffic flow improvements.

EWGCC has obtained commitments to improve the transit system of St. Louis from the City of St. Louis, St. Louis County and the Bi-State Development Agency, conditionally dependent on available funding. In addition to these mass transit commitments, WEGCC has obtained commitments to continue to promote carpooling and vanpooling strategies from several St. Louis corporations; commitments to develop park-and-ride lots from the Missouri Highway and Transportation Commission and from EWGCC; commitments for use of some electric vehicles from the City of Florissant, the City of St. Louis, and from the United States Postal Service for use in St. Louis; a commitment for promotion of bicycle usage; and commitments to traffic flow improvements from six cities, three counties, and the State Highway and Transportation Commission in Missouri. EPA believes these commitments satisfy the condition on approval promulgated by EPA in the April 9, 1980 notice.

The traffic flow improvement projects for which commitments have been obtained can be grouped into the following categories: Traffic signal modifications, including synchronization; intersection and interchange improvements; construction of new highway facilities; widening of existing roads and highways; resurfacing of existing roads; and railroad grade separations. The submission provides an estimate of the average vehicle speed increases that will result from these traffic flow improvement projects. Based upon these average vehicle speed increases, the submission provides an evaluation of the overall resultant emission reductions. Although a project-specific determination of emission benefits was not provided for this submittal, the EPA believes that EWGCC has provided sufficient analysis to arrive at an overall determination of emission reductions. These measures have an aggregate beneficial impact on air quality, however, when taken individually, some may actually have an adverse impact. For this reason, the EPA is requesting that EWGCC provide a project-specific determination of emission reductions for the 1982 ozone SIP submission for those measures for which a specific analysis was not submitted in the 1979 SIP or in the present submission.

The other condition promulgated by EPA in the April 9, 1980, action required the EWGCC to provide the results of requisite carbon monoxide (CO) dispersion modeling committed to in the approved Section 175 (transportation control planning grant) work plan. This was due by January 31, 1981. The February 12, 1981 SIP submission included a draft report which contains the results of the CO dispersion modeling project. The final version of this report was submitted on April 28, 1981, and is substantially the same as the draft.

The CO modeling demonstrates that the St. Louis area is likely to achieve the 1-hour standard of 35 ppm by 1982. However, the modeling predicts the area will continue to experience violations of the 8-hour standard of 9 ppm. With the implementation of an inspection/maintenance program, the modeling indicates that the St. Louis area will attain the CO standards by 1987.

In addition to the documentation submitted to fulfill the two conditions discussed above, the February 12, 1981 SIP submission provided a justification of EWGCC's decision not to adopt some difficult transportation control measures (TCMs). Those TCMs which EWGCC did not adopt and for which they provided no justification for their decision not to adopt, must be either justified or adopted as part of the SIP submission which is due in 1982, to demonstrate attainment of the CO and O_3 standards in the St. Louis area by 1987.

Proposed Action:

The EPA is proposing to approve the overall demonstration of 6.5% reduction in emissions in the February 12, 1981 SIP submission, as meeting the two conditions, explained earlier in the present notice, on the 1979 SIP, EPA proposes to take no action on those individual measures for which a specific analysis of air quality impact was not submitted. If these measures are to be incorporated into the SIP, EWGCC must provide a project-specific determination of the air quality emission benefits as a demonstration that these are an appropriate part of this control strategy. This project-specific evaluation may be submitted as part of the 1982 ozone SIP. If the air quality benefits of these measures cannot be demonstrated adequately, other measures which demonstrate quantifiable air quality benefits must be provided for the 1982 SIP.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). The attached rule if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

(Secs. 110 and 172 of the Clean Air Act, as amended)

Dated: May 23, 1981.
William W. Rice,
Acting Regional Administrator.
[FR Doc. 81-20231 Filed 7-9-81; 8:45 am]
BILLING CODE 6560-38-M

OFFICE OF PERSONNEL MANAGEMENT

41 CFR Chapter 16

Procurement Regulations

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management is proposing procurement regulations which will apply to the negotiation and administration of contracts between OPM and carriers for Federal Employees Health Benefits (FEHB) plans. These regulations will provide direction and uniformity in the agency's procurement of health coverage and will also enable the health benefits carriers and other interested parties to understand the application of the Federal Procurement Regulations (41 CFR Chapter 1) to the FEHB Program contracts.

DATE: Comments must be received on or before August 10, 1981.

ADDRESS: Send or deliver written comments to Mr. Craig B. Pettibone, Director, Office of Pay and Benefits Policy, Compensation Group, Office of Personnel Management, Room 4351, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Mary Ann Mercer, 202-632-4634 or 202-254-8960.

SUPPLEMENTARY INFORMATION: On January 21, 1981, the Office of Personnel Management published an Advance Notice of Proposed Rulemaking in the **Federal Register** (46 FR 6022-6025) concerning the proposed procurement regulations which it intends to apply to the negotiation and administration of the Federal Employees Health Benefits (FEHB) Program contracts.

OPM's procurement regulations are issued in response to an order issued by the United States District Court for the District of Columbia in the case of *National Treasury Employees Union* v. *Campbell*, Civil Action No. 75-2173, issued September 18, 1980, which instructed OPM to publish procurement regulations for its Government-wide Service Benefit Plan. Background on the FEHB Program and the facts leading to the issuance of the court order are detailed in the Advance Notice referenced above. The Federal Procurement Regulations (FPR), 41 CFR Chapter 1, have been promulgated by the General Services Administration to ensure uniformity in procurement by the Federal Government. Consequently, OPM anticipates applying its procurement regulations to all of the FEHBP contracts, not solely to the Government-wide Service Benefit Plan. The regulations have been drafted to identify for all FEHBP carriers which provisions of the Federal Procurement Regulations OPM considers to have practical application to FEHBP contracts. The proposed regulations are intended to simply state in regulatory form what has long been our administrative practice in contracting with health benefits carriers for health benefits plans. No substantive changes are intended in the way in which we administer the health benefits program.

Although 5 U.S.C. 552(a)(2) exempts procurement regulations from the necessity of being published as proposed rulemaking, OPM believes that comments from the public are mutually beneficial in drafting the regulations. The 60-day public comment period for the Advanced Notice of Proposed Rulemaking expired March 23, 1981. In response to the Advance Notice, OPM received comments from the two Government-wide plans, five comprehensive plans, one national association of health maintenance organizations, ten employee organization plans, two government agencies, one quasi-government agency, and one member of the general public. Of the 22 comments received, 17 were generally favorable and five were unfavorable. Because of the numberous points covered in the letters reveived, only the issues of broadest application will be discussed below.

Four carriers requested an extension of the 60-day public comment period to allow more time to study and analyze the extensive FPR and its impact on the administration of their FEHBP contracts. OPM is unable to extend the time period allotted in view of the court order to issue the regulations within a limited time frame.

Two carriers indicated that OPM has no clear authority to apply the regulations to all FEHBP contracts, since the court order requires that OPM promulgate regulations governing the Government-wide Service Benefit Plan. OPM has always maintained that the FPR applies to its FEHBP contracts. OPM further believes that publishing procurement regulations for only one FEHBP plan would not only be contrary to the overall intent of the decision of the District Court, which states that "Both federal employees and organizations which contract with the government for such plans are entitled, in fairness and under section 1.008 (of the FPR), to the benefit of regulations which will inform them which portions are applicable * * *", but would also be contrary to the intent of the FPR to encourage uniformity in the procurement of Government contracts.

Several comments were received indicating that only the regulations authorized by title 5, United States Code, Chapter 89, which are codified at 5 CFR Part 890, need apply to the procurement of FEHBP contracts. Section 201 of the Federal Procurement and Administrative Services Act of 1949 (41 U.S.C. 481(a)) provides that the Administrator, General Services Administration (GSA) has the authority to "prescribe policies and methods of procurement and supply of personal property and nonpersonal services, including related functions such as contracting * * *," for executive agencies. Further, 40 U.S.C. 474 provides that the authority conferred by the Act on the Administrator, GSA, to prescribe policies and methods of procurement is "in addition and paramount to any other law and shall not be subject to the provisions of any law inconsistent therewith * * *." The regulations which OPM issues pursuant to 5 U.S.C. 8913 are OPM's general policies for the administration of the FEHB Program. These general regulations, in accordance with 40 U.S.C. 474, are subordinate to regulations promulgated by the General Services Administration which establish specific policies and procedures for use in the procurement of government contracts.

Three respondents commented that OPM did not offer sufficient gudiance in its Advance Notice of Proposed Rulemaking to enable the carriers to know which portions of the FPR apply to FEHBP contracts. It was not OPM's intent to address in its Advance Notice all of the details that would be contained in the proposed and final regulations. The intent behind the Advance Notice was to solicit carrier comments so that OPM would be able to take the carriers' concerns into consideration before writing lengthy regulations. In the introduction ot the Advance Notice, carriers were advised that more detailed proposed regulations would follow.

Two comments concerned the prospective applicability of the FPR. Since final government regulations require a prospective effective date, the effective date of OPM's procurement regulations implementing the FPR will be prospective. It should be pointed out,

however, that in the absence of OPM implementing regulations, Chapter 1 of the FPR has applied and will continue to apply to FEHBP contracts until the effective date of Chapter 16.

Four respondents expressed concern that OPM may attempt to apply the cost principles contained in Part 1–15.2 of the FPR to community rated contracts. OPM indicated in its Advance Notice that the application of the cost principles in the FPR to community rated contracts is inconsistent with the concept of community rating and the FPR. This interpretation has been specifically stated in the proposed rules so that there will be no misunderstanding that the cost principles will not apply to community rates. Two comments revealed a concern that experience rated carriers are being unfairly discriminated against because the cost principles are being applied by OPM only to experience rated contracts. OPM disagrees. The FPR recognizes that different levels of government monitoring and regulations should be accorded different types of government contracts. The ruled applied by OPM to community rated contracts in Chapter 16 are consistent with the provisions of the FPR.

Four responses suggested that OPM deviate from many of the cost principles required by the FPR thereby distinguishing insurance contractors from other contractors dealing with the Federal Government. The respondents imply that OPM should grant mass deviations for its experience rated contracts. The FPR cost principles are current requirements set out by the General Services Adminstration (GSA) which are applicable until GSA revises or deletes them. Mass deviations would be tantamount to separate OPM procurement policies. The court order stated that OPM should not issue entirely new regulations, but that OPM should set forth how it would implement the regulations embodied in the FPR. Consequently, to the extent that the cost principles can be applied to experience rated contracts, the provisions will be applied.

Several respondents supported OPM's application of modified contract coverage (Cost Accounting Standards 401 and 402) to FEHBP contracts, but opposed OPM's suggestion that it would attempt to apply all cost Accounting Standards. OPM agrees that only CAS 401 and 402 should be applied to the FEHBP contracts, unless the carrier meets the FPR criteria for full CAS coverage.

It was the opinion of several carriers that the specific factors relevant to the service charge negotiations for experience rated contracts were vague and difficult to quantify. In the proposed regulations, OPM has attempted to describe how the factors will be utilized in determining the reasonableness of any annual service charge which may be negotiated for experience rated contracts. Associate membership dues charged by an employee organization entitling individuals to join the organizations's health plan has been dropped as a factor to be considered by the contracting officer during the service charge negotiations, since several employee organization plans believe, and OPM concurs, that it does not sufficiently relate to the contract.

One comment supported the application of FPR provisions to subcontractors where the subcontractor performs all or part of the prime contact. OPM agrees insofar as experience rated prime contracts are concerned. In the case of the Government-wide Service Benefit Plan, which the respondent specifically referenced, however, the District Court declared that contracts between the physicians and hospitals and the carrier do "not establish a contract-subcontractor relationship." Accordingly, the FPR provisions in question would not apply to those contracts.

One comment was received supporting the application of FPR 1–1.327, "Protection of the privacy of individuals," to FEHBP contracts. This FPR section implements subsection (m) of 5 U.S.C. 552a (Pub. L. 93–579, December 31, 1974), which guards the individual's right of privacy whenever an agency system of records on individuals is operated under contract and not by the agency. FEHBP records systems maintained by health benefits carriers under contract with OPM are not maintained for the purpose of accomplishing an OPM function. It is not now, and never has been, a function of OPM to provide health benefits to Federal employees; OPM's function has been simply to contract for these services from private insurance companies. Insurance company records on individuals serve the companies' own commercial function of paying health benefits claims in return for premiums paid by the Government and the Federal employees and, consequently, are not subject to the record keeping requirements of the Privacy Act and § 1–327 of the FPR. FEHBP contracts will, nevertheless, contain a "Confidentiality of Records" clause which will serve to protect the subscribers right of privacy.

The Director finds that good cause exists for reducing the comment period of this proposed rulemaking from sixty to thirty days. The comment period is reduced because of a time limitation imposed by the United States District Court for the District of Columbia for the the publication of final regulations.

E.O. 12291, Federal Regulation

Under the provisions of Executive Order 12291, certain procedures must be followed by government agencies prior to publication of "major" rulemaking. OPM does not consider its procurement regulations to be "major" since they simply set forth OPM's implementation of previously existing regulations, that is, 41 CFR Chapter 1, and, therefore, are not anticipated to have any significant impact on the economy.

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

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

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management,

Beverly McCain Jones,

Insurance System Manager.

Accordingly, OPM proposes to amend title 41, Code of Federal Regulations by adding Chapter 16 as follows:

SUBTITLE A—FEDERAL PROCUREMENT REGULATIONS SYSTEM

CHAPTER 16—OFFICE OF PERSONNEL MANAGEMENT

Part

16–1 General
16–3 Procurement by negotiation
16–4 Special types and methods of procurement
16–7 Contract clauses
16–8 Termination of contracts
16–11 Federal, State and local taxes
16–12 Labor
16–15 Contract cost principles and procedures

Part
16-20 Retention requirements for contractor and subcontractor records
16-26 Contract modifications

PART 16-1—GENERAL

Sec.
16-1.000 Scope of part.

Subpart 16-1.1—Regulation System

16-1.101 Scope of subpart.
16-1.102 Purpose.
16-1.103 Authority.
16-1.104 Relationship of Chapter 16 to the FPR.
16-1.106 Issuance.
16-1.107 Arrangement.
16-1.107-1 General plan.
16-1.107-2 Numbering.
16-1.107-3 Citation.
16-1.107-4 Cross references.
16-1.108 Implementation.
16-1.109 Deviation.
16-1.109-1 Description.
16-1.109-2 Procedure.
16-1.150 Use of designees.

Subpart 16-1.2—Definition of Terms

16-1.250 Definitions.

Subpart 16-1.3—General Policies

16-1.301 Method of procurement.
16-1.301-3 Negotiation.
16-1.302 Procurement sources.
16-1.302-1 Who may contract.
16-1.302-3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.
16-1.303 Approval signatures.
16-1.313 Records of contract actions.
16-1.318 Disputes.
16-1.320 Subcontractor gifts and kickbacks.
16-1.323 Preference for U.S. Flag Air Carriers.
16-1.328 Fraudulent claims.
16-1.341 Federal Procurement Data System.

Subpart 16-1.4—Procurement Responsibility and Authority

16-1.400 Scope of subpart.
16-1.401 Signature responsibility.
16-1.401-1 Responsibility of the head of the agency.
16-1.401-2 Responsibility of the Associate Director for Compensation.
16-1.402 Responsibility of the contracting officer.
16-1.403 Requirements to be met before entering into contracts.
16-1.404 Selection, designation, and termination of designation of contracting officer.
16-1.405 Ratification of unauthorized contract awards.
16-1.406 Cost accounting standards.

Subpart 16-1.5—Contingent Fees

16-1.500 Scope of subpart.

Subpart 16-1.6—Debarred, Suspended, and Ineligible Carriers

16-1.600 Scope of subpart.
16-1.601 Applicability.

Subpart 16-1.9—Reporting Possible Antitrust Violations

Sec.
16-1.901 General policy.

Subpart 16-1.10—Publicizing Procurement Actions

16-1.1001 General policy.
16-1.1003 Synopses of proposed procurements.
16-1.1004 Synopses of contract awards.

Subpart 16-1.12—Responsible Prospective Contractors

16-1.1200 Scope of subpart.
16-1.1201 Applicability.

Subpart 16-1.23—Environmental Protection

16-1.2300 Scope of subpart.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

§ 16-1.000 Scope of part.

This part describes the method by which the Office of Personnel Management (OPM) implements, supplements and deviates from the Federal Procurement Regulations (FPR) (41 CFR Chapter 1) through the establishment of the OPM Procurement Regulations (Chapter 16), which prescribe the Office procurement policies and procedures for the Federal Employees Health Benefits Program (FEHBP) contracts. Policies and procedures governing the award and administration of FEHBP contracts are contained in Part 4 of this Chapter, "Special Types and Methods of Procurement."

Subpart 16-1.1—Regulation System

§ 16-1.101 Scope of subpart.

This subpart sets forth introductory information pertaining to Chapter 16, explains its purpose, authority under which it is issued, its relationship to the FPR System, applicability, method of issuance, and arrangement. It also provides procedures for implementing and supplementing the FPR and Chapter 16 and sets forth deviation procedures.

§ 16-1.102 Purpose.

Chapter 16 is prescribed by the Director, Office of Personnel Management to provide direction and uniformity in the agency's procurement of health coverage under the FEHB Program.

§ 16-1.103 Authority.

Chapter 16 is issued under the authority of 5 U.S.C. Chapter 89 and 40 U.S.C. 486(c).

§ 16-1.104 Relationship of Chapter 16 to the FPR.

(a) The Federal Procurement Regulations set forth in Chapter 1, title 41, of the Code of Federal Regulations are applicable to contracts between the Office of Personnel Management (OPM) and health benefits carriers which establish health benefits plans for Federal employees and annuitants. Chapter 16 provides guidance to the contracting officer, health benefit carriers and other interested parties for implementing, supplementing and in certain instances, deviating from the FPR. Except as necessary to assure continuity or understanding, material published in the FPR will not be repeated, paraphrased, or otherwise restated in Chapter 16.

(b) Implementing material is that which expands upon related FPR material. Supplementing material is that for which there is no counterpart in the FPR.

(c) Material in Chapter 16 may supersede the FPR as when a deviation (see § 16-1.109-1) is authorized, but only when the deviation contains an explicit cross reference to the FPR.

(d) In order to make FEHBP carriers fully aware of which portions of the FPR are applicable to contracts with FEHBP, and to establish official OPM policy for internal contract evaluations, all parts of 41 CFR Chapter 1 which are deemed to have practical application to the administration of FEHBP contracts are specifically dealt with in this Chapter 16.

§ 16-1.106 Issuance.

(a) Policies and procedures which are issued in this Chapter will be published in the **Federal Register** as Chapter 16 of Title 41 of the Code of Federal Regulations.

(b) The **Federal Register** and Title 41 of the Code of Federal Regulations may be purchased by the public from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 16-1.107 Arrangement.

§ 16-1.107-1 General plan.

Chapter 16 conforms with the FPR system with respect to divisional arrangements into parts, subparts, sections, subsections, and further subdivisions as necessary.

§ 16-1.107-2 Numbering.

(a) Generally, the numbering system used in Chapter 16 conforms to that of Chapter 1 (see FPR 1-1.007-2). Thus, a particular procurement policy or procedure is identified by the same number in both Chapter 1 and Chapter 16, except that the first number in Chapter 1 will be 1 rather than 16.

(b) Where Chapter 16 implements a part, subpart, section or subsection of the FPR, the implementing part, subpart, section or subsection of Chapter 16 is

numbered to correspond to the FPR part, subpart, section or subsection, e.g., § 16–3.807–3 implements § 1–3.807–3 of the FPR. Paragraph and subparagraph designations of Chapter 16, however, are independently developed and do not necessarily correspond to a paragraph or subparagraph of the FPR.

(c) Where Chapter 16 supplements the FPR and thus deals with subject matter not contained in the FPR, the numbers in the group 50 through 99 are assigned to the respective supplementing parts, subparts or sections.

(d) Where the subject matter contained in the part, subpart, section or subsection of the FPR has no practical application at this time to FEHBP contracts, this Chapter 16 contains no corresponding part, subpart, section or subsection. Thus, there are gaps in the Chapter 16 series of part, subpart, section and subsection numbers.

§ 16–1.107–3 Citation.

(a) In formal documents, such as legal briefs, citation of Chapter 16 material which has been published in the **Federal Register** will be to Title 41 of the Code of Federal Regulations.

(b) Any section of Chapter 16, for purpose of brevity, may be informally identified as "OPMPR" followed by section number. For example, this paragraph would be identified in a memorandum as "OPMPR 16–1.107–3(b)".

§ 16–1.107–4 Cross references.

(a) Within Chapter 16, cross references to the FPR will be made in the same manner as used within the FPR. Illustration of cross references to the FPR are:

(1) Part 1–3.

(2) Subpart 1–3.8.

(3) Section 1–3.807–50(a). The word "section" or its symbol (§) is used in making a crosss reference even though the reference may be to a subsection, paragraph or subparagraph. For example, this reference is actually to a paragraph.

(b) Within Chapter 16, cross reference to parts, subparts and sections of Chapter 16 will be in a manner generally similar to that used in making references to the FPR. For example, this paragraph would be referred to as § 16–1.107–4(b).

§ 16–1.108 Implementation.

As portions of the FPR are prescribed, procurement policies and procedures which have practical application to the FPR will be issued in Chapter 16 by the Director, Office of Personnel Management.

§ 16–1.109 Deviation.

§ 16–1.109–1 Description.

(a) The term "deviation" as used in Chapter 16 is defined in the same manner as described in FPR 1–1.009–1.

(b) In order to maintain uniformity to the greatest extent feasible, deviation from the FPR will be kept to a minimum.

§ 16–1.109–2 Procedure.

(a) In individual cases, when the contracting officer considers it necessary to deviate from the policies set forth in the FPR, a request for authority to do so will be submitted to the Director, Office of Personnel Management. The request will clearly set forth the circumstances warranting the deviation and the nature of the deviation.

(b) Deviations in classes of cases must be approved in advance by GSA. Class deviations will be set forth in this Chapter 16 as provided in § 16–1.104(c).

§ 16–1.150 Use of designees.

Throughout the regulations in Chapter 16, responsibilities and duties are assigned to certain individuals by position title, and, in many instances, the submission of reports to and by these individuals is also prescribed. Whenever these titles are used, the individual occupying these positions may, unless otherwise restricted by law or the regulations in 5 CFR Part 890 or this Chapter 16, designate a subordinate to act for him or her.

Subpart 16–1.2—Definition of Terms

§ 16–1.250 Definitions.

Definitions pertaining to this Chapter 16 are contained in Part 16–4, "Special Types and Methods of Procurement."

Subpart 16–1.3—General Policies

§ 16–1.301 Method of procurement.

§ 16–1.301–3 Negotiation.

Use of formal advertising in connection with the award of FEHBP contracts is not determined to be feasible or practicable. Pub. L. 86–382, as amended and codified at 5 U.S.C. Chapter 89, authorizes the negotiation of FEHBP contracts. FEHBP contracts, accordingly, will be negotiated pursuant to the provisions of § 1–3.215 and the authority in 41 U.S.C. 252(c)(15) which permits the negotiation of contracts "otherwise authorized by law."

§ 16–1.302 Procurement sources.

§ 16–1.302–1 Who may contract.

The OPM may contract with health benefits carriers for plans meeting the requirements of 5 U.S.C. Chapter 890, 5 CFR Part 890, and this Chapter 16 for the provision of health coverage.

§ 16–1.302–3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.

FPR 1–1.302–3 is applicable to the administration of the FEHBP contracts.

§ 16–1.303 Approval signatures.

FPR 1–1.303 is applicable to the administration of the FEHBP contracts.

§ 16–1.313 Records of contract actions.

FPR 1–1.313 is applicable to the administration of the FEHBP contracts.

§ 16–1.318 Disputes.

FPR 1–1.318 is applicable to FEHBP contracts and the Disputes clause set forth in OPMPR 16–7.502–2 shall be included in all FEHBP contracts.

§ 16–1.320 Subcontractor gifts and kickbacks.

FPR 1–1.320 is applicable to the administration of the FEHBP contracts.

§ 16–1.323 Preference for U.S. Flag Air Carriers.

FPR 1–1.323 is applicable to the administration of the FEHBP contracts.

§ 16–1.328 Fraudulent claims.

FPR 1–1.328 is applicable to the administration of the FEHBP contracts.

§ 16–1.341 Federal Procurement Data System.

The contracting officer shall comply with FPR 1–1.341 set out in Temporary Regulation 48 by submitting Standard Form 279, "Federal Procurement Data Systems Individual Contract Action Report (Over $10,000)" or Standard Form 281, "Federal Procurement Data System Sum of Contract Actions of $10,000 or Less and Subcontract Data on Selected Prime Contracts", as appropriate, to the Administrative Services Division, Acquisition Branch, for each procurement action. Procurement actions within the FEHBP take place only during the first quarter of each calendar year.

Subpart 16–1.4—Procurement Responsibility and Authority

§ 16–1.400 Scope of subpart.

This subpart sets forth the authority of the Director, Office of Personnel Management and the designation and authority of the FEHBP contracting officer. It also imposes limitations upon the authority of the contracting officer to enter into contracts.

§ 16–1.401 Signature responsibility.

§ 16–1.401–1 Responsibility of the head of the agency.

The Director, Office of Personnel Management is responsible for approval of basic policies affecting the administration of the FEHB law, the issuance of regulations implementing these policies; and final approval of health benefits contracts for the Government-wide Service Benefit Plan and the Government-wide Indemnity Benefit Plan.

§ 16–1.401–2 Responsibility of the Associate Director for Compensation.

The Associate Director for Compensation shall approve: any strategy or plan used in conducting benefit negotiations with FEHBP contractors; deviations from an approved negotiation plan; major issues or controversies arising during negotiations; rate decisions on the Service Benefit Plan, the Indemnity Benefit Plan, and the two employee organization plans with the largest number of enrollments and the two comprehensive plans with the largest number of enrollments; potentially controversial rate changes; major issues arising in the administration of the contracts (e.g., expense allowability issues, carrier enforcement of cost containment provisions, etc.).

§ 16–1.402 Responsibility of the contracting officer.

The Associate Director for Compensation has designated the Assistant Director for Insurance Programs as contracting officer for FEHBP contracts, and has delegated to the Assistant Director for Insurance Programs or his designee the authority to: approve health benefits carriers; negotiate and execute health benefits contracts, except that execution of the service benefit and indemnity benefit contracts is reserved to the Director, OPM; administer health benefits contracts, including the authority to direct payment of disputed health benefits claims; conduct an audit program for health benefits contracts, including the authority to allow the costs involved in disupted audit findings (not to be delegated further, except that the latter authority is reserved to the Associate Director for Compensation with respect to disputed costs in excess of $100,000 and to the Deputy Director, OPM, with respect to disputed costs in excess of $500,000). In the exercise of his or her responsibility, the contracting officer is subject to the requirements in FPR 1–1.403 and any further requirements, consistent with the Federal Procurement Regulations, imposed by the OPM.

§ 16–1.403 Requirements to be met before entering into contracts.

No contract shall be entered into unless all applicable requirements of law, Executive orders and regulations have been met. The term "regulations" includes those issued by any regulatory agency whether or not incorporated or referenced in the Federal Procurement Regulations.

§ 16–1.404 Selection, designation, and termination of designation of contracting officer.

FPR 1–1.404 is applicable to the administration of the FEHBP contracts.

§ 16–1.405 Ratification of unauthorized contract awards.

FPR 1–1.405 is applicable to the administration of the FEHBP contracts.

§ 16–1.406 Cost accounting standards.

FPR 1–1.406 is applicable to the administration of the FEHBP contracts (see OPMPR 16–3.12).

Subpart 16–1.5—Contingent Fees

§ 16–1.500 Scope of subpart.

FPR 1–1.5 is applicable to the administration of FEHBP contracts.

Subpart 16–1.6—Debarred, Suspended, and Ineligible Carriers

§ 16–1.600 Scope of subpart.

This subpart sets forth OPM's policy with regard to the debarment, suspension and ineligibility of carriers.

§ 16–1.601 Applicability.

OPM shall enforce the provisions of FPR 1–1.6 with respect to health insurance carriers and shall maintain a consolidated list of concerns to whom contracts will not be awarded.

Subpart 16–1.9—Reporting Possible Antitrust Violations

§ 16–1.901 General policy.

Where proposals received in FEHBP procurements evidence violations of the antitrust laws, the procedures in FPR 1–1.9 may be used in referring such proposals to the Attorney General.

Subpart 16–1.10—Publicizing Procurement Actions

§ 16–1.1001 General policy.

FPR 1–1.10 is applicable to the administration of FEHBP contracts. In addition, OPM will implement the following sections in the manner prescribed below.

§ 16–1.1003 Synopses of proposed procurements.

At least 60 days prior to the beginning of the annual negotiation process for new FEHBP contracts, OPM shall publish a notice of its proposed procurement action in the Department of Commerce Synopsis. Interested carriers shall be directed to OPM for information concerning submission of applications for participation.

§ 16–1.1004 Synopses of contract awards.

At the close of the negotiation period, OPM shall publish in the Department of Commerce Synopsis a list of all new carriers approved for participation in the FEHBP during the next contract year.

Subpart 16–1.12—Responsible Prospective Contractors

§ 16–1.1200 Scope of subpart.

This subpart prescribes the policies concerning the responsibility of prospective carriers.

§ 16–1.1201 Applicability.

FPR Subpart 1–1.12 is applicable to the administration of FEHBP contracts. In addition, carriers must meet the requirements of 5 U.S.C. Chapter 89, and 5 CFR Part 890, and this Chapter 16.

Subpart 16–1.23—Environmental Protection

§ 16–1.2300 Scope of subpart.

FPR subpart 1–1.23 is applicable to the administration of the FEHBP contracts.

PART 16–3—PROCUREMENT BY NEGOTIATION

Sec.

16–3.000 Scope of part.

Subpart 16.3–1—Use of Negotiation

16–3.100 Scope of subpart.
16–3.101 General requirements for negotiation.
16–3.102 Factors to be considered in negotiating contracts.
16–3.103 Disemination of procurement information.
16–3.104 Disclosure of mistakes after award.

Subpart 16–3.2—Circumstances Permitting Negotiation

16–3.200 Scope of subpart.
16–3.215 Otherwise authorized by law.

Subpart 16–3.3—Determinations, Findings, and Authorities

16–3.301 General.

Subpart 16–3.4—Types of Contracts

16–3.400 Scope of subpart.
16–3.401 Types of contracts.

Subpart 16-3.8—Price Negotiation Policies and Techniques

Sec.
16-3.800 Scope of subpart.
16-3.801 Basic policy.
16-3.802 Preparation for negotiation.
16-3.803 Type of contract.
16-3.804 Conduct of negotiations.
16-3.805 Selection of offerors for negotiation and award.
16-3.806 Cost, profit, and price relationship.
16-3.807 Pricing techniques.
16-3.807-1 General.
16-3.807-2 Requirements for price or cost analysis.
16-3.807-3 Cost or pricing data.
16-3.807-4 Certificate of current cost or pricing data.
16-3.807-5 Defective cost or pricing data.
16-3.807-6 Refusal to provide cost or pricing data.
16-3.807-7 Unacceptable substitutes for pricing negotiations.
16-3.807-8 Evaluation and pricing of individual contracts.
16-3.807-9 Specified contingencies.
16-3.807-10 Subcontracting considerations in cost analysis.
16-3.807-11 Overhead rate consideration.
16-3.807-12 Sole source items.
16-3.807-50 Certificate of community rating.
16-3.808 Service charge.
16-3.808-50 Additional factors and considerations for determining the service charge.
16-3.809 Contract audit as a pricing aid.
16-3.810 Exchange of information.
16-3.811 Record of price negotiation.
16-3.812 Disposition of postaward audits.
16-3.813 Startup and other nonrecurring costs.
16-3.814 Contract clauses.
16-3.814-50 Price reduction for defective certificate of community rating.

Subpart 16-3.9—Subcontracting Policies and Procedures

16-3.903-2 Review and approval of subcontracts.
16-3.903-50 Subcontract clause.

Subpart 16-3.12—Cost Accounting Standards

16-3.1200 Scope of subpart.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

§ 16-3.000 Scope of part.

This part prescribes policies and procedures which shall be observed by OPM in connection with procurement by negotiation under the Federal Employees Health Benefits Program (FEHBP).

Subpart 16-3.1—Use of Negotiation

§ 16-3.100 Scope of subpart.

This subpart deals with the nature and use of negotiation in the award of contracts under the Federal Employees Health Benefits Program (FEHBP).

§ 16-3.101 General requirements for negotiation.

FPR 1-3.101 (b) and (c) are applicable to the administration of the FEHBP contracts.

§ 16-3.102 Factors to be considered in negotiating contracts.

FPR 1-3.102 is applicable to the administration of the FEHBP contracts. Additional factors to be considered are provided in 5 CFR 890.201 and 890.202.

§ 16-3.103 Dissemination of procurement information.

FPR 1-3.103(a) is applicable to the administration of FEHBP contracts.

§ 16-3.104 Disclosure of mistakes after award.

FPR 1-3.104 is applicable to the administration of FEHBP contracts.

Subpart 16-3.2—Circumstances Permitting Negotiation

§ 16-3.200 Scope of subpart.

FPR 1-3.200 is applicable to the administration of the FEHBP contracts.

§ 16-3.215 Otherwise authorized by law.

(a) Pursuant to the authority of section 302(c)(15) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)(15)) purchases and contracts may be negotiated without formal advertising if "otherwise authorized by law." This provision preserves the authority to negotiate contracts conferred by other legislation.

(b) Contracts between OPM and health benefits carriers are contracted for "without regard to section 5 of title 41 or other statute requiring competitive bidding." [5 U.S.C. 8902] This statutory authority is construed to authorize negotiation pursuant to section 302(c)(15) of the Act and without regard to the advertising requirements of sections 302(c) and 303 of the Act (see FPR 1-3.215(c)).

Subpart 16-3.3—Determinations, Findings, and Authorities

§ 16-3.301 General.

The following sections regarding determinations, findings, and authorities are applicable to the administration of the FEHBP contracts.

FPR 1-3.301
FPR 1-3.302(e)
FPR 1-3.305
FPR 1-3.308 (a), (b), and (d)

Subpart 16-3.4—Types of Contracts

§ 16-3.400 Scope of subpart.

This subpart (a) describes and defines the types of contracts used in the Federal Employees Health Benefits Program; (b) defines the areas of applicability in which each type of contract may be used appropriately and sets forth considerations and policies governing the choice of type of contract; and (c) imposes conditions on the use of certain of the available contract types.

§ 16-3.401 Type of Contracts.

(a) The Federal Employees Health Benefits Act provides that the Office of Personnel Management may contract with qualified carriers offering the following four types of health benefit plans: (1) Service Benefit Plan, (2) Indemnity Benefit Plan, (3) Employee Organization Plans, and (4) Comprehensive Medical Plans. [5 U.S.C. 8903] The Act provides that rates charged under these health benefit plans shall reasonably and equitably reflect the cost of the benefits provided. Rates determined for the first contract year of the Service Benefit Plan and the Indemnity Benefit Plan shall be continued for later contract terms, except that they may be readjusted for any later term, based upon past experience and benefit adjustments under the later contract. Two types of contracts are used in the FEHBP, experience rated, which is required by the Act for the Service Benefit Plan and Indemnity Benefit Plan, and community rated. Definitions and explanations of these two contract types are contained in Part 4, of this Chapter 16, "Special Types and Methods of Procurement."

(b) Other contract types or combination of types which will promote the best interest of the Government, subject to the restrictions in FPR 1-3.401(b) or in 5 U.S.C. 8902(i), may be negotiated if appropriate in the circumstance. To the extent that a contract type other than experience rated or community rated is selected, the relevant subsection of FPR Subpart 1-3.4 would apply.

Subpart 16-3.8—Price Negotiation Policies and Techniques

§ 16-3.800 Scope of subpart.

FPR 1-3.800 is applicable to the administration of the FEHBP contracts. The renegotiation of rates or benefits in an FEHBP contract constitute a modification as intended by FPR 1-3.800.

§ 16-3.801 Basic policy.

FPR 1-3.801 is applicable to the administration of the FEHBP contracts and is supplemented as follows: The FEHBP contract pricing team specified in FPR 1-3.801-3(b)(1) may include an actuary.

§ 16-3.802 Preparation for negotiation.

The provisions of FPR 1-3.802 should be adapted to the FEHBP procedures and requirements as specified in Part 4 of this Chapter 16, "Special Types and Methods of Procurement" and 5 CFR 890.203.

§ 16-3.803 Type of contract.

FPR 1-3.803 is applicable to the administration of the FEHBP contracts.

§ 16-3.804 Conduct of negotiations.

FPR 1-3.804 is applicable to the administration of the FEHBP contracts.

§ 16-3.805 Selection of offerors for negotiation and award.

Application for approval of, and proposal of amendments to, health benefits plans should be made according to the procedures set out in 5 CFR Part 890.

§ 16-3.806 Cost, profit, and price relationship.

FPR 1-3.806 is applicable to the administration of the FEHBP contracts.

§ 16-3.807 Pricing techniques.

§ 16-3.807-1 General.

FPR 1-3.807-1 (a) and (b)(2) are applicable to the administration of the FEHBP contracts.

§ 16-3.807-2 Requirements for price or cost analysis.

FPR 1-3.807-2 is applicable to the administration of FEHBP contracts.

§ 16-3.807-3 Cost or pricing data.

(a) FPR 1-3.807-3 is applicable to the administration of FEHBP contracts. To clarify implementation of the cost or pricing data requirement on the FEHBP, the following supplement information is provided:

(1) A community rated contract by definition (see OPMPR 16-4.152-1(a)) meets the exception cited in FPR 1-3.807-3(b)(1)(ii). Consequently, the contracting officer need not apply FPR 1-3.807-3(a) to carriers offering community rated plan contracts. The contracting officer may, however, require the carrier of a community rated plan to demonstrate that the community rate is in fact a community rate. In any event, the carrier shall be required to submit a certificate in accordance with OPMPR 16-3.807-50 certifying that the proposed rates are in fact a community rate as defined by OPMPR 16-4.151-2. Cost and pricing data may be required for any portion of the proposed rate that is not a part of the community rate if that portion is otherwise in accordance with the dollar criteria of FPR 1-3.807-3.

(2) Since cost or pricing data is not required for a community rated contract, subcontract cost and pricing data as referred to in FPR 1-3.807-3(d)(1) need not be requested by the contracting officer.

(3) The contracting officer shall require carriers offering experience rated plan contracts to submit written cost or pricing data in accordance with FPR 1-3.807-3. Generally, each experience rated plan shall be required to submit, with its rate proposal, a projection of its operations for completion of the current year and for succeeding contract year(s), and to explain the derivation of each item in the projection. Data supplied by the carrier will be checked against reports filed by the carrier showing monthly paid claims incurred by quarter of each year. The data in these reports will also be verified by comparison to the carrier's annual accounting statement filed with OPM. The Office of Actuary will review the information filed by the carrier and compare the carrier's data with an independent projection developed by the actuary.

(4) A carrier offering an experience rated plan which is required to submit and certify cost or pricing data in accordance with FPR 1-3.807-3 shall be required along with its own submission to submit, or arrange for the submission of, cost or pricing data from its subcontractors as stated in FPR 1-3.807-3(d). See OPMPR 16-4.151-13 for definition of subcontractor.

(b) [Reserved.]

§ 16-3.807-4 Certificate of current cost or pricing data.

Where a certificate of cost or pricing data is required in accordance with FPR 1-3.807-3, a certificate in the form specified in FPR 1-3.807-4 shall be submitted as soon as practicable after agreement is reached on the contract subscription rates.

§ 16-3.807-5 Defective cost or pricing data.

FPR 1-3.807-5 is applicable to the administration of the FEHBP contracts.

§ 16-3.807-6 Refusal to provide cost or pricing data.

FPR 1-3.807-6 is applicable to the administration of the FEHBP contracts.

§ 16-3.807-7 Unacceptable substitutes for pricing negotiations.

FPR 1-3.807-7 is applicable to the administration of the FEHBP contracts.

§ 16-3.807-8 Evaluation and pricing of individual contracts.

FPR 1-3.807-8 is applicable to the administration of the FEHBP contracts. Application of this paragraph should not be confused with the readjustment of rates on an experience rated contract. Surpluses or deficits on experience rated contracts should be considered in the adjustment of rates upon the renewal of contracts.

§ 16-3.807-9 Specified contingencies.

FPR 1-3.807-9 is applicable to the administration of the FEHBP contracts.

§ 16-3.807-10 Subcontracting considerations in cost analysis.

FPR 1-3.807-10 is applicable to the administration of the FEHBP contracts.

§ 16-3.807-11 Overhead rate consideration.

FPR 1-3.807-11 is applicable to the administration of the FEHBP contracts except that overhead or indirect costs are known as administrative expenses in the FEHBP.

§ 16-3.807-12 Sole source items.

FPR 1-3.807-12 is applicable to the administration of the FEHBP contracts.

§ 16-3.807-50 Certificate of community rating.

(a) Each carrier proposing a community rate shall submit the following certification with its proposal:

Certificate of Community Rating

This is to certify that the proposed subscription rate is a community rate in accordance with OPMPR 16-4.151-2.

(b) If it is subsequently found after agreement is reached on the subscription rate that the community rate is not a community rate as defined by OPMPR 16-4.151-2, the Government is entitled to a price reduction if the costs would have been lower had the contract been experience rated. The clause set forth in OPMPR 16-3.814-50 shall be inserted in each community rated contract.

§ 16-3.808 Service charge.

FEHBP carriers shall apply the principles set out in FPR Temporary Regulation 61, 46 FR 27645-27649, dated May 21, 1981 in the administration of FEHBP contracts.

§ 16-3.808-50 Additional factors and considerations for determining the service charge.

(a) In the construction of a subscription rate, the insurance industry includes a charge known as "retentions". Retentions represent the excess of premiums over benefit claim expenses and subscriber dividends. Retentions specifically include administrative expenses, a return to stockholders, if any, on their capital investments, and a contribution to reserves.

(b) In community rated contracts, the rate paid by the government is the same rate that is or will be charged on the effective date to the carrier's other policy holders selecting the same level of benefits. Consequently, a community-rated contract is assumed to include an adequate and competitive retention charge. Under FEHBP experience rated contracts, administrative expenses are determined on the basis of actual costs incurred and the balance of the retention charge is a negotiated sum. The part that is negotiated, i.e., return to stockholders and contributions to reverves, is not unlike "profit" or "fee". However, this negotiated sum in the FEHBP is known as the "service charge".

(c) The carrier may propose a service charge for a variety of reasons, such as, providing a return to stockholders and/or a contribution to reserves. However, the carrier's basis for determining a service charge may differ from OPM's basis for determining the reasonableness of a proposed service charge. In evaluating the reasonableness of a proposed service charge, the contracting officer shall only consider those factors which relate to the risk in or performance under the contract.

(d) The service charge is a negotiated amount which may or may not be proposed by an experience rated carrier in the FEHBP. If proposed, the contracting officer shall evaluate the reasonableness of the proposed service charge on the basis of the general factors identified in FPR 1-3.808-2 and the following factors which are directly pertinent to FEHBP experience rated contracts. These factors are solely for the purpose of analysis by the contracting officer and do not represent a basis for which a carrier may claim a service charge.

(1) *Underwriting risk.* The degree of risk assumed by the carrier should influence the amount of the service charge. Although the carrier underwrites the contract, that is, assumes the risk of loss in any one contract year, experience rating allows the loss in any one contract year to be recovered in future years. In effect, the contract is redetermined on the basis of actual costs incurred. Consequently, a loss on the contract can only result if the contract is terminated in a year in which the contract has a cumulative deficit or if the administrative cost ceiling is exceeded. In the first situation, the contract might provide for some additional indemnification. The amount of service charge for underwriting risk in this case should be minimal unless other circumstances in a particular situation warrant greater consideration.

(2) *Conversions.* The FEHB law provides that for an employee whose enrollment is ended, except by cancellation, the carrier must offer the employee the option to convert, without evidence of good health, to a nongroup contract providing health benefits. [5 U.S.C. 8902(g)] The potential conversions of persons with preexisting conditions represent an underwriting risk that is fully assumed by the carrier and the service charge should be influenced accordingly.

(3) *Extent of Government financial assistance.* Generally, the FEHBP contracts are intended to be self-supporting. The premiums are paid to the carrier semi-monthly and are set so as to recover all projected costs, including a reserve for unpaid, but incurred claims. Consequently, premiums paid from the Federal Employees Health Benefits Fund generally finance the cost of the contract. Because of its underwriting responsiblities, however, the carrier may have to finance contract operations during periods of underwriting losses that deplete contract reserves until a time when premiums can be adjusted to restore them. Therefore, financing considerations should generally have a negative influence on the amount of service charge, except when, due to underwriting losses, the carrier must finance opeartions. The latter condition would have a positive influence on the service charge and can be recognized in the renewal of subscription rates when the condition actually exists.

(4) *Extent of the carrier's investment in facilities.* The carrier is expected to provide the facilities necessary to perform the contract either with equity or borrowed capital. Contract funds may not be used to purchase carrier assets. Consequently, the carrier's investment in facilities will be taken into consideration in evaluating the reasonableness of a proposed service charge if the cost of facilities capital is not otherwise recognized as an allowable cost in accordance with FPR 1-15.205-51. [See 46 FR 27645-27649 dated May 21, 1981.]

(5) *Carrier's performance.* The contracting officer may consider performance elements, such as, quality of service to subscribers, timeliness and accuracy in processing benefit claims, health care cost containment, and timeliness and accuracy of reports required by OPM. Where the carrier has consistently achieved excellent results in the foregoing areas, this performance merits a proportionately greater opportunity for service charges. Conversely, a poor record in this regard may have a negative influence on the amount of the service charge.

(6) *Subcontracting.* Carriers provide health benefits plans for the FEHBP through a wide variety of organizational structures and contractual arrangements. In some instances, a significant portion of a health benefits plan is subcontracted so that only a minimum amount of responsibility or risk remains with the FEHBP carrier. The contracting officer shall ensure that in these instances there is no unreasonable pyramiding of the service charge.

(7) *Other considerations.* In renegotiating a service charge during contract renewals, the contracting officer may also consider any significant changes in the health plan's enrollment and changes in the consumer price index.

§ 16-3.809 Contract audit as a pricing aid.

Each health benefits plan is audited by the Audits Division, Compensation Group, OPM, on a periodic basis according to a schedule determined by the Audits Division in consultation with the contracting officer. The Audits Division prepares audit reports which are supplied to the contracting officer and the Office of the Actuary. The contracting officer utilizes these audit reports in evaluating the validity and accuracy of data submitted by the carriers, in conducting negotiations on rates proposed by carriers, and in evaluating the efficiency and effectiveness of carrier operations. The audit function as stated in FPR 1-3.809 is generally applicable to the administration of FEHBP contracts. However, due to the distinctive nature of the FEHBP contracts, the contracting officer need not make a specific request for an audit review of revised subscription rates on experience rated contract renewals. The evaluation of projections and trends in estimating health insurance subscription rates requires the expertise of an actuary. The subscription rate estimates are, consequently, reviewed by the Office of the Actuary. One component of the estimated subscription rate is the balance of the Special Reserve, that is, the contract surplus or deficit (see 5 CFR 890.201(8)). The Audits Division conducts periodic audits on an historical basis of carrier costs and thereby verifies the propriety of the reported Special Reserve balance. Although these reviews are not labeled as precontract audits, they amount to audits of the costs upon which future subscription rates are predicated. Therefore, in the

context of the FEHBP, a post-contract audit is the functional equivalent of the precontract audit required by FPR 1–3.809.

§ 16–3.810 Exchange of information.

FPR 1–3.810 is applicable to the administration of FEHBP contracts.

§ 16–3.811 Record of price negotiation.

FPR 1–3.811 is applicable to the administration of FEHBP contracts.

§ 16–3.812 Disposition of postaward audits.

FPR 1–3.812 is applicable to the administration of FEHBP contracts.

§ 16–3.813 Startup and other nonrecurring costs.

In order for a new carrier to provide benefits on the effective date of the FEHBP contract, a certain amount of start-up costs are necessary. For experience rated contracts, the contracting officer shall determine whether it is the carrier's intention to absorb these precontract costs or to recover them from the contract. When the carrier has conveyed its intention to absorb any portion of the start-up cost, there shall be an express contractual provision that such portion will not be charged to the contract.

§ 16–3.814 Contract clauses.

The appropriate contract clause specified in FPR 1–3.814 shall be included in each FEHBP contract.

§ 16–3.814–50 Price reduction for defective certificate of community rating.

The following clause shall be included in all contracts where the subscription rate was established on the basis of a community rate:

Price Reduction For Defective Certificate Of Community Rating

If it is determined that the subscription rate is not a community rate, as certified; and it is determined that on the basis of experience rating the cost to the Government would be lower, the price of the contract shall be reduced to that price which would have resulted had the contract been experience rated. In this event, the experience rated price shall be determined on the basis of actual costs incurred in accordance with 41 CFR 1–15.2, not to exceed the community rated price. Refunds due the Government shall be used to reduce future FEHBP subscription charges of the carrier.

Subpart 16–3.9—Subcontracting Policies and Procedures

§ 16–3.903–2 Review and approval of subcontracts.

FPR 1–2.903–2 is applicable to the administration of the FEHBP contracts. Under experience rated FEHBP contracts, advance approval shall be required on all subcontracts or modifications to subcontracts which provide for the administrative services for the FEHB Program, the adjudication of FEHBP benefits, and/or the underwriting of FEHBP benefits. The subcontract clause specified in OPMPR 16–3.903–50 shall be included in each experience rated contract.

§ 16–3.903–50 Subcontract clause.

Subcontracts

(a) The Contractor shall notify the Contracting Officer reasonably in advance of entering into any subcontract or subcontract modification if the subcontract provides for administrative services for the FEHB Program, the adjudication of FEHBP benefits, and/or the underwriting of FEHBP benefits.

(b) The advance notification required by paragraph (a) above shall include:

(i) A description of the services to be called for by the subcontract;

(ii) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected;

(iii) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(iv) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data, when such data and certificates are required by other provisions of this contract to be obtained from the subcontractor;

(v) Identification of the type of subcontract to be used;

(vi) A memorandum of negotiation which sets forth the principal elements of the subcontract price negotiations. A copy of this memorandum shall be retained in the Contractor's file for the use of Government reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of initial or revised prices. The memorandum should include an explanation of why cost or pricing data was, or was not, required and, if it was not required in the case of any price negotiation in excess of $100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. If cost or pricing data was submitted and a certificate of cost or pricing data was required, the memorandum shall reflect the extent to which reliance was not placed upon the factual cost or pricing data submitted and the extent to which this data was not used by the Contractor in determining the total price objective and in negotiating the final price. The memorandum shall also reflect the extent to which it was recognized in the negotiation that any cost or pricing data submitted by the subcontractor was not accurate, complete, or current; the action taken by the Contractor and the subcontractor as a result; and the effect, if any, of such defective data on the total price negotiated. Where the total price negotiated differs significantly from the Contractor's total price objective, the memorandum shall explain this difference;

(vii) When incentives are used, the memorandum of negotiation shall contain an explanation of the incentive fee profit plan identifying each critical performance element, management decisions used to quantify each incentive element, reasons for incentives on particular performance characteristics, and a brief summary of trade-off possibilities considered as to cost, performance, and time; and

(viii) The Subcontractor's Disclosure Statement or Certificate relating to Cost Accounting Standards when such data are required by other provisions of this contract to be obtained from the subcontractor.

(c) The Contractor shall not enter into any subcontract for which advance notification to the Contracting Officer is required by this clause, without the prior written consent of the Contracting Officer; Provided, that the Contracting Officer in his discretion, may ratify in writing any subcontract. Such ratification shall constitute the consent of the Contracting Officer required by this paragraph.

(d) Consent by the Contracting Officer to any subcontract or any provisions thereof shall not be construed to be a determination of the acceptability of any subcontract price or of any amount paid under any subcontract or to relieve the Contractor of any responsibility for performing this contract, unless such approval or consent specifically provides otherwise.

(e) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

Subpart 16–3.12—Cost Accounting Standard

§ 16–3.1200 Scope of subpart.

FPR 1–3.12 is applicable to the administration of FEHBP contracts and should be applied to each contract which meets the criteria therein. Applicability to FEHBP contracts is summarized as follows:

(a) Disclosure statements are not required under FEHBP contracts (FPR 1–3.1203–1)

(b) Cost Accounting Standards are applicable to FEHBP contracts which will usually meet the criteria for the modified contract clause (FPR 1–3.1204–2(b)) except that the following FEHBP contracts would be exempt from CAS coverage in accordance with FPR 1–3.1203–2(c):

(1) Community rated contracts,

(2) Small business concern contracts,

(3) Contracts under $500,000 unless the carrier is performing CAS covered contracts, in which case the FEHBP contract would be exempt if the amount of the contract is under $100,000.

PART 16-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 16-4.1—Federal Employees Health Benefits Contracts

Sec.
16-4.150 Scope and applicability of part.
16-4.151 Definition of terms.
16-4.151-1 Carrier.
16-4.151-2 Community rate.
16-4.151-3 Contractor.
16-4.151-4 Contract modification.
16-4.151-5 Contracting officer.
16-4.151-6 Director.
16-4.151-7 Experience rate.
16-4.151-8 FEHBP.
16-4.151-9 Government-wide plans.
16-4.151-10 Health benefits plan.
16-4.151-11 Negotiation.
16-4.151-12 OPM.
16-4.151-13 Subcontractor.
16-4.152 Policies and procedures.
16-4.152-1 Types of contracts.
16-4.152-2 Types of health plans.
16-4.152-3 Applications to participate in the FEHB Program
16-4.152-4 Proposals of existing FEHBP carriers.
16-4.152-5 Program requirements—information required of participating FEHBP plans.
16-4.153 Cost of benefits provided under experience rated contracts.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

Subpart 16-4.1—Federal Employees Health Benefits Contracts

§ 16-4.150 Scope and applicability of part.

This part describes the principal types of FEHBP contracts and sets forth policies and procedures used in connection with the procurement of health insurance coverage under the Federal Employees Health Benefits Program.

§ 16-4.151 Definition of terms.

For the purposes of this chapter, and unless otherwise indicated, the following terms have the meaning set forth in this subpart.

§ 16-4.151-1 Carrier.

"Carrier" means a voluntary association, corporation, partnership, or other nongovernmental organization which is lawfully engaged in providing, paying for, or reimbursing the cost of, health services under group insurance policies or contracts, medical or hospital service agreements, membership or subscription contracts, or similar group arrangements, in consideration of premiums or other periodic charges payable to the carrier, including a health benefits plan duly sponsored or underwritten by an employee organization. [5 U.S.C. 8901(7)]

§ 16-4.151-2 Community rate.

"Community rate" means a rate equivalent to that charged to all groups of the carrier during the period of the contract for the same level of health benefits, regardless of the differences among the groups in actual or projected utilization of health care services.

§ 16-4.151-3 Contractor.

"Contractor" means carrier.

§ 16-4.151-4 Contract modification.

"Contract modification" means any written alteration in the requirements, rates, or other contract provisions of an existing contract, whether accomplished by unilateral action in accordance with a contract provision or by mutual action of the carrier and OPM.

§ 16-4.151-5 Contracting officer.

"Contracting officer" means an official designated to enter into or administer contracts and make related determinations and findings. The contracting officer for FEHBP contracts is the Assistant Director for Insurance Programs.

§ 16-4.151-6 Director.

"Director" means the Director, Office of Personnel Management.

§ 16-4.151-7 Experience rate.

"Experience rate" means a rate for a given group which is the product of that group's actual paid claims, administrative expenses, retentions, and *estimated* claims incurred but not reported, adjusted for benefit modifications, utilization trends, and trends in the economy.

§ 16-4.151-8 FEHBP.

"FEHBP" means the Federal Employees Health Benefits Program.

§ 16-4.151-9 Government-wide plans.

"Government-wide plans" means the service benefit plan and the indemnity benefit plan.

§ 16-4.151-10 Health benefits plan.

"Health benefits plan" means a group insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar group arrangements provided by a carrier for the purpose of providing, paying for, or reimbursing expenses for health services. [5 U.S.C. 8901(6)]

§ 16-4.151-11 Negotiation.

"Negotiation" means the procedure for making contracts without formal advertising.

§ 16-4.151-12 OPM.

"OPM" means the Office of Personnel Management.

§ 16-4.151-13 Subcontractor.

"Subcontractor" means one who performs for and takes from the prime contractor a specific part of the original requirements of the prime contract. In a contract for health insurance, original requirements comprise administrative services for the FEHB Program, the adjudication of FEHBP benefits, and/or the underwriting of FEHBP benefits. In a contract for health services, as in a comprehensive plan group practice type arrangement, original requirements comprise administrative services for the FEHB Program, the adjudication of FEHBP benefits, the underwriting of FEHBP benefits, and/or the provision of medical services through groups of physicians as defined by 5 U.S.C. 8903(4)(A).

§ 16-4.152 Policies and procedures.

§ 16-4.152-1 Types of contracts.

Section 890, Title 5, United States Code, authorizes the Office of Personnel Management to enter into contracts with health benefits carriers to provide health benefits coverage for Federal employees and annuitants. Contracts between OPM and health benefits carriers are of two principle types, community rated and experience rated.

(a) *Community rated contract.* In a community rated contract:

(1) The subscription charge per subscriber is fixed for the term of the contract and is not subject to redetermination;

(2) The subscription rate is determined on the bases of a given level of benefits on a per person or per family basis which may vary with the number of persons in the family, but must be equivalent for all individuals and for all families of similar composition. The rate is determined without regard to the level of services required by any one subscriber group, but is sufficient to cover the cost of benefits delivered to all enrollees of the carrier purchasing the same level of benefits;

(3) The rate charged to Federal subscribers may differ somewhat from the community rate because: (i) certain additional benefits above the basic package may be provided to Federal subscribers (the costs of these benefits are referred to as "benefit loadings"); and (ii) minor adjustments from the community rate may be made in the rate charged to Federal subscribers to cover unique requirements of the Federal Employees Health Benefits Program (these adjustments are referred to as "standard loadings" and in some cases may be cost reductions (negative loadings)). Where, because of lead-time

requirements in rate negotiations, an estimated community rate is used, and subsequently the actual community rate turns out to differ from the estimated rate, some readjustment may be made.

(b) *Experience rated contract.* (1) In an experienced rated contract, the subscription charge per subscriber is fixed at the beginning of the contract term, but is subject to redetermination based upon actual cost incurred. [See OPMPR 16–4.153]

(2) If upon redetermination there is a surplus of the subscription charges collected by the carrier over the cost of providing the benefits, the surplus is carried forward to the next contract term as a positive balance in an account called the "special reserve." Conversely, if the cost of providing the benefits exceeds the subscription charges collected, the deficit is carried forward to the next contract term as a negative special reserve balance. The special reserve balance becomes a factor in determining subscription charges for the next contract term.

(3) Subscription charges held by the carrier which are in excess of the funds needed to discharge promptly the obligations incurred under the FEHBP contract must be invested and the income derived from the invested funds must be credited to the special reserve. [See 5 CFR 890.201(a)(8)]

§ 16–4.152–2 Types of health plans.

OPM contracts for the following health benefits plans:

(a) Service Benefit Plan
(b) Indemnity Benefit Plan
(c) Employee Organization Plans
(d) Comprehensive Medical Plans

A description of these plans is set out at 5 U.S.C. 8903.

§ 16–4.152–3 Applications to participate in the FEHB Program.

By regulation (5 CFR 890.203), applications from carriers for participation in the FEHBP shall be accepted only for comprehensive medical plans and shall be submitted by March 31 preceding the contract year to which they refer. In its solicitation for new plans, OPM shall request detailed information of each carrier expressing interest in participating in the FEHBP. The Office of the Assistant Director for Insurance Programs and the Office of the Chief Actuary shall evaluate the information received as set out in 5 U.S.C. Chapter 89, 5 CFR Part 890, and this Chapter 16, and the contracting officer shall notify carriers meeting these requirements of their approval to participate in the FEHBP during the following contract year. Since each application is considered on its own merits, there is no competition between offerors as is the case in other types of procurements. Negotiation for benefits and rates shall be completed no later than September 30 preceding the contract year to which they apply.

§ 16–4.152–4 Proposals of existing FEHBP carriers.

For plans which are under contract with OPM, a "call letter" shall be issued to the carrier on or about March 1 of each year soliciting benefits and rate proposals. Negotiation for new benefits shall begin on May 1, and all benefit and rate negotiations shall be completed no later than September 30 preceding the contract year to which they apply.

§ 16–4.152–5 Program requirements—information required of participating FEHBP carriers.

(a) At the times and in the form specified by OPM, participating carriers shall submit the following: enrollment data, utilization data, and a statement of program financial operations including the corresponding CPA statement on carrier operations.

(b) The Office of the Assistant Director for Insurance shall review the data to evaluate the management of financial and other resources. Information obtained in the analysis of these reports shall be used in determining the carrier's continuing ability to meet the statutory and regulatory requirements of 5 U.S.C. Chapter 89, 5 CFR Part 890, and the requirements of this Chapter 16.

§ 16–4.153 Cost of benefits provided under experience rated contracts.

In an experience rated contract, the cost of benefits provided represents the actual costs incurred under the contract. The actual costs of the contract consist of the benefit payments made or accrued, plus administrative expenses incurred in adjudicating benefit claims and in the general operations of the carrier, plus the service charge and less investment income earned. In the absence of specific contract terms to the contrary, contract costs will be classified in accordance with the following criteria:

(a) *Benefits.* Benefit costs consist of payments made and liabilities incurred for covered health care services on the behalf of FEHBP subscribers, less any refunds, rebates, allowances or other credits received. If the FEHBP benefit costs must be determined on an indirect basis, the cost shall be determined in accordance with FPR 1–15.203.

(b) *Administrative expenses.* Administrative expenses consist of all allocable, allowable and reasonable expenses incurred in the adjudication of subscriber benefit claims or incurred in the carrier's overall operation of the business. Unless otherwise stated in the contract, administrative expenses include, in part: all taxes including premium taxes, insurance and reinsurance premiums, medical consultants used in the adjudication process, concurrent care review when not billed by a health care provider and other forms of utilization review, the cost of maintaining eligibility files, and legal expenses incurred in the litigation of benefit payments. The amounts charged to the contract shall be actual, necessary expenses incurred in connection with administration of the contract, determined on a equitable and reasonable basis, with proper justification and accounting support, and in accordance with FPR 1–15.2. Administrative expenses exclude the cost of carrier personnel, equipment, and facilities directly used in the delivery of health care services and the expense of managing the FEHBP investment program.

(c) *Investment income.* The carrier is required to invest and reinvest all funds on hand, including any in the special reserve or any attributable to the reserve for incurred but unpaid claims, which are in excess of the funds needed to discharge promptly the obligations incurred under the contract. Investment income represents the amount earned by the carrier as a result of investing the FEHBP funds. The improper use of FEHBP contract funds does not relieve the carrier of the obligation of crediting the special reserve for investment income that would have been earned had it not been for the improper use of funds; consequently, the contracting officer shall insert the clause at OPMPR 16–7.503–6. The investment income earned may be offset with the expenses attributable to the investment program.

(d) *Service charge.* The service charge is a negotiated sum (see OPMPR 16–3.808).

(e) *Other items.* (1) *Mandatory statutory reserves.* Charges for mandatory statutory reserves are not allowable unless specifically provided for in the contract. When the term "mandatory statutory reserve" is specifically identified as an allowable contract charge without further definition or explanation, it means a requirement imposed by State law upon the carrier to set aside a specific amount or rate of funds into a restricted reserve that is separate and apart from all other reserves and surpluses of the carrier and may be used only in emergency situations with the specific approval of the State Insurance Commissioner. The

amount chargeable to the contract may not exceed an allocable portion of the amount actually set aside. If the statutory reserve is no longer required for the purpose for which if was created, and these funds become available for the general use of the carrier, a pro rata share based upon FEHBP's contribution to the total carrier's set aside shall be returned to the FEHBP in accordance with FPR 1-15.201-5.

(2) *Premium taxes.* When the term "premium taxes" is used in the contract without further definition or explanation, it means a tax imposed by State or local statutes upon the carrier's gross or net premiums received.

PART 16.7—CONTRACT CLAUSES

Subpart 16-7.50—FEHBP Contract Clauses

Sec.
16-7.500 Scope of subpart.
16-7.502 Required clauses.
16-7.502-1 Definitions.
16-7.502-2 Disputes.
16-7.502-3 Equal opportunity.
16-7.502-4 Officials not to benefit.
16-7.502-5 Covenant against contingent fees.
16-7.502-6 Pricing of adjustments.
16-7.502-7 Employment of the handicapped.
16-7.502-8 Clean air and water.
16-7.502-9 Examination of records by the Comptroller General.
16-7.502-10 Confidentiality of records.
16-7.502-11 Convict labor.
16-7.502-12 Listing of employment openings.
16-7.502-13 Preference for U.S. flag air carriers.
16-7.503 Clauses to be used in experience rated contracts.
16-7.503-1 Price reduction for defective cost or pricing data.
16-7.503-2 Audit and records.
16-7.503-3 Subcontractor cost and pricing data.
16-7.503-4 Cost accounting standards.
16-7.503-5 Subcontracts.
16-7.503-6 Investment income.
16-7.504 Clauses to be used in community rated contracts.
16-7.504-1 Price reduction for defective certificate of community rating.
16-7.504-2 Audit and records.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

Subpart 16-7.50—FEHBP Contract Clauses

§ 16-7.500 Scope of subpart.

This subpart sets forth contract clauses for use in all FEHBP contracts.

§ 16-7.502 Required clauses.

The clauses set forth in this § 16-7.502 shall be attached, included in, or incorporated by reference in all FEHBP contracts.

§ 16-7.502-1 Definitions.

Insert the clauses set forth in FPR 1-7.102-1.

§ 16-7.502-2 Disputes.

Insert the following clause as set forth in Temporary Regulation 55, 45 FR 35815, dated May 28, 1980:

Disputes Clause

(a) This contract is subject to the Contract Disputes Act of 1978 (Pub. L. 95-563).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved in accordance with this clause.

(c)(i) As used herein, "claim" means a written demand or assertion by one of the parties seeking as a legal right, the payment of money, adjustment or interpretation of contract terms, or other relief, arising under or relating to this contract.

(ii) A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently not acted upon in a reasonable time, or disputed either as to liability or amount, it may be converted to a claim pursuant to the Act.

(iii) A claim by the contractor shall be made in writing and submitted to the contracting officer for decision. A claim by the Government against the contractor shall be subject to a decision by the Contracting Officer.

(d) For contractor claims of more than $50,000 the contractor shall submit with the claim a certification that the claim is made in good faith; the supporting data are accurate and complete to the best of the contractor's knowledge and belief; and the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable. The certification shall be executed by the contractor if an individual. When the contractor is not an individual, the certification shall be executed by a senior official in charge at the contractor's plan or location involved, or by having overall responsibility for the conduct of the contractor's affairs.

(e) For contractor claims of $50,000 or less, the Contracting Officer must render a decision within 60 days. For contractor claims in excess of $50,000 the Contracting Officer must decide the claim within 60 days or notify the contractor of the date when the decision will be made.

(f) The Contracting Officer's decision shall be final unless the contractor appeals or files a suit as provided in the Act.

(g) The authority of the Contracting Officer under the Act does not extend to claims or disputes which by statute or regulation other agencies are expressly authorized to decide.

(h) Interest on the amount found due on a contractor claim shall be paid from the date the claim is received by the Contracting Officer until the date of payment.

(i) Except as the parties may otherwise agree, pending final resolution of a claim by the contractor arising under the contract, the contractor shall proceed diligently with the performance of the contract in accordance with the contracting officer's decision.

§ 16-7.502-3 Equal opportunity.

Insert the clause set forth in FPR 1-12.803-2.

§ 16-7.502-4 Officials not to benefit.

Insert the clause set forth in FPR 1-7.102-17.

§ 16-7.502-5 Covenant against contingent fees.

Insert the clause set forth in FPR 1-1.503.

§ 16-7.502-6 Pricing of adjustments.

Insert the clause set forth in FPR 1-7.102-20.

§ 16-7.502-7 Employment of the handicapped.

Insert the clause set forth in FPR 60-741.4 (Temporary Regulation 38, 41 FR 22817, dated June 7, 1976) in all contracts and subcontracts of $2,500 or more:

Employment of the Handicapped

(a) The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Rehabilitation Act of 1973, as amended.

(c) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.

(d) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, Office of Federal Contract Compliance Programs, Department of Labor, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of section 503 of the Act and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The contractor will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless

exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or purchase order as the Director, Office of Federal Contract Compliance Programs, may direct to enforce such provisions, including action for noncompliance.

§ 16-7.502-8 Clean air and water.

Insert the clause prescribed by FPR 1-1.2302-2.

§ 16-7.502-9 Examination of records by the Comptroller General.

Insert the clause set forth in FPR 1-7.103-3.

§ 16-7.502-10 Confidentiality of records.

Insert the following clause in all FEHBP contracts.

Confidentiality of Records

The Carrier shall use the personal data on employees and annuitants which is provided it by Agencies and OPM, including social security numbers, for only those routine uses stipulated for the data and published annally in the Federal Register as a part of OPM's notice of systems of records.

The Carrier shall also hold all medical records, and information relating thereto, of Federal subscribers and family members confidential except as authorized by the patient or guardian and except as disclosure is necessary to permit Government officials having authority to investigate and prosecute alleged criminal actions and to make audits of the contract and as necessary to carry out the coordination of benefits provisions of this contract.

§ 16-7.502-11 Convict labor.

Insert the clause set forth in FPR 1-12.204.

§ 16-7.502-12 Listing of employment openings.

Insert the clause set forth in Temporary Regulation 39 (41 FR 33265-33267 dated August 9, 1976).

§ 16-7.502-13 Preference for U.S. flag air carriers.

Insert the clause set forth in FPR 1-1.323-2.

§ 16-7.503 Clauses to be used in experience rated contracts.

The clauses set forth in this 16-7.503 shall be attached, included in, or incorporated by reference in all experience rated contracts.

§ 16-7.503-1 Price reduction for defective cost or pricing data.

Insert the clause set forth in FPR 1-3.814-1(a).

§ 16-7.503-2 Audit and records.

Insert the clause set forth in FPR 1-3.814-2.

§ 16-7.503-3 Subcontractor cost and pricing data.

Insert the clause set forth in FPR 1-3.814-3.

§ 16-7.503-4 Cost accounting standards.

Insert the appropriate contract clause set forth in FPR 1-3.1204-2.

§ 16-7.503-5 Subcontracts.

Insert the clause set forth in FPR 16-3.903-50.

§ 16-7.503-6 Investment income.

Insert the following clause:

Investment Income

(a) The carrier shall invest and reinvest all FEHBP funds on hand which are in excess of the funds needed to promptly discharge the obligations incurred under this contract. The carrier shall seek to maximize investment income with due consideration to the safety and liquidity of investments.

(b) All investment income earned on FEHBP funds shall be credited to the Special Reserve on behalf of the FEHBP.

(c) Where the Contracting Officer concludes that the carrier has failed to comply with paragraph (a) above, the Contracting Officer may direct the carrier to credit the Special Reserve for investment income that would have been earned had it not been for the carrier's lack of compliance. Failure to comply with paragraph (a) includes failure to use FEHBP funds for allowable purpose and failure to place excess funds in income producing investments and accounts. If directed, the carrier shall credit the Special Reserve for income that would have been earned had it no been for its failure to comply with the terms of this contract. In calculating the amount of the credit due FEHBP, the annual rate of earnings reflected in the FEHBP Annual Accounting Statement shall be used.

§ 16-7.504 Clauses to be used in community rated contracts.

The clauses set forth in this § 16-7.504 shall be attached, included in, or incorporated by reference in all community rated contracts.

§ 16-7.504-1 Price reduction for defective certificate of community rating.

Insert the clause set forth in FPR 16-3.814-50.

§ 16-7.504-2 Audit and records.

The following clause shall be included in all community rated contracts:

Audit and Records

The Carrier agrees to permit the OPM to examine the records of the Carrier under this contract as may be necessary to carry out the purposes of the Act and Regulations. The Carrier agrees that it will preserve records relating to a contract period for five (5) years after the close of the contract period to which the records relate.

PART 16-8—TERMINATION OF CONTRACTS

Subpart 16-8.1—Definition of Terms

Sec.
16-8.101 Definition.

Subpart 16-8.2—General Principles Applicable to Withdrawal of Approval of Health Benefits Carriers and Settlement of FEHBP Contracts

16-8.250 Provisions for withdrawal of approval.

Subpart 16-8.3—Clauses

16-8.700 Applicability of subpart.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

Subpart 16-8.1—Definition of Terms

§ 16-8.101 Definition.

For purposes of this part, "termination for convenience" means "withdrawal of approval."

Subpart 16-8.2—General Principles Applicable to Withdrawal of Approval of Health Benefits Carriers and Settlement of FEHBP Contracts

§ 16-8.250 Provisions for withdrawal of approval.

(a) Section 8902(e), title 5, United States Code, provides as follows: "Approval of a plan may be withdrawn only after notice and opportunity for hearing to the carrier concerned without regard to subchapter II of chapter 5 and chapter 7 of this title." Within the limitations of this statute, the provisions of FPR 1-8.2 and 1-8.3 shall be applied.

(b) Participating carriers which do not exhibit continuing ability to meet the requirements set out at 5 U.S.C. Chapter 89, 5 CFR Part 890, and this Chapter 16, shall be notified by the contracting officer of their deficiency. Within 10 days of the receipt of such notification, the nonconforming carrier shall provide OPM with evidence concerning the asserted deficiency. If the carrier fails to provide evidence satisfactory to OPM of its ability to meet its obligations under the contract, OPM shall require the carrier to present detailed plans, in a form prescribed by the OPM, for correcting the asserted deficiency. The carrier shall submit the plans within 20 days following receipt of notification. Pending submission or implementation of plans required under this section, the OPM may institute action as it deems necessary to protect the interests of enrollees, including, but not limited to: (1) suspending new enrollments under the contract; (2) advising enrollees of the asserted deficiencies and providing them an opportunity to transfer to another health plan. Failure to submit or to diligently implement plans which are

required under this section shall constitute sufficient grounds for withdrawal of the contract in accordance with the provisions for withdrawal of approval of health benefits plans set out at 5 CFR 890.205.

(c) Prior to withdrawal of the contract, the contracting officer shall seek to enter into an agreement with the carrier that provides for a procedure which includes, but is not limited to: (1) the settlement of benefit claims incurred during the period of the contract and the administrative costs incurred in settling claims; (2) the transfer of subscribers to another FEHBP carrier, and the administrative costs related to transferring such subscribers; and (3) the immediate disposition of excess funds in the special reserve of experience rated contracts.

Subpart 1-8.7—Clauses

§ 16-8.700 Applicability of subpart.

Termination for convenience of the government clauses set out in FPR 1-8.7 are not consistent with the provisions of 5 U.S.C. 8902(e) pertaining to the withdrawal of approval of FEHBP plans and, accordingly, have no practical application to the FEHBP contracts.

PART 16-11—FEDERAL, STATE, AND LOCAL TAXES

Subpart 16-11.50—Tax Treatment of FEHBP Contracts

Sec.

16-11.5000 Taxes in connection with the performance of community rated contracts.
16-11.5001 Taxes in connection with the performance of experience rated contracts.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

Subpart 16-11.50—Tax Treatment of FEHB Contracts

§ 16-11.5000 Taxes in connection with the performance of community rated contracts.

Taxes paid by community rated FEHB plans are reflected in the community rate which is fixed for the term of the contract and is not subject to redetermination. Consequently, FPR 1-11 is not applicable to community rated contracts.

§ 16-11.5001 Taxes in connection with the performance of experience rated contracts.

Federal, state and local taxes on experience rated contracts present solely a question of allowability of costs and are treated in FPR 1-15.

PART 16-12—LABOR

Subpart 16-12.1—Basic Labor Policies

Sec.

16-12.100 General.

Subpart 16-12.2—Convict Labor

16-12.201 General.
16-12.204 Contract clause.

Subpart 16-12.7—Fair Labor Standards Act of 1938

16-12.700 General.

Subpart 16-12.8—Equal Opportunity in Employment

16-12.801 General.

Subpart 16-12.10—Nondiscrimination Because of Age

16-12.1001 Policy.

Subpart 16-12.12—Williams-Steiger Occupational Safety and Health Act of 1970

16-12.1200 Policy.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

Subpart 16-12.1—Basic Labor Policies

§ 16-12.100 General.

FPR Subpart 1-12.1 is applicable to the administration of the FEHBP contracts.

Subpart 16-12.2—Convict Labor

§ 16-12.201 General.

FPR Subpart 1-12.2 is applicable to the administration of the FEHBP contracts.

§ 16-12.204 Contract clause.

The Convict Labor clause contained in FPR 1-12.204 shall be included in all FEHBP contracts.

Subpart 16-12.7—Fair Labor Standards Act of 1938

§ 16-12.700 General.

FPR Subpart 1-12.7 is applicable to the administration of the FEHBP contracts.

Subpart 16-12.8—Equal Opportunity in Employment

§ 16-12.801 General.

FPR subpart 1-12.8 is applicable to the administration of FEHBP contracts and all FEHBP contracts shall contain the Equal Opportunity clause contained in FPR 1-12.803-2.

Subpart 16-12.10—Nondiscrimination Because of Age

§ 16-12.1001 Policy.

OPM shall support the enforcement of Executive Order No. 11141 of February 12, 1964 which prescribes the public policy against discrimination on the basis of age by applying the provisions of FPR 1-12.10 in the administration of the FEHBP contracts.

Subpart 16-12.12—Williams-Steiger Occupational Safety and Health Act of 1970

§ 16-12.1200 Policy.

OPM shall support the enforcement of the Williams-Steiger Occupational and Health Act of 1970 (29 U.S.C. 651-678) by complying with the provisions of FPR 1-12.12 in the administration of the FEHBP contracts.

PART 16-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Sec.

16-15.000 Scope of part.

Subpart 16-15.1—Applicability

16-15.101 Scope of subpart.

Subpart 16-15.2—Contracts with FEHBP Carriers

16-15.200 Scope of subpart.
16-15.201 Basic considerations.
16-15.201-5 Credits.
16-15.205 Selected costs.
16-15.205-1 Advertising.
16-15.205-2 Bad debts.
16-15.205-6 Compensation for personal services.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

§ 16-15.000 Scope of part.

This part contains the general cost principles and procedures for the negotiation and administration of FEHBP contracts.

Subpart 16-15.1—Applicability

§ 16-15.101 Scope of subpart.

FPR 1-15.1 is applicable to the administration of FEHBP contracts. In accordance with FPR 1-15.106, Part 1-15 will be used whenever cost analysis is performed and whenever a fixed-price type contract clause requires the determination or negotiation of costs. Consequently, costs for an experience rated contract shall be determined in accordance with FPR 1-15.2. The cost principles of FPR 1-15 are not applicable to that portion of a community rated contract that does not require cost analysis and/or the determination or negotiation of costs.

Subpart 16-15.2—Contracts with FEHBP Carriers

§ 16-15.200 Scope of subpart.

FPR 1-15.2 is applicable in its entirety to FEHBP contracts that require cost analysis and/or the determination or negotiation of costs. As the need arises, OPM will publish guidelines in this chapter 16 to be used for interpreting the application of FPR 1-15.2 to the FEHBP

contracts. These guidelines are not intended as a deviation from or a substitute for the FPR 1–15 unless specifically stated. The guidelines are as follows:

§ 16–15.201 Basic considerations.

In the absence of specific contract terms to the contrary, FEHBP costs will be classified and defined in accordance with OPMPR 16–4.153.

§ 16–15.201–5 Credits.

The provisions of 1–15.201–5 shall apply to income, rebates, allowances and other credits resulting from benefit payments which include, but are not limited to, coordination of benefit refunds, hospital year-end settlements, uncashed checks, utilization review refunds, and refunds attributable to litigation with subscribers or providers of health services.

§ 16–15.205 Selected costs.

§ 16–15.205–1 Advertising.

(a) In applying the provisions of FPR 1–15.205–1 to charges for media advertising costs of an asserted "educational" purpose, or for any other purpose except as provided for in OPMPR 16–15.205–1(b), the degree of prominence given to the carrier's name in the advertising copy will be a decisive factor in determining whether the message is intended to call favorable attention to the advertiser for the purpose of enhancing its overall image to sell its health plan.

(b) The cost of media messages which are directed at advising current FEHBP subscribers on *how to obtain benefits* shall be an allowable expense within the meaning of FPR 1–15.205–1 since this service is directly related to performance of the FEHBP contract. If there is any question regarding the allowability of such a cost, the carrier may request an advance approval regarding the content and cost of the message.

§ 16–15.205–2 Bad debts.

The chargeability of erroneous benefit payments, overpayments and duplicate payments directly attributable to performance of the FEHBP contract shall be determined in accordance with the specific terms of the FEHBP contract. These erroneous benefit payments do not come within the intent of FPR 1–15.205–2.

§ 16–15.205–6 Compensation for personal services.

Overtime on an FEHBP contract would normally meet the condition specified in FPR 1–12.102–5; consequently, premiums for overtime, extra-pay shifts, and multi-shifts meeting the specified conditions shall be allowable without prior approval.

PART 16–20—RETENTION REQUIREMENTS FOR CONTRACTOR AND SUBCONTRACTOR RECORDS

Subpart 16–20.1—Purpose and Applicability

Sec.
16–20.102 Applicability.

Subpart 16–20.2—General Provisions

16–20.202 Other record retention requirements.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

Subpart 16–20.1—Purpose and Applicability

§ 16–20.102 Applicability.

The contracting officer shall require FEHBP carriers to retain contract records as specified in OPMPR 16–20.202.

Subpart 16–20.2—General Provisions

§ 16–20.202 Other record retention requirements.

FEHBP carriers will be required to retain the materials described in FPR 1–3.814–2 (b) and (c) for 5 years after the end of the contract year to which they relate, except that claims benefits records shall be maintained for 3 years after the end of the contract year to which they relate.

PART 16–26—CONTRACT MODIFICATIONS

Subpart 16–26.4—Novation and Change of Name Agreements

Sec.
16–26.401 General.

Authority: 40 U.S.C. 486(c); 5 U.S.C. 8913.

Subpart 16–26.4—Novation and Change of Name Agreements

§ 16–26.401 General.

The provisions of FPR 1–26 are applicable to the administration of FEHBP contracts

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Notices

Federal Register
Vol. 46, No. 132
Friday, July 10, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

Peanuts; 1981 Crop; Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34 and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1981 Crop Peanuts," "Outgoing Quality Regulation—1981 Crop Peanuts," and the "Terms and Conditions of Indemnification—1981 Crop Peanuts," which modify or are in addition to the provisions of sections 5, 31, 32 and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended regulations and the Terms and Conditions of Indemnification be issued to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

This action has been reviewed under USDA Procedures and Executive Order 12291 and has been classified "not significant," and therefore, it is not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated handlers.

Information collection (reporting or recordkeeping) under this agreement are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as OMB clearance has been obtained.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1981 Crop Peanuts," "Outgoing Quality Regulation—1981 Crop Peanuts," and the "Terms and Conditions of Indemnification—1981 Crop Peanuts," are hereby approved.

Dated: July 6, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

Incoming Quality Regulation—1981 Crop Peanuts

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions on peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damaged caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed Peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmer stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundreths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of kernels which ride screens with the following slot openings: Runner—$^{13}/_{64} \times {}^{3}/_{4}$ inch; Spanish and Valencia—$^{15}/_{64} \times {}^{3}/_{4}$ inch; Virginia—$^{15}/_{64} \times 1$ inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of for inedible use as provided in paragraph (g) of the Outgoing Quality Regulation. If the kernels which ride the prescribed screen are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The loose shelled kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed Peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which

regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible *Aspergillus flavus*, and, in addition, the following moisture content, as applicable:

(1) For seed peanuts produced in the Southeastern and Virginia-Carolina areas, they may contain up to 11 percent moisture except Virginia type peanuts which are not stacked at harvest time may contain up to 12 percent moisture, and (2) for seed peanuts produced in the Southwestern area, they may contain up to 10 percent moisture.

However, any such seed peanuts with *visible Aspergillus flavus* shall be stored and shelled separate from other peanuts, and any rresidual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. A handler whose operations may include custom seed shelling, may receive, custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements and the handler shall report to the Committee as requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who acquire seed peanut residuals from their custom shelling of uninspected (farmers stock) seed peanuts, or from another sheller or producer who has or has not signed the marketing agreement shall hold and/or mill such residuals separate and apart from other receipts or acquisitions of the handler and such residuals which meet Outgoing Quality Regulation requirments may be disposed of by sale to human consumption outlets and any portion not meeting such requirements shall be disposed of by sale as peanuts failing to meet human consumption requirement pursuant to paragraph (i) of the Outgoing Quality Regulation.

(f) *Oilstock.* Handlers may acquire for disposition to domestic crushing or export, to countries other than Canada and Mexico, farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirments for human consumption. The provision of section 31 of the marketing agreement restricting acquistions of such peanuts to handlers who are crushers is hereby modified to authorize all handlers to act as accumlators and acquire, from other handlers or non-handlers, Segregation 2 or 3 farmers stock peanuts. Handlers may also acquire from other handlers shelled or fragmented peanuts originating from Segregation 2 or 3 farmers stock, or the entire mill production of shelled or fragmented peanuts from Segregation 1 farmers stock, or lots of shelled peanuts, originating from Segregation 1 peanuts and which have been positive lot identified as specified in paragraph (d) of the Outgoing Quality Regulation, which failed to meet the requirements for human consumption pursuant to paragraph (a) of the Outgoing Quality Regulation: *Provided*, That all such acquisitions are held separate from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts. Handlers may commingle the Segregation 2 and 3 peanuts of keep them separate and apart as provided in paragraph (j) of the Outgoing Quality Regulation. Further disposition or commingling of such peanuts shall be only as provided in paragraph (1) of the Outgoing Quality Regulation. Handlers who acquire farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption shall report such acquisitions as prescribed by the Committee. To be eligible to receive or acquire Segregation 2 or 3 farmers stock peanuts and shelled or "fragmented" peanuts originating therefrom, a handler shall pay to the Area Association a fee for the purpose of covering cost of supervision of the disposition of such peanuts.

(g) *Segregation 2 and 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by Federal or Federal-State Inspection Service to be Segregation 2 or Segregation 3, each handler shall inform each employee, country buyer, commission buyer or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 2 and Segregation 3 peanuts from milling for edible use. If any lot of Segregation 2 or Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificates on the lot to the designated office of the handler and a copy to the Committee which shall be used only for information purposes.

(h) *Farmers Stock Storage and Handling Facilities.* Handlers shall report to the Committee, on a form furnished by the Committee, all storage facilities or contract storage facilities which they will use to store acquisitions of current crop Segregation 1 farmers stock peanuts and all such storage facilities must be reported prior to storing of any such handler acquisitions. Handlers shall also report to the Committee, the locations at which they will receive or acquire current crop farmers stock peanuts. All such storage facilities shall have reasonable and safe access to allow for inspection of the facility and its contents. All such storage facilities must be of sound construction, in good repair, built and equipped so as to provide suitable storage and sufficient safeguards to prevent moisture condensation and provide adequate protection for farmers stock peanuts. All breaks or openings in the walls, floors or roofs of the facilities shall have been repaired so as to keep out moisture. Elevator pits and wells must be kept dry and free of moisture at all times. Insect control procedures must be carried out in such a manner as to prevent undesirable moisture in the storage facilities. Any conditions in warehouses, elevators, pits, and other farmers stock handling equipment conducive to the growth or spread of *Aspergillus flavus* mold shall be corrected to the satisfaction of the Committee. The Committee may make periodic inspections of farmers stock storage and handling facilities and farmers stock peanuts stored in such facilities to determine if handlers are adhering to these requirements.

(1) *Shelled peanuts.* Handlers may acquire from other handlers, for remilling and subsequent disposition to human consumption outlets, shelled peanuts (which originated from "Segregation 1 peanuts") that fail to meet the requirements specified for human consumption in paragraph (a) of the Outgoing Quality Regulation. Any lot of such peanuts must be accompanied by a valid inspection certificate for grade factors, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the buyer and seller on a form provided by the Committee. Peanuts acquired pursuant to this paragraph shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by paragraph (h) (1) of the Outgoing Quality Regulation.

Outgoing Quality Regulation—1981 Crop Peanuts

The following modify or are in addition to the peanut marketing

agreement restrictions of section 32 on handler disposition of peanuts:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption unless appropriate samples for pretesting have been drawn in accordance with paragraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) a total of 1.50 percent unshelled peanuts and damaged kernels; (2) a total of 3.00 percent unshelled peanuts and damaged kernels and minor defects; (3) 9.00 percent moisture in the Southeastern and Southwestern areas; or 10.00 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts "with splits" and peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and other edible quality peanuts not of U.S. grade. The lot size of such peanuts in bulk or bags shall not exceed 200,000 pounds. Fall through in such peanuts shall not exceed 4 percent except that in peanuts other than "No. Two Virginia" fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners or Virginias "with splits" shall not exceed 3 percent or 2 percent on Spanish "with splits." The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this paragraph (a) shall be as follows:

Type	Screen openings	
	Split and broken kernels	Whole kernels
Runners	16/64 inch round	16/64 × 3/4 inch slot.
Spanish and Valencia.	18/64 inch round	18/64 × 3/4 inch slot.
Virginia except "No. 2 Virginia".	18/64 inch round	18/64 × 1 inch slot.
"No. 2 Virginia"	18/64 inch round only for split, broken and whole kernels.	

("No. Two Virginia" means Virginia type peanuts that meet requirements of U.S. No. 2 Virginia grade peanuts except for tolerances for: (1) damage or unshelled peanuts and minor defects; and (2) sound peanuts and portions of peanuts which pass through the prescribed screen. Such tolerances shall be the same as those listed heretofore in this paragraph. Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Spanish 2.00 percent whole kernels which will pass through 15/64 × 3/4 slot screen; for Runners 3.00 percent whole kernels which will pass through 15/64 × 3/4 inch slot screen; and for Virginias 3.00 percent whole kernels which will pass through 15/64 × 1 inch slot screen, and (c) otherwise meet specification of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) with more than 1.00 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by a U.S. Department of Agriculutre laboratory (hereinafter referred to as "USDA laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2.00 percent peanuts with damaged kernels; (3) with more than 10.00 percent moisture; or (4) with more than 0.50 percent foreign material. The lot size of such peanuts in bags or bulk shall not exceed 200,000 pounds.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of edible quality shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check-sample, and for three 48-pound samples for aflatoxin assay. The three 48-pound samples shall be designated by the Federal or Federal-State Inspection Service as "Sample #1", "Sample #2," and "Sample #3" and each sample shall be placed in a suitable container and "positive lot identified" by means acceptable to the Inspection Service and the Committee. Sample #1 may be prepared for immediate testing or Sample #1, Sample #2, and Sample #3 may be returned to the handler for testing at a later date. However, before shipment of the lot to the buyer (receiver), the handler shall cause Sample #1 to be ground by the Federal or Federal-State Inspection Service or a USDA or designated laboratory in a "subsampling mill" approved by the Committee. The resultant ground subsample from Sample #1 shall be of a size specified by the Committee and be designated as "Subsample 1–AB" and at the handler's or buyer's option, a second subsample may also be extracted from Sample #1. It shall be designated as "Subsample 1–CD." Subsample 1–CD may be sent as requested by the handler or buyer, for aflatoxin assay, to a laboratory listed on the most recent Committee list of approved laboratories that can provide analyses results on such samples in 36 hours. Subsample 1–AB shall be analyzed only in USDA or designated laboratories. Both Subsamples 1–AB and 1–CD shall be accompanied by a notice of sampling signed by the inspector containing, at least identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice covering each lot shall be sent to the Committee office.

The samples designated as Sample #2 and Sample #3 shall be held as aflatoxin check-samples by the Inspection Service or the handler and shall not be included in the shipment to the buyer until the analyses results from Sample #1 are known. Upon call from the USDA or designated laboratory or the Committee, the handler shall cause Sample #2 to be ground by the Inspection Service in a "subsampling mill." The resultant ground Subsample from Sample #2 shall be of the size specified by the Committee and it shall be designated as "Subsample 2–AB." Upon call from the USDA or designated laboratory or the Committee, the handler shall cause Sample #3 to be ground by the Inspection Service in a "subsampling mill." The resultant ground subsample from Sample #3 shall be of the size specified by the Committee and it shall be designated as "Subsample 3–AB." Subsamples 2–AB and 3–AB shall be analyzed only in USDA or designated laboratories and each shall be accompanied by a notice of sampling. A copy of each such notice shall be sent to the Committee office and the cost of delivery of Subsamples 2–AB and 3–AB to the laboratory and the cost of assay on them shall be at the Committee's expense.

All costs involved in sampling and testing Subsample 1–CD shall be for the account of the buyer of the lot and at his expense. The cost of assay on Subsample 1–AB and a portion of the cost [specified by the Committee] of drawing the three 48-pound samples, grinding of Sample #1 and preparation and delivery of Subsample 1–AB to the laboratory shall be for the account of the buyer. However, if the handler elects to pay for these costs, he shall charge the buyer the amount specified by the Committee when he invoices the peanuts and, if more than one buyer, on a pro rata basis. Any remaining costs of drawing the three 48-pound samples, grinding of Sample #1 and preparation and delivery of Subsample 1–AB shall be for the account of the handler and shall be shown on the grade analysis

certificate covering the lot. When any of the samples or subsamples have been lost, misplaced, or spoiled and replacement samples are needed, the entire cost of drawing the replacement samples shall be for the account of the handler. The results of each assay shall be reported to the buyer listed on the notice of sampling and, if the handler desires, to the handler. If a buyer is not listed on the notice of sampling, the results of the assay shall be reported to the handler who shall promptly cause notice to be given to the buyer, of the contents thereof, and such handler shall not be required to furnish additional samples for assay.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. The crop year that is shown on the positive lot identification tags, or other means of positive lot identification shall accurately describe the crop year in which the peanuts in the lot were produced. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State Inspection Service and to the Committee. All lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Inter-plant transfer.* Any handler may transfer peanuts from one plant owned by him to another of his plants or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to point within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.*

(1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—$^{15}/_{64} \times {}^{3}/_{4}$ inch; Spanish and Valencia—$^{15}/_{64} \times {}^{3}/_{4}$ inch; Virginia—$^{15}/_{64} \times 1$ inch; and fall through and pickouts shall be disposed of only by sale as domestic oil stock, by crushing, or as specified in paragraph (g)(3) hereinafter. For the purpose of this regulation: the term "non-edible quality peanuts" described in this paragraph means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall through, and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels. Such categories may be kept separate or be commingled in the same lot and shall be bagged in suitable new or clean, used bags or placed in bulk containers acceptable to the Committee. Such peanuts shall be identified by positive lot identification procedures set forth in paragraph (d) by using a red tag, and such peanuts shall be inspected by the Federal or Federal-State Inspection Service and a certification made on each lot as to moisture and foreign material content. Such lot size, whether in bags or bulk, shall not exceed 200,000 pounds.

(3) In addition to disposition outlets specified in paragraph (g)(1), fall through that has been sampled and determined negative as to aflatoxin content may be disposed of for use as wild-life feed or bait for rodents in labeled containers approved by the Committee. Each category of non-edible quality peanuts described in paragraph (g)(1) and identified as prescribed in paragraph (g)(2) may be exported in bulk or bags to countries other than Mexico or Canada pursuant to the provisions prescribed for such disposition in paragraph (1)(1) or (1)(2) of this regulation or they may be moved to another handler for such disposition. Sales or transfer of such peanuts, to exporters who are not handlers under the marketing agreement, shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Such peanuts may be disposed of to domestic crushing as "unrestricted" if they are certified negative as a aflatoxin content and may be commingled at the crusher with any other category of peanuts determined by paragraph (1)(1) of this regulation to be eligible for such "unrestricted" crushing. Non-edible quality peanuts described in paragraph (g)(1) which have not been certified negative as to aflatoxin are not eligible for "unrestricted" crushing but may be disposed of to domestic crushing as "restricted" and may be commingled at the crusher with any other category of peanuts described in paragraph (1)(2). Such non-edible quality peanuts may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if non-edible quality peanuts described in paragraph (g)(1) are exported or crushed in commingle with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of such inedible quality peanuts shall be reported by the handler as prescribed by the Committee.

Meal produced from peanuts which are disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers of firms engaged in exporting who will export such meal for non-feed use or sell it to the aforesaid fertilizer manufacturers. However, loose shelled kernels, fall through and pickouts and meal from such peanuts, in specifically identified lots not exceeding 200,000 pounds may be sampled by Federal or Federal-State Inspection Service or by the Area Association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or by a USDA laboratory, at handler's or crusher's expense, and if such meet

Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provisions of this regulation or of the Incoming Quality Regulation, a handler may transfer non-edible quality peanuts described in paragraph (g)(1) to another plant within his own organization or transfer or sell such peanuts to a crusher for crushing. Sales or transfer of restricted peanuts to domestic crushers who are not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) and all other applicable requirements of this regulation, including the reporting requirements.

(h) *Peanuts failing quality requirements.*

(1) Handlers may sell to or contract with other handlers, for further handling, shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for disposition to human consumption outlets heretofore specified in paragraph (a). Lots of peanuts disposed of in this manner must be accompained by a valid grade inspection certificate, and aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the seller and buyer on a form provided by the Committee. Any such peanuts acquired by handlers pursuant to paragraph (i) of the Incoming Quality Regulation shall be held and milled separate and apart from othe receipts or acquisitions of the receiving handler and further disposition shall be regulated by the requirements specified heretofore or pursuant to paragraph (h)(3) hereinafter.

(2) Handlers may blanch or cause to have blanched positive identified shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements of paragraph (a) of this regulation because of excessive damage, minor defects moisture, or foreign material or are positive as to aflatoxin. Handlers who move such peanuts to a blancher shall report, to the Committee on a form furnished by the Committee, movement of each such lot and the title shall be retained by the handler until the peanuts are blanched and certified by an inspector of the Federal or Federal-State Inspection Service as meeting the requirements for disposal into human consumption outlets. To be eligible for disposal into human consumption outlets, such peanuts after blanching, must meet specifications for unshelled peanuts, damaged kernels, minor defects, moisture, and foreign material as listed in paragraph (a) of this regulation and be accompanied by an aflatoxin certificate determined to be negative by the Committee. Blanching under the provisions of this paragraph shall be performed only by those firms who agree to procedures acceptable to the Committee and who are approved by the Committee to do such blanching.

(3) Handlers may dispose of positive identified shelled peanuts (which originated from "Segregation 1 peanuts") which fail to meet the requirements of paragraph (a) of the Outgoing Quality Regulation: (a) to domestic crushing, (b) to export to countries other than Canada and Mexico, provided they meet fragmented requirements, (c) to crushers who are not handlers but are approved by the Committee, or (d) to other handlers for crushing or fragmenting and exportation. Sales or transfer of such peanuts to exporters who are not handlers under the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Each lot of such peanuts shall have been positive lot identified as prescribed in paragraph (d). Handlers may dispose of such peanuts as "unrestricted": *Provided,* That each lot has been sampled and assayed for aflatoxin as specified in paragraph (c) and determined to be negative as to aflatoxin by the Committee. Handlers who have acquired any such unrestricted peanuts from another handler or from their own operations may commingle such peanuts with those from their own operations at the crusher, or during the fragmenting operation or after (fragmenting for further disposition) as "unrestricted" pursuant to the provisions of paragraph (1)(1) of this regulation. Lots of peanuts covered by the provisions of this paragraph (h)(3), which have not been assayed for aflatoxin content or which have been assayed and determined to be unwholesome as to aflatoxin by the Committee, are not eligible for disposition as "unrestricted." Therefore, the disposition of such peanuts to export or domestic crushing shall be as "restricted." However, handlers who have acquired such restricted peanuts from another handler may commingle such peanuts with those from his own operations at the crusher, or during the fragmenting operation, or after fragmenting for further disposition as restricted pursuant to the provisions of paragraph (1)(2). Peanuts regulated by this paragraph (h)(3) may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if any such peanuts are commingled with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of peanuts covered by the provisions of this paragraph shall be reported by the handler as prescribed by the Committee.

(4) Handlers may contract with PAC approved remillers for remilling shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for disposition to human consumption outlets heretofore specified in paragraph (a) of the Outgoing Quality Regulation: *Provided,* That such lots of peanuts contain not in excess of 8 percent damage and minor defects combined or 10 percent fall through or 20 percent foreign material. Lots of peanuts moved under these provisions must be accompanied by a valid grade inspection certificate and an aflatoxin assay certificate and must be positive lot identified. Handlers who move such peanuts to an approved remiller shall report to the Committee, on a form furnished by the Committee, the movement of each such lot. The title of such peanuts shall be retained by the handler until the peanuts have been remilled and certified by the Federal or Federal-State Inspection Service as meeting the requirements for disposition to human consumption outlets specified in paragraph (a), and be accompanied by an aflatoxin certificate determined to be negative by the Committee. Remilling under these provisions may include composite remilling of more than one such lot of peanuts owned by the same handler. However, such peanuts owned by one handler shall be held and remilled separate and apart from all other peanuts. The residual peanuts resulting from remilling under these provisions shall be bagged and red-tagged and disposed of to domestic crushing by the approved remiller or they may be returned to the handler for disposition under the provisions of paragraph (g)(3) of the Outgoing Quality Regulation. Remilling under the provisions of this paragraph shall be performed only by those firms who agree to procedures acceptable to the Committee and who are approved by the Committee to do such remilling.

(i) *Residuals from seed peanuts.* Handlers who receive and custom shell for seed purposes farmers stock peanuts (which have not been inspected and certified as meeting the Incoming

Quality Regulation) shall hold and mill peanuts acquired as residuals from such operations separate and apart from peanuts acquired as Segregation 1 farmers stock. Likewise, any such residuals received or acquired from a handler or non-handler, shall be held and milled separate and apart in the same manner. Residuals that meet requirements of the Outgoing Quality Regulation may be disposed of by sale to human consumption outlets or to another handler and any portion in positive identified lots not meeting such requirements: (1) may be handled and disposed of pursuant to the provisions of paragraph (h) of this regulation; or (2) shall be disposed of to domestic crushing or export pursuant to the provisions of paragraph (g).

(j) *Segregation 2 and 3 farmers stock disposition.*

(1) Handlers who have acquired Segregation 2 and 3 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation may commingle such peanuts or keep them separate and apart. The Segregation 3 farmers stock peanuts or commingled Segregation 2 and 3 farmers stock peanuts may be moved or disposed of in bags or bulk: (a) to other handlers for shelling, fragmenting, or crushing, or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags: (a) to other handlers for fragmenting or crushing, or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided hereinafter in paragraph (l)(2) for "restricted" export to countries other than Canada and Mexico, or for "restricted" domestic crushing. Prior to exportation, the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirements specified for "fragmented" peanuts in paragraph (l)(1) and shall be assayed for aflatoxin by a USDA laboratory or a laboratory approved by the Committee. Shelling, fragmenting, and crushing of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts shall be done only under the supervision of the Area Association and any such peanuts may be commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting for disposition to export or the further commingling and domestic crushing. All movement and disposition of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(2) Handlers who have acquired Segregation 2 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation and held them separate and apart from Segregation 3 peanuts may commingle the Segregation 2 farmers stock with Segregation 1 farmers stock for disposition to domestic crushing or export as inedibles. The Segregation 2 farmers stock peanuts or commingled Segregation 1 and 2 farmers stock peanuts may be moved or disposed of in bulk or bags: (a) to other handlers for shelling, fragmenting, or crushing, or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell the Segregation 2 or commingled Segregation 1 and 2 peanuts and move or dispose of the shelled peanuts: (a) to another handler for fragmenting or crushing; or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided in paragraph (l)(1) of this regulation. Prior to exportation the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirements specified for fragmented peanuts also in paragraph (l)(1). If the shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts are held separate and apart from Segregation 3 peanuts and any restricted categories of shelled peanuts, no aflatoxin assay shall be required. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association. The shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts may be further commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting. All movement and disposition of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(k) *Segregation 1 farmers stock disposition.*

(1) In addition to milling (shelling, cleaning, etc.) Segregation 1 farmers stock peanuts for disposition to human consumption or seed outlets, handlers may dispose of Segregation 1 farmers stock peanuts to export or to other handlers for such disposition. All such dispositions export shall be reported by the handler as requested by the Committee.

(2) In addition to the disposition outlets specified in paragraph (k) (1), handlers may dispose of Segregation 1 farmers stock peanuts in bags or bulk to other handlers for shelling, fragmenting, or crushing. Such peanuts may also be disposed of to crushers who are not handlers but are approved by the Committee. Handlers may commingle Segregation 1 farmers stock peanuts with Segregation 2 farmers stock peanuts or keep them separate and apart, and may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags to other handlers for fragmenting or crushing. Such peanuts may also be disposed of to crushers who are not handlers but are approved by the Committee. However, the shelling, fragmenting and disposition of such Segregation 1 farmers stock peanuts shall be done only under the supervision of the Committee and the Area Association and all peanuts handled under the provisions of this paragraph (k) (2), for disposition to export or domestic crushing, shall be milled and disposed of pursuant to paragraph (j)(2) in lieu of the provisions specified in paragraphs (a), (b), (c), (d), (g), (h), and (i) of this regulation. The movement and disposition of all peanuts handled under the provisions of this paragraph (k) (2), shall be reported by the handler as prescribed by the Committee.

(l) *Handling, commingling, and disposition of shelled peanuts not meeting quality requirements for human consumption.* (1) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "unrestricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock; pursuant to paragraph (k)(2).

(b) The entire mill production of shelled peanuts from Segregation 2, or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) Positive Lot Identified lots of shelled "peanuts failing quality requirements" determined negative as to aflatoxin pursuant to paragraph (h)(3).

(d) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts determined negative as to aflatoxin pursuant to paragraphs (g) (1), (2), and (3).

(e) Positive Lot Identified lots of loose shelled kernels, fall through, and

pickouts commingled and determined negative as to aflatoxin pursuant to paragraphs (g) (2), and (3).

(f) Positive Lot Identified lots of seed peanut residuals determined negative as to aflatoxin pursuant to paragraph (i).

Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts while fragmenting them or after they have been fragmented: (1) with any other category of peanuts described in this paragraph, and (2) with any category of "unrestricted" shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for disposition to export to countries other than Canada and Mexico. However, such peanuts, prior to exportation, shall be certified as meeting fragmented requirements. For the purpose of this regulation, the term "fragmented" means that not more than 20 percent of the peanuts shall be whole kernels that ride the following screens, by type: Spanish 15/64 x 3/4 inch slot; Runner 15/64 x 3/4 inch slot; and Virginia 15/64 x 1 inch slot. Sales or transfer of such peanuts to exporters who are not handlers under the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher: (1) with any other category of peanuts described in this paragraph, and (2) with any category of unrestricted shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling and the resultant meal may be disposed of without restriction. To be eligible for such unrestricted dispositions (crushing or export), such peanuts, before commingling and after commingling, shall be kept separate and apart from all "restricted" peanuts. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association and if any shelled peanuts originating therefrom are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting and the commingling and crushing on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

(2) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "restricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock pursuant to paragraph (k)(2) of the Outgoing Quality Regulation.

(b) The entire mill production of shelled peanuts from Segregation 2 or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) The entire mill production of shelled peanuts from Segregation 3 or commingled Segregation 2 and 3 farmers stock pursuant to paragraph (j)(1).

(d) Positive Lot Identified lots of shelled "peanuts failing quality requirements" pursuant to paragraph (h)(3).

(e) Positive Lot Identified lost of lots shelled kernels, fall through, or pickouts pursuant to paragraphs (g) (1), (2), and (3).

(f) Positive Lot Identified lots of loose shelled kernels, fall through and pickouts commingled pursuant to paragraphs (g) (2) and (3).

(g) Positive Lot Identified lots of seed peanut residuals pursuant to paragraph (i).

Handlers who acquire, from other handlers, or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph (1) (2) may commingle such peanuts while fragmenting them or after they have been fragmented with any other category of peanuts described in this paragraph and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling with disposition to export to countries other than Canada and Mexico as "restricted." Prior to such exportation, the peanuts shall be certified as meeting the fragmented requirements and shall be assayed for aflatoxin by a USDA laboratory or a laboratory approved by the Committee. The handler's "in-land" bill of lading and his invoice covering the shipment shall include the following statement: "The peanuts covered by this bill of lading (or invoice) are limited to crushing only and may contain aflatoxin." Sales or transfer of such peanuts to exporters who are not handlers under the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Handlers who acquire, from other handlers or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher with any other category of peanuts described in this paragraph (1) (2) and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for "restricted" domestic crushing. Meal produced from peanuts disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use, pursuant to the provisions of paragraph (g)(3). Shelling, fragmenting, and crushing of Segregation 2 peanuts, Segregation 3 peanuts and the entire mill production of Segregation 1 peanuts handled pursuant to paragraph (k), shall be done only under supervision of the Area Association and if any of such categories of peanuts are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

Terms and Conditions of Indemnification—1981 Crop Peanuts

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify or arrange for the buyer to notify the Manager, Peanut Administrative Committee, of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the Outgoing Quality Regulation and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these Terms and Conditions,

and such is concurred in by the Agricultural Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Agricultural Marketing Service shall, prior to disposition for crushing cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions and rates of payment as the Committee may find to be acceptable.

If the Committee and the Agricultural Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The idemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided. Transportation expenses (excluding demurrage, loading and unloading charges, custom fees, border re-entry fees, etc.) from the handler's plant or storage to the point within the Continental United States or Canada where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the Outgoing Quality Regulation. Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committed to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1.00 percent damaged kernels other than minor defects. Lots with damage in excess of 1.00 percent on such inspection shall be remilled without reimbursement from the Committee for milling or freight, but otherwise shall be indemnifiable the same as lots more than 1.00 percent damage.

The indemnification value of peanuts delivered to the Committee for indemnification shall be as listed in the next to last paragraph of these terms and conditions.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1.00 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumption, plus an allowance for remilling of two and one-half cents per pound on the original weight. Transportation expenses (excluding demurrage, loading and unloading charges, custom fees, border re-entry fees, etc.) from the handler's plant or storage to the point within the Continental United States or Canada where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirement of the Outgoing Quality Regulation. On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin and such lots of peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus the transortation costs from origin (whether handler or buyer premises) to pointy of blanching and on unsold lots from point of blanching to handler's premises and the indemnification value of the weight of reject peanuts removed from the lot. On lots which ae custom blanched without remilling, the indemnification payment shall be determined in the same manner. However, no indemnification payments shall be paid on any lot of peanuts where the Committee determines that the custom blanched peanuts from such a lot have been sold at a price lower than the indemnification value on the original red skin lot at the time the indemnification claim was filed with the Committee.

Claims for indemnifications on current crop year peanuts may be filed by any handler sustaining a loss as a result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which has been determined to be unwholesome due to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claims as it determines to be valid.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemnification on any lots(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer of by a country buyer, commission buyer or other like person. Furthermore, any misrepresentation by a handler in reporting acquisition, composition or disposition of any lot or lots of peanuts by such handler shall cause indemnification payments with respect to any such claim filed with the Committee by the handler on current crop year peanuts to be withheld unless the Committee finds that such action was inadvertent.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling.

Notice of claims for indemnification on peanuts of the current crop year shall be filled with the Committee no later than November 1, following the end of the current crop year.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and Manager, Peanut Administrative

Committee, Atlanta, Georgia. Upon a determination of the Peanut Administrative Committee, confirmed by the Agricultural Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller and such peanuts shall be reoffered to the buyer to satisfy the covering contract, pending successful remilling and/or blanching. Or, if the buyer's or receiver's name is shown on the certificates covering a lot which, upon the pretesting sampling procedure prescribed in paragraph (c) of the Outgoing Quality Regulation, exceeds Committee requirements for wholesomeness as to aflatoxin, such peanuts shall be offered to the buyer to satisfy the existing applicable contract, pending successful remilling and/or blanching. Alternatively, seller may replace any rejected lot of peanuts with another lot, if he elects to do so.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to a USDA laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on current crop year peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on current crop year peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Any handler who fails to conform to the requirements of paragraph (h) of the Incoming Quality Regulation shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee. Also any handler who fails to cause positive lot identification on any lot of peanuts to accurately reflect the crop year in which such peanuts were produced, pursuant to paragraph (d) of the Outgoing Quality Regulation, shall be ineligible for any indemnification payments until such violation is corrected to the satisfaction of the Committee. Categories eligible for indemnification are as follows:

Cleaned inshell peanuts—
(1) U.S. Jumbos
(2) U.S. Fancy Handpicks
(3) Valencia—Roasting stock [1]

U.S. Grade shelled peanuts—
(1) U.S. No. 1
(2) U.S. Splits
(3) U.S. Virginia Extra-Large
(4) U.S. Virginia Medium

Shelled peanuts "with splits"—
(1) Runners with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $^{13}/_{64} \times \frac{3}{4}$ slot screen.
(2) Spanish with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a $^{13}/_{64} \times \frac{3}{4}$ slot screen.
(3) Virginias with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $^{13}/_{64} \times 1$ slot screen.

However, peanuts in any of the above categories shall not be eligible for indemnification if such peanuts: (1) where milled from seed peanut residuals as referred to in the last sentence of paragraph (e) of the Incoming Quality Regulation and paragraph (i) of the Outgoing Quality Regulation; (2) failed the Outgoing Quality Regulation due to excessive damage and minor defects and such peanuts were subsequently blanched to remove such excess damage and minor defects pursuant to paragraph (h) of such regulation; (3) when shipped for human consumption outlets contained more than a total of 1.25 percent unshelled peanuts and damaged kernels or a total of 2.00 percent unshelled peanuts, damaged kernels and minor defects; and (4) were received or acquired from another handler pursuant to paragraph (i) of the Incoming Quality Regulation and were milled to meet requirements of the Outgoing Quality Regulation pursuant to paragraph (h) of such regulation.

For the purpose of paying indemnification beginning August 1, of the current crop year, the domestic market price for each category of peanuts shall be determined by averaging the price listed in the Peanut Market News, per category, each week on an accumulative season-to-date basis. Such weekly price calculations shall extend to March 31 of the current crop year. After March 31, the season average price per category shall be applied during the remainder of the crop year.

The indemnification value for each category of peanuts eligible for indemnification shall be the domestic market price, less two cents per pound (on the pounds indemnified) except that the minimum indemnification value on all indemnifiable categories shall be 30 cents per pound.

The grade categories to which the indemnification values shall be applied are as follows:

Runners [1]	Virginias	Spanish
Jumbo	U.S. extra large	U.S. No. 1 (or larger).
Medium	U.S. medium	Spanish with splits.
Select	U.S. No. 1	U.S. splits.
No. 1 (−18+16 screens).	Virginias with splits.	
Mill run with or without splits.	U.S. splits	
U.S. splits		

[1] Southeastern Peanut Association grades.

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

[FR Doc. 81-20222 Filed 7-9-81; 8:45 am]
BILLING CODE 3410-02-M

Rural Electrification Administration

Basin Electric Power Cooperative; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with proposed financing assistance by REA for Basin Electric Power Cooperative (Basin) of Bismarck, North Dakota. Basin plans modifications to the William J. Neal Station at Velva, Nort Dakota, to provide for cogeneration with a sunflower oil processing plant.

The environmental effects of the project were discussed and evaluated in the Borrower's Environmental Report (BER) prepared by Basin in December 1980. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and floodplains, and other potential impacts of the proposed project are evaluated in REA's Environmental Assessment.

REA's independent evaluation of the proposed project concludes that its proposed financing assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Environmental Assessment, and a review of Basin's BER, a Finding of No Significant Impact was reached in accordance with Sections IV.B and IV.D.1 of REA Bulletin 20-21:320-21, Part I.

The only viable alternative to the proposed project is "no action". REA determined that the proposed action to provide for the proposed cogeneration project is more environmentally and economically sound than the "no action" alternative.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and Basin's BER may be reviewed in the office of the Director, Power Supply Division, Room 5168, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, North Dakota 58501.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 6th day of July, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-20217 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-15-M

Colorado-Ute Electric Association, Inc.; Draft Environmental Impact Statement Notice

Notice is hereby given that the Rural Electrification Administration (REA) as lead Federal agency has pepared a Draft Environmental Impact Statement (DEIS) in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, in connection with potential financing assistance to Colorado-Ute Electric Association, Inc. (Colorado-Ute) P.O. Box 1149, Montrose, Colorado 81401. The U.S. Department of the Interior (Bureau of Land Management), U.S. Department of Agriculture (Forest Service), and U.S. Department of Energy (Western Area Power Administration) have contributed to the preparation of the DEIS in the role of cooperating agencies.

The anticipated financing assistance would allow Colorado-Ute to secure funds required for the construction of a proposed project consisting of 483 km (300 miles) of double circuit 345 kV transmission line between Rifle, Colorado, and the San Juan Generating Station near Farmington, New Mexico. Associated facilities include the construction of four new substations, the expansion of five existing substations and the construction of 8.0 km (5.0 miles) of double circuit 115 kV transmission line.

Additional information on the proposed project may be secured from Mr. Frank W. Bennett, Director, Power Supply Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-6183.

Persons wishing to comment upon the environmental aspects of the proposed project and the DEIS are invited to respond in writing within 45 days of EPA's notice of availability of the DEIS. Comments are invited from the public, from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been specifically requested.

Copies of the Federal DEIS have been sent to various Federal, state and local agencies, as outlined in the Council on Environmental Quality regulations. Limited supplies of the DEIS are available upon request from Mr. Bennett at the address given above. The DEIS may be examined during regular business hours at the following locations:

Rural Electrification Administration, 14th and Independence Avenue SW., Room 5168, Washington, D.C. 20250
Hotchkiss Public Library, Hotchkiss, Colorado 81419
Rifle Branch Library, 337 E Avenue, Rifle Colorado 81650
Mesa County Public Library, 530 Grand Avenue, Grand Junction, Colorado 81501
Paonia Public Library, Box L, Paonia, Colorado 81428
Colorado-Ute Electric Association, Inc., 845 South Townsend Avenue, Montrose, Colorado 81401
Delta Public Library, 563 Palmer, Delta, Colorado 81416
Cedaredge Public Library, Box 548, Cedaredge, Colorado 81413
Montrose Library District, South 1st and Uncompahgre, Montrose, Colorado 81401
Ouray Public Library, Box 625, Ouray, Colorado 81427
San Miguel County Public Library, Box 633, Telluride, Colorado 81435
Norwood Public Library, Box 127, Norwood, Colorado 81423
Dolores County Public Library, P.O. Box 574, Dove Creek, Colorado 81324
Dolores Public Library, P.O. Box 847, Dolores, Colorado 81232
Nucla Public Library, Nucla, Colorado 81424
Cortez Public Library, 802 E. Montezuma, Cortez, Colorado 81321
Durango Public Library, 1188 Second Avenue, Durango, Colorado 81301
Mancos Public Library, P.O. Box 144, Mancos, Colorado 81328
Farmington Public Library, 302 North Orchard Avenue, Farmington, New Mexico 87401

Persons, organizations and agencies wishing to comment should do so in writing within the 45-day period indicated above and address their correspondence to Mr. Bennett of REA at the address given above. All comments received within the 45-day period will be considered in the formulation of final determinations regarding the approval of REA financing assistance for the project and the Final Environmental Impact Statement.

Final REA action, with respect to this matter (including any release of funds), will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969, and requirements of other environmentally related statutes, regulations, and Executive orders have been met.

This Federal assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 6th day of July, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrifiction Administration.

[FR Doc. 81-20221 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-15-M

Kamo Electric Cooperative, Inc., Vinita, Okla.; Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65), and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $66,200,000 to KAMO Electric Cooperative, Inc., (KAMO) of Vinita, Oklahoma. This loan guarantee will be used to finance approximately 127 miles of 161 kV, 41 miles of 138 kV and 169 miles of 69 kV transmission line, substations, transmission system improvements, cost overruns on previously approved transmission projects and the remodeling of existing headquarters facilities at Vinita, Oklahoma.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. B. Dean Sanger, manager, KAMO Electric

Cooperative, Inc., P.O. Box 577, Vinita, Oklahoma 74301.

In order to be considered, proposals must be submitted on or before August 10, 1981 to Mr. Sanger. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as KAMO and REA deem appropriate.

Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 6th day of July 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-20218 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-15-M

Plains Electric Generation and Transmission Cooperative, Inc., Albuquerque, N. Mex.; Proposed Loan Guarantee

Under the authority of Public Law 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $18,000,000 to Plains Electric Generation and Transmission Cooperative, Inc., (Plains) of Albuquerque, New Mexico. These loan funds will be used to finance the Coronado Substation, communications equipment, miscellaneous transmission system improvements, and a branch headquarters facility in Las Cruces, New Mexico.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Stanley K. Bazant, Manager, Plains Electric Generation and Transmission Cooperative, Inc., 2401 Aztec Road, N. E., Albuquerque, New Mexico 87107.

In order to be considered, proposals must be submitted on or before August 10, 1981 to Mr. Bazant. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Plains and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 6th day of July, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-20219 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-15-M

Tongue River Electric Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with the proposed financing assistance by REA for Tongue River Electric Cooperative, Inc., (Tongue River) of Ashland, Montana. The proposed financing will assist Tongue River in constructing 87.5 km (54.4 miles) of 69 kV transmission line and associated substation facilities.

The 69 kV transmission line will be built between the Colstrip Substation located near Colstrip, Montana, and the proposed Birney Substation located northeast of Birney, Montana. The entire project will be located in Rosebud County, Montana. Associated substation facilities include the construction of two new distribution substations. Tongue River has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands cultural resources, wetlands and floodplains, and other potential impacts of the project are adequately considered in Tongue River's Borrower's Environmental Report and REA's Environmental Assessment.

Various alternatives to the proposed transmission line and substation were reviewed by Tongue River and REA. The alternatives included no action, alternate substation locations, diesel peaking units, energy conservation and load management, upgrading the present system, and alternate connection points. The proposed project is the most viable alternative to deliver power to all existing and projected loads of Tongue River in Rosebud County.

REA's independent evaluation of the environmental impacts concludes that the construction of this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, REA's Environmental Assessment, and a review of Tongue River's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20–21:320–21, Part 1.

Copies of REA's Finding of No Significant Impact and supporting documents may be reviewed at or obtained from the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, and at the office of Tongue River Electric Cooperative, Inc., Ashland, Montana 59003.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 6th day of July 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-20220 Filed 7-9-81; 8:45 am]

BILLING CODE 3410-15-M

Statistical Reporting Service [1]

Discontinuance of White Corn Estimates

Notice is hereby given that the Statistical Reporting Service intends to discontinue all estimates of white corn acreage, yield and production effective with estimates scheduled for release in January 1982. Discontinuance is required

[1] Pursuant to the reorganizational plans outlined in USDA Secretary's memo 1030–1, issued June 19, 1981, the Economics and Statistics Service has become the Statistical Reporting Service and the Economic Research Service. A notice detailing the agency's reorganization is now being drafted for later publication.

as a cost reduction measure which will save approximately $50,000 annually.

Members of the public wishing to comment on this proposal may submit their views in writing to the Director, Estimates Division, Statistical Reporting Service, USDA, Room 0204–S, Washington, D.C. 20250. The comment period will close August 31, 1981.

Done at Washington, D.C., this 1st day of July 1981.

W. E. Kibler,

Acting Administrator.

[FR Doc. 81–20305 Filed 7–9–81; 8:45 am]

BILLING CODE 3410–18–M

Modification of Turkey Hatchery Report

Notice is hereby given that the Statistical Reporting Service [1] intends to reduce the frequency of its *Turkey Hatchery* reports effective with the report scheduled for release September 3, 1981. This report, which has included number of eggs set and poults hatched the previous week, has been issued in the nine principal producing states each Thursday. Beginning with the month of September 1981, the *Turkey Hatchery* report will be issued on a monthly basis only with release early the following month. This modification is required as a cost reduction measure which will save approximately $25,000 annually.

Members of the public wishing to comment on this proposal may submit their views in writing to the Director, Estimates Division, Statistical Reporting Service, USDA, Room 0204–S, Washington, D.C. 20250. The comment period will close August 20, 1981.

Done at Washington, D.C. this 1st day of July 1981.

W. E. Kibler,

Acting Administrator.

[FR Doc. 81–20306 Filed 7–9–81; 8:45 am]

BILLING CODE 3410–18–M

CIVIL AERONAUTICS BOARD

[81–7–25; Docket 39587]

Application of Westair Jet Inc. for a Certificate of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause 81–7–25, Docket 39587.

SUMMARY: The Board is issuing an order in which it tentatively finds and concludes that it is consistent with the public convenience and necessity to grant the application of WestAir Jet Inc. for a certificate authorizing the air transportation of persons, property and mail between Seattle, Washington, the intermediate points Pasco-Richland, Kennewick, Washington; Portland, Eugene, Medford, Oregon; Boise, Idaho; Salt Lake City, Utah; Reno, Nevada; Lake Tahoe, Chico, Redding-Red Bluff, Eureka-Arcata, Sacramento, San Francisco-Oakland-San Jose and Fresno, California; Las Vegas, Nevada; Los Angeles-Burbank-Long Beach-Ontario-Orange County and San Diego, California; Phoenix, Arizona and the terminal point, Tuscon, Arizona. Certification is subject to a favorable determination of the applicant's fitness in the WestAir Jet Inc. Fitness Investigation Docket 39705).

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file by July 30, 1981, a statement of objections together with a summary of testimony, statistical data and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 39587, application of WestAir Jet Inc. for a certificate of public convenience and necessity.

In addition, copies of such filings should be served on the civic officials and airport managers at Seattle, Pasco, Richland, and Kennewick, Washington; Portland, Eugene and Medford, Oregon; Boise, Idaho; Fresno, Los Angeles, Burbank, Ontario, Long Beach, San Diego, Oakland, South Lake Tahoe, Chico, Redding, Red Bluff, Eureka, Arcata, Sacramento, San Francisco, San Jose and Orange County, California; Reno and Las Vegas, Nevada; Phoenix and Tucson, Arizona; and Salt Lake City, Utah; the Governors of Arizona, California, Nevada, Idaho, Oregon, Utah and Washington; The California Department of Transportation; the California Public Utilities Commission; the Nevada Department of Transportation; the Arizona Department of Transportation; the Idaho Division of Aeronautics and Public Transportation; the Oregon Public Utility Commission; the Utah Department of Transportation; the Washington Department of Transportation; the California Tahoe Regional Planning Agency and the Burbank-Glendale-Pasadena Airport Authority.

FOR FURTHER INFORMATION CONTACT:

Peter M. Bloch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; (202) 673–5345.

By the Civil Aeronautics Board: July 6, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–20301 Filed 7–9–81; 8:45 am]

BILLING CODE 6320–01–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

In the matter of applications for certificates of public convenience and necessity and foreign air carrier permits filed under subpart Q of the board's procedural regulations (see 14 CFR 302.1701 et. seq.): Week ended July 2, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
June 29, 1981	39757	Transocean Air Lines, Inc., c/o Orville G. Tigerman, P.O. Box 9154, Newport Beach, California 92660 Application of Transocean Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its certificate of public convenience and necessity authorizing it to engage in: Domestic air transportation of property between any point in any state of the United States or the District of Columbia or any territory or possession of the United States, and any other point in any state of the United States or the District of Columbia or any territory or possession of the United States. Conforming Applications, motions to modify scope, and answers may be filed by July 27, 1981.
June 30, 1981	39761	Golden West Airlines Co., 4200 Campus Drive, P.O. Box 1877, New Port Beach, California 92663

[1] Pursuant to the reorganizational plans outlined in USDA Secretary's memo 1020–1, issued June 19, 1981, the Economics and Statistics Service has become the Statistical Reporting Service and the Economic Research Service. A notice detailing the agency's reorganization is now being drafted for later publication.

Date filed	Docket No.	Description
		Application of Golden West Airlines Co., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests that its certificate of public convenience and necessity for Route 201 be amended so as to authorize the nonstop round trip carriage of persons, property, and mail between the points listed below: Fresno, California (FAT)—Orange County, California (SNA). Fresno, California (FAT)—Lake Tahoe, California (TVL). Conforming Applications, motions to modify scope, and answers may be filed by July 28, 1981.
June 29, 1981	39760	Pan American World Airways, Inc., Pan Am Building, New York, New York 10166. Application of Pan American World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to amend its certificate of public convenience and necessity for Route 130, so as to remove the restriction therein against nonstop service between Japan and The Philippines, and grant such other or different relief as the Board shall deem necessary and proper. Conforming Applications, motions to modify scope, and answers may be filed by July 13, 1981.
June 30, 1981	39765	Lineas Aereas De Nicaragua, S.A., (LANICA), c/o Paul S. Reichler, 1200 New Hampshire Avenue NW., Washington, D.C. 20036. Application of LANICA pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests renewal of its foreign air carrier permits to engage in foreign air transportation of persons, property and mail between the terminal points in Managua, Nicaragua and Miami, Florida, and between the terminal points Managua, Nicaragua and San Juan, Puerto Rico. Answers may be filed by July 28, 1981.
June 30, 1981	39767	Sterling Airways A/S, c/o Frederick S. Hird, Jr., Kaler, Worsley, Daniel & Hollman, 710 Ring Building, Washington, D.C. 20036. Application of Sterling Airways A/S pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests renewal of its authority between Denmark and the United States, and amendment of its authority to include Norway and Sweden, to engage in charter foreign air transportation of persons and/or property, separately or in combination: A. Between any point or points in Denmark, Norway or Sweden and any point or points in the United States, including intermediate and beyond points; B. Between a point or points in the United States and a point or points not in either Denmark, Norway, Sweden or the United States, provided such charters stop over for at least two consecutive nights in Denmark, Norway or Sweden; and C. Between any point or points in the United States and any point or points not in either Denmark, Norway, Sweden or the United States which charters do not stop over in Denmark, Norway or Sweden for at least two consecutive nights. Answers may be filed by July 28, 1981.
July 1, 1981	39771	Central Caraibes Air, S.A., c/o Lawrence D. Wasko, Seamon, Wasko & Ozment, 1211 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036. Application of Central Caraibes Air, S.A. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit to engage in foreign air transportation of persons, property and mail as follows: Between the terminal point Port-au-Prince, Haiti, on the one hand, and coterminal points Miami, Florida and New York, New York, on the other hand. Answers may be filed by July 29, 1981.
July 1, 1981	39777	United Air Lines, Inc., P.O. Box 66100, Chicago, Illinois 60666. Application of United Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations for a certificate of public convenience and necessity in order to provide service between a point or points in the United States and a point or points in Jordan and Israel. Conforming Applications, motions to modify scope, and Answers may be filed by July 30, 1981.
July 1, 1981	39676	Sky West Aviation, Inc. d.b.a. Sky West Airlines, P.O. Box T, St. George, Utah 84770. Application of Sky West Aviation, Inc. d.b.a. Sky West Airlines pursuant to Section 401 of the Act amends its certificate of service list pursuant to Order 81-6-93. Conforming Applications, motions to modify scope, and Answers may be filed by July 29, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-20300 Filed 7-9-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-7-22]

Fitness Determination of Crown Airways, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-7-22, Order To Show Cause.

SUMMARY: The Board is proposing to find that Crown Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 22, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, essential Air Services Division, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-7-22.

FOR FURTHER INFORMATION CONTACT: Peter Bonanno, Jr., Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5009.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-22 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-7-22 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 6, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-20304 Filed 7-9-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-7-24]

Fitness Determination of Rocky Mountain Airways, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-7-24, Order To Show Cause.

SUMMARY: The Board is proposing to find that Rocky Mountain Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service, that it is fit, willing and able to provide scheduled air transportation under its existing 401(d)(5) dormant route certificate; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 22, 1981, together with a summary of the testimony statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-7-24.

FOR FURTHER INFORMATION CONTACT: Mrs. Phyllis C. Solomon, B-72, Legal Processing Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-24 is available from the Distribution Section,

Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-7-24 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 6, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20303 Filed 7-9-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-7-23]

Fitness Determination of Scheduled Skyways, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-7-23, Order To Show Cause.

SUMMARY: The Board is proposing to find that Scheduled Skyways, Inc. is fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act, as amended: that it is capable of providing essential air service; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 22, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-7-23.

FOR FURTHER INFORMATION CONTACT: Steven B. Farbman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-23 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-7-23 to the Distribution Section, Civil Aeronautics Board, Washington, D.C.

By the Civil Aeronautics Board: July 6, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-20302 Filed 7-9-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 8-79]

Foreign-Trade Subzone No. 46-A, General Electric Company Facility, Evendale, Ohio—Withdrawal of Application for Expansion Approved

Notice is hereby given that the Greater Cincinnati Foreign-Trade Zone, Inc., grantee of FTZ Subzone 46-A at the General Electric plant, Evendale, Ohio, has withdrawn its application filed in September 1979 for the expansion of the subzone (44 FR 52857, 9-11-79). The withdrawal has been accepted and the case closed.

Dated: July 7, 1981.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81-20285 Filed 7-9-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Initiation of Antidumping Investigation; Sorbitol From France

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: We are initiating an antidumping investigation to determine whether sorbitol from France is being, or is likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission ("ITC") of this action, so that it may preliminarily determine whether these imports are materially injuring or threatening to injure materially a U.S. industry. If both investigations proceed normally, the ITC will announce its preliminary determination by July 30, 1981, and we will announce ours by November 23, 1981.

EFFECTIVE DATE: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202-377-1279).

SUPPLEMENTARY INFORMATION:

Initiation of Investigation

On June 15, 1981, we received a petition from counsel for Pfizer, Inc., of New York, New York. Complying with the filing requirements of 19 CFR 353.36, the petition alleges that Societe Roquette Freres of Lille, France, is selling sorbitol in the United States at less than fair value, and that such sales are materially injuring a U.S. industry. Petitioner has cited lost sales, price suppression, and rapid penetration of the U.S. market as examples of injury to the domestic sorbitol industry. The petition also claims "critical circumstances" exist due to a rapid and intensive penetration of the U.S. market by massive imports of this merchandise during a relatively short period.

After conducting a summary review of the petition, as required by section 732(c)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1673a(c)(1)) ("the Act") we have found that the information it contains reasonably supports the allegations of material injury and of sales at less than fair value and justifies further investigation.

Therefore, in accordance with section 732(c)(2) of the Act, we are initiating an antidumping investigation to determine whether there is a reasonable indication that sorbitol from France is being sold in the United States at less than fair value.

We are publishing this notice in accordance with § 353.37(b) of the Commerce Regulations (19 CFR 353.37(b)). Unless we extend this investigation, we will make our preliminary determination by November 23, 1981.

Scope of the Investigation

Sorbitol is a polyol which is produced by the catalytic hydrogenation of sugars (glucose). It is commercially available in two forms: (1) cystalline sorbitol, used in the production of sugarless gum, candy, groceries and pharmaceuticals; and (2) liquid sorbitol, used in cosmetics and toiletries (such as toothpaste).

Sorbitol is currently classified under item number 493.6820 of the Tariff Schedules of the United States, Annotated.

Critical Circumstances

The petition also alleges that critical circumstances exist within the meaning of section 733(e)(1) of the Act (19 U.S.C. 1673b(e)(1)). In order to determine that critical circumstances exist, the Department must find there is a reasonable basis to believe or suspect that: (1)(a) there is a history of dumping in the United States or elsewhere of the

class or kind of merchandise which is the subject of the investigation; or (b) that the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than fair value; and (2) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

Since the petition has failed to provide us with sufficient information which establishes either a prior history of dumping or that the importer knew or should have known the exporter was selling the subject merchandise at less than fair value, we determine that at this time there is not a reasonable basis for concluding that critical circumstances exist with respect to imports of sorbitol from France. Accordingly, we have not addressed the issue of massive imports at this time.

Notification of ITC and Preliminary Determination

Section 732(d) of the Act (19 U.S.C. 1763a) also requires us to notify the ITC of this decision and to provide it with the information we used in making this decision. We will make available to the ITC all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Pursuant to section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673a), the ITC will determine by July 30 whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of sorbitol from France. If the ITC makes a negative determination, this investigation will terminate; otherwise, it will proceed to its conclusion.

This notice is published pursuant to section 732 of the Act (93 Stat. 162, 19 U.S.C. 1673(a) and § 353.37(b) of the Department Regulations (19 CFR 353.37(b)).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 6, 1981.

[FR Doc. 81-20007 Filed 7-9-81; 8:45 am]

BILLING CODE 3510-25-M

Importers' and Retailers' Textile Advisory Committee; Renewal

AGENCY: International Trade Administration; Commerce.

ACTION: Notice of Renewal.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act, (5 U.S.C. App. (1976), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, and after consultation with the General Services Administration, the delegate of the Secretary of Commerce has determined that the renewal of the Importers' and Retailers' Textile Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of Commerce by law.

SUPPLEMENTARY INFORMATION: The Committee was initially established by the Secretary of Commerce on August 13, 1963. Its purpose was, and continues to be, to advise Department officials on the effects on import markets and retailing of cotton, wool and man-made fiber textile agreements.

The Committee will continue to have balanced representation of not more than 25 members, appointed by the Secretary of Commerce. The Committee will continue to function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress, and a copy will be forwarded to the Library of Congress.

FOR FURTHER INFORMATION CONTACT: Committee Control Officer, Arthur Garel, Director, Office of Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Room 2808, Washington, D.C. 20230, telephone: (202) 377-5078 or Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce (202) 377-4217.

Dated: July 6, 1981.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81-20284 Filed 7-9-81; 8:45 am]

BILLING CODE 3510-17-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Permit Modification Request

Notice is hereby given that Normandeau Associates has requested a modification to Permit No. 213 issued under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) and the regulations governing endangered species (50 CFR Parts 217-227) on November 25, 1977. Normandeau is requesting that the location of activities be modified to include the Hudson River Estuary.

Written data or views, or requests for a public hearing on this modification request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, by August 10, 1981. Those requesting a hearing shold set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documentation pertaining to the above amendment request is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: July 2, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-20289 Filed 7-9-81; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), will meet to discuss the results of public hearings on the interim groundfish fishery management plan (FMP); status of the groundfish fishery and of lobster FMP development; reports of the groundfish and herring oversight committees; report of the Executive Director; approval of minutes, as well as other business.

DATES: The public meetings will convene on Tuesday, July 28, 1981, at approximately 10 a.m., and will adjourn on Wednesday, July 29, 1981, at

approximately 5 p.m. The meetings may be lengthened or shortened, or agenda items rearranged depending upon progress on the agenda.

ADDRESS: The meetings will take place at King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway, Route One, Saugus, Massachusetts 01906.

Dated: July 7, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-20296 Filed 7-9-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEEMENTS

Adjusting the Level of Restraint for Certain Cotton Fabrics From Thailand

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by 8 million square yards the consultation level of 8 million square yards established for other woven cotton fabrics, such as lawn and voile, among others, in Category 320, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1981. The new twelve-month level will be 16 million square yards.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand provides consultation levels for certain categories of textile products, such as Category 320, which are not subject to specific ceilings and which may be adjusted upon agreement between the two governments. At the request of the Government of Thailand, the Government of the United States has agreed to increase the level for cotton textile products in Category 320 by 8 million square yards to 16 million square yards.

EFFECTIVE DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Carl J. Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4122).

SUPPLEMENTARY INFORMATION: On December 24, 1980, there was published in the **Federal Register** (45 FR 85141) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements establishing levels of restraint for certain categories of cotton, wool and man-made fiber textile products, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981. The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amends the letter of December 19, 1980 to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 320, produced or manufactured in Thailand and exported during the twelve-month period which began on Janary 1, 1981 and extends through December 31, 1981, in excess of the increased level of 16 million square yards.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textle Agreements.

United States Department of Commerce

July 7, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 19, 1980, from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Thailand, in excess of designated levels of restraint.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on July 7, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 320, produced or manufactured in Thailand, in excess of 16 million square yards.[1]

The action taken with respect to the Government of Thailand and with respect to imports of cotton textile products from Thailand has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-20283 Filed 7-9-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 services to be provided by workshops for the blind and other severely handicapped.

DATES: Comments must be received on or before: August 12, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1981, November 12, 1980 (45 FR 74836):

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

SIC 7349

Janitorial Services, Environmental Protection Agency, Corvallis, Oregon at the following locations: Corvallis Environmental Research Laboratory, 200 SW. 35th Street Western Fish Toxicology Station, 1350 SE. Goodnight Avenue

SIC 7399

Repair of Air Cargo Pallet Top and Side Nets, McChord Air Force Base, Washington

C. W. Fletcher,

Executive Director.

[FR Doc. 81-20227 Filed 7-9-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session 27 August 1981, at the AGED, 1925 N. Lynn Street, Arlington, Virginia, 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, section 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 7, 1981.

[FR Doc. 81-20280 Filed 7-9-81; 8:45 am]

BILLING CODE 3810-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 13 and 14 August 1981, at the AGED, 1925 N. Lynn Street, Arlington, Virginia, 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, section 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 7, 1981.

[FR Doc. 81-20281 Filed 7-9-81; 8:45 am]

BILLING CODE 3810-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session on 14 August 1981 at the AGED, 1925 N. Lynn St., Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, section 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 7, 1981.

[FR Doc. 81-20282 Filed 7-9-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

[Case No. D-001]

Energy Conservation Program for Consumer Products; Granting of Waiver of Dishwasher Test Procedures Upon Petition of Norris Industries

AGENCY: Department of Energy.

ACTION: Decision and order.

SUMMARY: Today's Decision and Order grants Norris Industries a waiver for its LER Series dishwasher from the existing DOE dishwasher test procedures.

EFFECTIVE DATE: July 2, 1981.

FOR FURTHER INFORMATION CONTACT: James A. Smith, U.S. Department of Energy, Office of Conservation and Renewable Energy, Room GH-065, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9127; Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B-128, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9510.

SUPPLEMENTARY INFORMATION:

Background

The Energy Conservation Program for Consumer Products was established pursuant to the Energy Policy and Conservation Act (Pub. L. 94-163), as amended by the National Energy Conservation Policy Act (Pub. L. 95-619), which requires the Department of Energy (DOE) to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including dishwashers. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchase decisions. These test procedures appear at 10 CFR Part 430, Subpart B. The Department of Energy, on September 26, 1980 (45 FR 6418), amended the prescribed test procedure regulations to allow the Assistant Secretary for Conservation

and Renewable Energy to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which either prevent testing of the basic model according to the prescribed test procedures or the prescribed test procedures may evaluate the basic model in a manner so unrepresentative to its true energy consumption characteristics as to provide materially inaccurate comparative data.

On November 5, 1980, Norris Industries filed a "Petition for Waiver" in accordance with the provisions of § 430.27 of 10 CFR, "Petition for Waiver." As required by that section, DOE published in the Federal Register the Norris petition (45 FR 86527, Dec. 31, 1980) and solicited comments, data, and information respecting the determinations of the petition. Norris, by letters dated January 27, 1981, notified known manufacturers of domestically marketed dishwashers of the petition. Comments were received from General Electric Corporation, Hobart Corporation, Whirlpool Corporation and Maytag Company, all manufacturers of dishwashers. All comments were sent to the petitioner by DOE on February 9, 1981, and Norris responded by letter to each comment. DOE consulted with the Federal Trade Commission on April 16, 1981 concerning the petition from Norris Industries.

Norris' petition contends that while its LER Series dishwasher is a covered product under the Act, it cannot be adequately tested under the existing DOE test procedures for dishwashers. (43 FR 39968, Aug. 8, 1977). The Norris design incorporates a "steam generator" which is not addressed in the existing dishwasher test procedures. The Norris system allows the dishwasher to operate at a lower inlet water temperature than that specifed in the test procedures. The dishwasher can operate on household cold tap water.

Norris requests a vaiver from that part of section 2.6 of Appendix C to 10 CFR Part 430, Subpart B, requiring the test to be conducted without a test load, and section 4.1 in respect to "T," the nominal water heater temperature rise of 90°F. Norris proposes to use an eight place setting test load of dishes. A single place setting consists of: one glass—13 oz. straight sides, made of glass, one cup—Corning "Centura" No. C-308, one saucer—Corning "Centura" No. C-506, one dinner plate—Corning "Centura" No. C-110, one bread and butter plate—Corning "Centura" No. C-106, one fruit bowl—Corning "Centura" No. C-409, one dinner fork—stainless steel, one salad fork—stainless steel, one knife—stainless steel, and two teaspoons—stainless steel. The company proposes to substitute for the 90°F nominal water heater temperature rise, a calculation of inlet water temperature rise (where "T," the inlet water temperature rise, equals the measured inlet water temperature minus 55°F).

Today's decision and order grants a waiver to Norris Industries from the test procedure specified in 10 CFR Part 430, Subpart B, Appendix C, for its LER dishwasher. The existing test procedure is inappropriate to the LER dishwasher for the purpose of making representations regarding energy use in the required format on the EnergyGuide dishwasher label because the results provide materially inaccurate comparative data for cold water operation. If Norris wishes to make any representations respecting measures of energy consumption of its LER diswasher, such representations are to be based on a modified test procedure resulting from the machine's unique design characteristics allowing the use of household cold tap water.

With regard to Norris' request for use of a test load, Whirlpool agrees that a test load is necessary when conducting energy tests in which water heating occurs during a delay portion in the test cycle to raise the temperature of the inlet water to the dishwasher. General Electric contends that the petitioner has not demonstrated that the lack of a test load prevents testing in accordance with the existing test procedure. Norris responded to this comment by stating that a load is required to fairly and accurately measure the energy consumption of the Norris design. However, Norris has provided no data to demonstrate that incorporation of a test load would change the energy consumption of the Norris steam generator design dishwasher.

DOE had previously considered including a provision for a test load in the dishwasher test procedure, but rejected its use stating that:

> Based on over 30 tests on six different models of dishwashers, NBS [the National Bureau of Standards] concluded that there was an insignificant variation in the energy consumed by the internal boost heater between tests conducted with a load and those conducted without a load for dishwashers when operated on the normal cycle. Since none of the models tested had boost heaters that were thermostatically controlled for the normal cycle, the boost heater operated continuously during the wash and rinse cycles, whether or not a load was present. The test results showed that the boost heater consumed nearly a constant amount of energy independent of the number of dishes being washed or the temperature of the water.
>
> In light of the NBS test results, and based on NBS recommendation, FEA has determined that the use of a standard test load for the testing of any size dishwasher when operated on the normal cycle or the truncated normal cycle is unnecessarily burdensome on industry and should not be required. 44 FR 39965 (1977).

Subsequent to these tests, NBS conducted a series of energy tests on a dishwasher using thermostatically controlled heating in the normal cycle to determine the effects on energy consumption of a test load and found a difference of 1.7% using 140°F inlet water and 6.6% with 120°F water.[1] In the NBS tests the water was not placed in contact with the test load until it was fully heated. Whereas, with the Norris design, the water vapor would come in contact with the test load almost immediately, which could have an effect on the consumption of the LER dishwasher as Norris implies. Since Norris contends there is a variation between tests conducted with a test load and those conducted without a test load, and the recent NBS test data tends to support this contention, today's decision and order provides relief from the test requirements to allow for a test load as proposed by Norris.

Whirlpool suggested that the test load to be utilized should be determined by following the Association of Home Appliance Manufacturers' dishwasher test procedure, DW-1. When using DW-1, Whirlpool stated that a 12 place setting test load, including serving dishes, would be used rather than the 8 place setting proposed by Norris. In response, Norris states that the 8 place setting proposed is based upon the test load proposed by the Federal Energy Administration and subsequently deleted from the dishwasher test procedure. Upon the record of this proceeding, DOE holds that there are no differences associated with an 8 place setting vis-a-vis a 12 place setting. Accordingly, DOE rejects the proposal made by Whirlpool with respect to the use of a 12 place setting test load.

Hobart, General Electric, Maytag and Whirlpool each objected to Norris' proposed method of calculating the per cycle water energy consumption. Norris proposed that the per cycle water energy consumption in kilowatt-hours per cycle equals the product of (A) water consumption in gallons per cycle, (B) the specific heat of water, 0.00240 kilowatt-hours per gallon per degree

[1] National Bureau of Standard's Milestone Report, "Test Results for a Dishwasher with Reduced Inlet Water Temperature," Feb. 1981.

Farenheit, and (C) the inlet water temperature rise in degrees Farenheit, where the inlet water temperature rise equals the measured inlet water temperature minus 55°F. Hobart contends that the inlet water temperature should be no lower than 120°F and that a waiver be granted only if all cycles operate at the lower temperatures. General Electric commented that Norris should provide test results under the existing test procedures and its proposed alternate test procedures before the waiver petition is acted upon. Whirlpool objected to the Norris procedure because the test results could not be adequately displayed on the Federal Trade Commission's (FTC) EnergyGuide label for dishwashers, and Maytag objected, because Norris has not provided any proof that its design will effect a reduction in the water heater temperature.

DOE believes that the commenters' objections to the method of calculating per cycle water energy consumption are based upon their belief that the Norris design requires heated inlet water. Information regarding the particular design of dishwasher manufacturered by Norris was deleted from the petition in accordance with the applicable provisions of 10 CFR 1004.11 upon Norris' request for confidential treatment. The Norris design would allow consumers to operate the machine with either cold tap water or heated water. For dishwashers which are designed to operate using cold water, such as the Norris design, the existing test procedure does not adequately measure the total energy consumption of the machine since the current test procedure assumes that the heated water supplied to the dishwasher has been heated over a 90°F temperature rise. The energy consumption, calculated according to the current dishwasher test procedure as specified in Appendix C to 10 CFR Part 430, Subpart B, is based upon the 90°F temperature rise of the water consumed in the cycle tested and the measured machine energy for the test cycle. The total energy consumed is the sum of the two values, which would overstate the estimated energy consumption for those machines using cold tap water by approximately the calculated per cycle water energy consumption.

Maytag contends that unless it can be shown that a lower average water heater thermostat setting will definitely be used in homes using the Norris dishwasher, no waiver should be granted. If the waiver were to be granted, Maytag suggests that the test procedure be changed so that only a 50 percent credit is achieved. Maytag argues that the use of the 50 percent credit is analogous to the 50 percent credit for dishwashers which have a switch which permits drying without heat. In response, Norris states that the 50 percent credit has been applied to consumer selected options for which actual usage was unknown.

DOE considers operation of the LER dishwasher at temperatures less than 140°F, including cold tap water, is not a consumer selected option. The 50 percent credit for dishwashers, which have a switch which permits drying without heat, is applied because it is an option which the consumer selects during the operation of the dishwasher for which DOE has no data to determine its "frequency-of-use." Whereas, with the LER dishwasher, the consumer makes his selection when the dishwasher is installed, not during its operation. Therefore, the incorporation of a "frequency-of-use" factor, as Maytag contends, would not be appropriate.

Hobart states that the inlet water temperature be no lower than 120°F. Since the LER dishwasher can use cold tap water, it does not need to be demonstrated that the consumer will reduce the thermostat setting on the water heater.

Whirlpool objected to the waiver because all other manufacturers test with 140°F water with a 90°F water heater temperature rise and that the consumers would not know how to evaluate the information when comparing the results with other dishwashers. Further, Whirlpool stated that the FTC EnergyGuide label would have to be altered to include a grid to disclose the relationship between estimated annual operating costs and inlet water temperature, and that such a grid would be confusing to the consumer. DOE considers that the inclusion of additional information on the FTC EnergyGuide label may be incompatible with the format of the label; thus it may be confusing to the consumer. Furthermore, under the provisions of the Energy Policy and Conservation Act, as amended, any changes in the EnergyGuide label rest solely with the FTC. (The FTC consumer product labeling regulations are set forth at 16 CFR Part 305.)

While today's decision grants a waiver to Norris Industries from the DOE test procedures for its LER Series dishwashers because they are capable of using cold inlet water, the Department is mindful that consumers could be confused by not knowing how to evaluate the information they are provided when comparing the estimated annual operating cost of the LER Series dishwasher with that of other models. The waiver is granted on the conditions that any representations made by Norris Industries for its LER Series dishwasher are to be based on the DOE test procedures modified to accommodate the machine's unique design characteristics, that the results of such testing shall be fairly disclosed in such representations and that the inlet water temperature upon which the representations are based shall be prominently disclosed. The modifications are defining T, in section 4.1 of Appendix C of 10 CFR Part 430, Subpart B, as the inlet water temperature rise, which equals the measured inlet water temperature minus 55°F, and including in section 2.6 the use of an eight place setting test load.

In consideration of the foregoing, it is therefore ordered that:

(1) The "Petition for Waiver" filed by Norris Industries on November 5, 1980, is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4) and (5).

(2) Norris Industries is not required to test the LER Series dishwasher pursuant to the test procedures specified in Appendix C of 10 CFR Part 430, Subpart B.

(3) Norris Industries, in making any representations respecting measures of energy consumption of its LER Series dishwasher:

(a) Shall use the test procedures specified in Appendix C of 10 CFR Part 430, Subpart B, except (1) in section 4.1,

> "T = inlet water temperature rise = difference between the measured inlet water temperature and 55°F."

and (2) section 2.6 is revised as follows:

> "*Load.* The dishwasher shall be tested on the normal cycle and the truncated normal cycle with an eight place setting test load of dishes. The test load shall consist of the following:
>
> Eight glasses—13 oz. straight sides, made of glass.
> Eight cups—Corning "Centura" No. C-306.
> Eight saucers—Corning "Centura" No. C-506.
> Eight dinner plates—Corning "Centura" No. C-110.
> Eight bread and butter plates—Corning "Centura" No. C-106.
> Eight fruit bowls—Corning "Centura" No. C-409.
> Eight dinner forks—Stainless steel.
> Eight salad forks—Stainless steel.
> Eight knives—Stafnless steel.
> Sixteen teaspoons—Stainless steel."

(b) Shall fairly disclose the results of such testing in such representations; and

(c) Shall disclose in such representations the inlet water temperature on which such representations are based.

(4) The waiver shall remain in effect only until the Department of Energy prescribes final test procedures appropriate to the LER Series dishwasher manufactured by Norris Industries and shall in any event expire (one year from issuance).

(5) This waiver is based upon the presumed validity of statements and materials submitted by the applicant and commenters. This waiver may be revoked or modified at any time upon determination that the factual basis underlying the application is incorrect.

Issued in Washington, D.C., July 2, 1981.

Joseph J. Tribble,

Assistant Secretary.

[FR Doc. 81-20199 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Big-Tex Crude Oil Co., Dot Oil Corp.; Action Taken on Consent Order.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: June 24, 1981. Comments by: August 10, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 Phone 214/767-7745.

SUPPLEMENTARY INFORMATION: On June 24, 1981, the Office of Enforcement of the ERA executed a Consent Order with Big-Tex Crude Oil Company and Dot Oil Corporation (Big-Tex/Dot) of Abilene, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Big-Tex/Dot wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Big-Tex/Dot effective as of the date of its execution by the DOE and Big-Tex/Dot.

I. Consent Order

Big-Tex/Dot with its home office in Abilene, Texas is a firm engaged in the resale of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Part 210, 211, 212. The Office of Enforcement of the Economic Regulatory Administration (ERA) and Big-Tex/Dot entered into a Consent Order to resolve certain civil actions which could be brought by ERA as a result of its audit of the crude oil resales by Big-Tex/Dot. The significant terms of the Consent Order with Big-Tex/Dot are as follows:

1. This Consent Order concerns the sale of certain volumes of crude oil sold by Big-Tex/Dot during the period November 1973 through December 1980, and is intended by Big-Tex/Dot and DOE to resolve only those matters set forth in this Consent Order.

2. Big-Tex/Dot allegedly applied the provisions of 10 CFR Part 212, Subparts F and L incorrectly when determining the prices to be charged for certain domestic crude oil.

3. The Consent Order constitutes neither an admission by Big-Tex/Dot that DOE regulations have been violated nor a finding by the DOE that Big-Tex/Dot has violated DOE regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Big-Tex/Dot agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $400,000.00, including interest, on or before 30 days after the effective date of this Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected person, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Big-Tex Oil Company and Dot Oil Corporation's Consent Order." We will consider all comments we receive by 4:30 p.m., local time, August 10, 1981. You should identify any information or data which, in your opinion, is confidential and

submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 30th day of June, 1981.

Wayne I. Tucker,

District Manager of Enforcement, Southwest District Office, Economic Regulatory Administration.

[FR Doc. 81-20193 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

Coffield Pipeline Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: June 11, 1981.

COMMENTS BY: August 10, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767-7745.

SUPPLEMENTARY INFORMATION: On June 11, 1981, the Office of Enforcement of the ERA executed a Consent Order with Coffield Pipeline Company of Rockdale, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of less than $50,000 in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Coffield Pipeline Company wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE had determined that it is in the public interest to make the Consent Order with Coffield effective as of the date of its execution by the DOE and Coffield.

I. The Consent Order

Coffield Pipeline Company is a firm engaged in the gathering and resale of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory administration as a result of its audit of Coffield, the Office of Enforcement, ERA, and Coffield entered into a Consent Order, the significant terms of which are as follow:

1. During the period November 1973 through February 1980 Coffield allegedly sold crude oil above the allowable prices specified at 10 CFR 212, Subparts F and L.

2. Coffield and the DOE have agreed to a settlement of $85,000. This amount will be refunded on or before June 11, 1983. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Coffield.

3. This Consent Order constitutes neither an admission by Coffield that ERA regulations have been violated nor a finding by the ERA that Coffield has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Coffield agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1 above, the sum of $85,000 in the manner specified in I.2 above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffer a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent pruchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the marking of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Coffield Pipeline Company Consent Order." We will consider all comments we receive by 4:30 P.M., local time August 10, 1981. You should identify any information or data which in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas, on the 30th day of June 1981.

Wayne I. Tucker,

Southwest District Manager Economic Regulatory Administration.

[FR Doc. 81-20194 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

P. H. Glatfelter Co.; Application for Designation as a Petroleum Substitute

Request of: P. H. Glatfelter Co., Bergstrom Paper Division, Spring Grove, Pennsylvania 17362.

Regarding: Application for Designation as a Producer of a Petroleum

Substitute in the Domestic Crude Oil Allocation Program Under 10 CFR 211.67(a)(5) for Fuel Derived from Solid Waste.

Decision and Order

I. Introduction

On May 9, 1980, the P. H. Glatfelter Company, Bergstrom Paper Division, filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) an application for designation as a producer of a petroleum substitute pursuant to 10 CFR 211.67(a)(5) (the Entitlements Program). Glatfelter has not filed further information.

ERA is issuing this Decision and Order pursuant to 10 CFR Part 205 Subpart G (Administrative Procedures and Sanctions), and Section 211.67(a)(5) of 10 CFR Part 211, Subpart C (Mandatory Petroleum Allocation Regulations).

II. Background

Section 211.67 of the Mandatory Petroleum Allocation Regulations provides that upon application ERA may designate on a case-by-case basis a synthetic fuel as a petroleum substitute. The synthetic fuel for which entitlements are being sought must satisfy the definition of petroleum substitute set forth in § 211.67. The relevant portion of the definition states:

"Petroleum substitute" means * * * (b) as designated in orders issued by ERA following review of applications submitted under Subpart G of Part 205 of this chapter, (1) any other fuel derived from solid-waste materials; or (2) any other fuel in a liquid form which is derived from domestic biomass, coal or tar sands.

The program was designed to "provide appropriate incentives for new technology while ensuring that crude oil substitutes not needing entitlement benefits or not materially contributing to a reduction in imported oil do not participate in the program." [43 FR 21429] Thus, the ERA has administered the program "in a way that will carry out the spirit of the regulation, which is to encourage the development and use of domestically derived petroleum substitutes that have the potential of reducing our dependence on imported oil." [43 FR 21429]

Applications for designation of a material as a petroleum substitute under section (b) of the definition of "petroleum substitute" are handled on a case-by-case basis pursuant to the *Guidelines for Evaluation of Applications for Designation as a Producer, Marketer or Consumer of Petroleum Substitutes in the Entitlements Program* (Guidelines, 44 FR 6895, February 5, 1979).[1]

ERA may designate the producer, marketer, or consumer of the petroleum substitute as the party to receive entitlement benefits. The producer will in many cases, although not in all cases, be the designated recipient.

III. Comments Received

On September 3, 1980, ERA issued a notice listing sixty-three (63) firms, including Glatfelter, that had filed applications for entitlement benefits for petroleum substitutes. *See* 45 FR 59613 (September 10, 1980). The notice invited written comments from interested persons. Comments were submitted by Atlantic Richfield Company (ARCO), Gulf Oil Corporation (Gulf), the Standard Oil Company of Ohio (Sohio), and Texaco, Inc. (Texaco). These commenters raised general legal challenges to the DOE regulations permitting the issuance of entitlements for petroleum substitutes. These legal contentions were fully considered and rejected by the U.S. District Court in *Atlantic Richfield Co.* v. *DOE*, No. 80–1427 (E.D. Pa. November 6, 1980).

ARCO submitted comments specific to Glatfelter's application. ARCO opposes the approval of Glatfelter's application on the ground that Glatfelter does not need any price incentive to use its petroleum substitute and, therefore, that any incentive payment under the entitlements program would be a windfall. ARCO's comments generally indicate opposition to the issuance of entitlements for a petroleum substitute in any instance where (1) the petroleum substitute is derived from the applicant's own waste products; or (2) the petroleum substitute is produced and used as fuel by the applicant itself; or (3) use of the petroleum substitute results in a net cost savings to the applicant even in the absence of entitlement benefits.

Neither the regulations nor the Guidelines require that an applicant commercially market the alternative fuel concerned in order to receive entitlement benefits. Moreover, an applicant does not become ineligible for entitlement benefits because it uses its own solid waste materials to produce a substitute fuel.

Furthermore, an applicant is not required to show whether its production and/or use of the substitute fuel results in a net cost savings even in the absence of entitlement benefits. Nor is a firm's need for entitlement benefits determinative. *See*, Chevron U.S.A., Inc., *et al.*, 6 DOE ¶ 80,136 at p. 80,656 (August 7, 1980).

In addition, ARCO states that Glatfelter's application indicates that the production of the petroleum substitute creates a net gain in energy, but questions the basis for the calculation. The net energy gain calculation is addressed in the body of this decision and order.

IV. Description of the Application

Glatfelter submitted its application on May 9, 1980, for entitlement benefits as a producer of a petroleum substitute. Glatfelter is producing useful energy from solid waste materials used as fuel in boilers that produce process steam used to meet the energy requirements of Glatfelter's papermaking processes at its mill in Spring Grove, Pennsylvania. The solid waste materials processed for fuel usage by Glatfelter are residuals of operations at the same mill.

The process by which Glatfelter produces fuel from waste materials is as follows:

(1) In the pulping process, the bark is removed from the logs and the wood is chipped. The chips are then cooked at an elevated temperature and pressure in an aqueous solution of sodium sulfide and sodium hydroxide, or "white liquor," resulting in the chemical removal of lignin from the wood. The cellulose fibers used in the papermaking processes are then filtered out and washed. The residual waste liquor from the cooking process plus the waste water from the washing stage are combined to form a "black liquor."

(2) This waste material is then concentrated to 50 percent solids in two evaporators and sent to the recovery system, where it is further concentrated in direct contact evaporators using heat from boiler fuels gases (i.e., wasteheat). This concentrated "black liquor" is then as fuel for the mill's two recovery boilers. Combustion of the organics in

[1] At the time of the adoption of the Guidelines in February 1979, only liquid fuels were eligible for inclusion in the entitlements program on a case-by-case basis. In November 1979, section 211.67(a)(5) was amended to expand the scope of the case-by-case category to permit the issuance of entitlements to certain gaseous and solid fuels [44 FR 66183, November 19, 1979]. While the Guidelines have not been amended to reflect the eligibility of non-liquid fuels, the preamble to the November 1979 final rule that made such fuels eligible for inclusion in the entitlements program stated that the gaseous and solid petroleum substitutes, newly eligible for case-by-case consideration, would receive the same treatment as those liquid petroleum substitutes that already were eligible on a case-by-case basis for inclusion in the entitlements program. Accordingly, those criteria set forth in the Guidelines (e.g., whether substitution for petroleum will occur or whether the process in producing the petroleum substitute results in a net energy gain or higher-valued fuel) apply to the consideration of all case-by-case determinations of whether a material shall be designated as a petroleum substitute.

the waste liquor provides heat for the generation of steam.

(3) The wood residuals (bark and sawdust) created in the chipping process are burned in a combination coal and hogged fuel boiler, rated at 200,000 pounds of steam per hour and providing process steam for the mill.

The gross heat value of the solid waste fuels is shown as follows:

(1) Black Liquor: 2.095 Million lbs/day x 5500 Btu/lb (dry basis) = 11.523 Billion Btu/day.

(2) Bark and Sawdust: 0.25 Million lbs/day x 5000 Btu/lb = 1.25 Million Btu/day.

Total Gross Energy Produced = 12.77 Billion Btu/day.

Glatfelter's application indicates that the burning of these waste-derived fuels supplies approximately 39 percent of the total energy requirement of its mill in Spring Grove, Pennsylvania.

V. Analysis

The source materials used as fuel by Glatfelter and for which Glatfelter seeks entitlement benefits are wood, bark and black liquor solids. It is ERA's determination that these materials are, as represented by Glatfelter in its application, domestically found solid waste materials.

It is ERA's determination that Glatfelter's use of waste-derived fuel represents a net energy gain. Glatfelter's application states that its substitute fuels are all residual waste materials generated in the pulping process of its papermaking operations, and that no fuel other than that otherwise necessary to the pulping process is utilized in producing the waste-derived fuels.

Paragraph 5(f) of the Guidelines provides that entitlement benefits will not be issued for a petroleum substitute, prior to a showing by the applicant that the petroleum substitute will replace the use of crude oil or a refined petroleum product. This criterion, which in effect limits eligibility to those fuels that are in competition with petroleum, was adopted as a means of insuring, to the extent administratively practicable, that entitlement benefits would be issued only to those firms that can demonstrate that their production, marketing or consumption of a petroleum substitute represents a means of lessening our national dependency on foreign oil.

Glatfelter has failed to demonstrate how its use of wood waste, bark and black liquor solids constitutes a substitution of those fuels for a petroleum product, as contemplated by the petroleum substitute entitlements provisions and Guidelines. Neither has Glatfelter indicated the extent, if any, to which it might reduce its consumption of petroleum as a result of its consumption of wood waste, bark and black liquor solids.

While Glatfelter's application indicates that the waste it uses daily is the energy equivalent of 2026 barrels of crude oil, there is no indication that Glatfelter has ever used or would ever be likely to use petroleum products in the facility. Indeed, Glatfelter's application indicates that the auxiliary fuel for the process steam boiler is *coal*, not a petroleum product. Neither is there any indication in the application that when the facility was being planned and constructed any thought was given to the use of petroleum products or that the decision to build a waste-fired system resulted in displacement of or substitution for petroleum products. The only statement in Glatfelter's application pertaining to the possible use of petroleum is purely theoretical in nature: "The burning of #6 fuel in a conventional steam generating unit *would be an alternative* to the burining of the biomass materials * * *." [Underlining added.] In view of these considerations, it is ERA's determination that Glatfelter has failed to meet the petroleum substitution criterion of the Guidelines designed to insure that fuels that do not lessen reliance on crude oil and petroleum products are not designated as eligible recipients of entitlements.

In summary, Glatfelter:

(a) Uses domestically found solid waste materials as a source of fuel;

(b) Produces this fuel through net energy gain processes;

(c) Has failed to demonstrate that its waste-derived fuels substitute for crude oil or a petroleum product.

VI. Order

In consideration of the foregoing, ERA hereby denies the application of P. H. Glatfelter Company for designation as a producer of petroleum substitutes under 10 CFR 211.67(a)(5). In accordance with the provisions of 10 CFR Part 205, any aggrieved party may file an appeal from this Decision and Order with the Office of Hearings and Appeals of the Department of Energy. The provisions of 10 CFR 205, Subpart H, set forth procedures and criteria which govern the filing and determination of any such appeal.

This decision is based upon the presumed validity of statements, allegations, and documentary material submitted by the applicant. It may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

Issued in Washington, D.C., on July 2, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-20198 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

Stevens Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces an action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: Comments by: August 10, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-5932.

SUPPLEMENTARY INFORMATION: On May 18, 1981, the Office of Enforcement of the ERA executed a Consent Order with Stevens Oil Company of Roswell, New Mexico. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Stevens Oil Company, with its home office located in Roswell, New Mexico, is a firm engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum and Allocation and Price Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Stevens Oil Company, the Office of Enforcement, ERA, and Stevens Oil Company entered into a Consent Order, the significant terms of which are as follows:

1. This Consent Order covers the production and sales of crude oil by

Stevens during the period September 1973 through August 1980.

2. The reason for the overcharges was Stevens Oil Company sold crude oil at prices in excess of the applicable ceiling price, as defined at 6 CFR 150.354 and at 10 CFR 212.73.

3. It is understood that Stevens Oil Company does not, by entering into the Consent Order, admit that it has violated any regulations of the DOE.

4. The provisions of 10 CFR § 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Stevens Oil Company agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $100.000 plus interest as specified in Terms and Conditions, paragraph 1, of the Consent Order. The refund shall be made in monthly installments and completed within ten months from the effective date of the Consent Order. Such refund will be made to the United States Department of Energy and will be delivered to the Assistant Administrator of Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure of a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of the Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Stevens Oil Company Consent Order." We will consider all comments we receive on or before August 10, 1981. You should identify any information or data which is, in your opinion, confidential and submit it in accordance wth the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 30th day of June, 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 81-20187 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

Fletcher Oil and Refining Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a Proposed Consent Order and provides an opportunity for public comment on the Consent Order.

DATE COMMENTS BY: August 10, 1981.

ADDRESS: Send Comments to: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, U.S. Department of Energy, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, U.S. Department of Energy, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461, (202) 653-3548.

SUPPLEMENTARY INFORMATION: On June 1, 1981, the Office of Enforcement of the ERA executed a Consent Order with Fletcher Oil and Refining Company, Inc. (Fletcher) of Carson, California.

I. The Consent Order

Fletcher, with its home office located in Carson, California, is a firm engaged in the refining of crude oil, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212 during the period covered by this Consent Order ("settlement period"). To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Fletcher, the Office of Enforcement, ERA, and Fletcher entered into a Consent Order, the significant terms of which are as follows:

1. DOE alleges that Fletcher improperly reported crude oil purchases, exchanges and processing agreements in its crude oil receipts and runs to stills on the Refiner's Monthly Reports for the period May through July 1977, in violation of 10 CFR 211.66 (b) and (h).

2. DOE alleges that Fletcher failed to file corrections for its Refiner's Monthly Reports as required by 10 CFR 211.67 (a), (e), and (j).

3. DOE alleges that Fletcher, through its acts and practices, modified their normal business practices so as to result in the circumvention or contravention of the DOE's regulations in violation of 10 CFR 210.62(a) and 205.202.

4. Without admitting that it has violated any DOE regulations, Fletcher agreed to enter into this Consent Order to avoid further interruption of its business and the expense of protracted litigation.

5. The provisions of 10 CFR 205.199J, including 9205.199J(c), are applicable to the Consent Order.

II. Refunds and Civil Penalty

A. Disposition of Refunded Overcharges

In this Consent Order, Fletcher agrees to refund, in full settlement of any civil liability, excluding civil penalties, with

respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in Part I above during the settlement period, the sum of $41,210 on or before 30 days after the effective date of the Consent Order. Violation amounts will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Director, Office of Enforcement, ERA. This amount will remain in a suitable account pending the determination of its proper disposition.

The DOE intends to distribute the refund amounts in accordance with applicable laws and regulations.

B. Civil Penalty

Fletcher agrees to pay the sum of $1,000.00 in compromise of civil penalties relating to the above-described transactions during the settlement period.

III. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments to Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461. You may obtain a free copy of this Consent Order by writing to the same address or by calling Stanley S. Mills, (202) 653–3548.

You should identify your comments on the documents you submit with the designation, "Comments on Fletcher Consent Order." We will consider all comments we receive by 4:30 p.m. local time on August 10, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C. on the 6th day of July, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-20243 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

Mallard Resources, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order issued as signed.

DATES: Effective date: July 6, 1981. Issue date: July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–3548.

SUPPLEMENTARY INFORMATION: On May 27, 1981, 46 FR 28472 (1981), the Office of Enforcement of the ERA published notification in the **Federal Register** that it had executed a proposed Consent Order with Mallard Resources, Inc. on April 24, 1981, which would not become effective sooner than 30 days after publication. Pursuant to 10 CFR 205.199](c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order.

Two comments were received. One commentor recommended that the refunds be effected through the Entitlements Program by payment to program participants. The second commentor proposed that refunds should be paid only to the ultimate oil product consumers in each State, distributed through State mechanisms. The Consent Order does not preclude either of these remedies and therefore was not modified. The proposed Consent Order was finalized and made effective on July 6, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-20240 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

Nestle Co., Inc.; Application for Designation as Producer of Petroleum Substitute; Decision and Order

Request of: The Nestle Company, Inc., Granite City, Ill. Facility, 100 Bloomingdale Rd., White Plains, New York 10605.

Regarding: Application for designation as a producer of petroleum substitutes in the domestic crude oil allocation program under 10 CFR 211.67(a)(5) for fuel derived as solid waste.

I. Introduction

On July 18, 1980, Nestle Company Inc., Granite City, Ill. Facility (Nestle GC) filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) an application for designation as a producer of petroleum substitutes pursuant to 10 CFR 211.67(a)(5) (the Entitlements Program).

The ERA is issuing this Decision and Order pursuant to Subpart G of 10 CFR Part 205 (Administrative Procedures and Sanctions) and § 211.67(a)(5) of subpart C of 10 CFR Part 211 (Mandatory Petroleum Allocation Regulations).

II. Background

Section 211.67 of the Mandatory Petroleum Allocation Regulations provides that upon application the ERA may designate, on a case-by-case basis, a synthetic fuel as a petroleum substitute.

The fuels for which entitlements are being sought must satisfy the definition of petroleum substitute set forth in § 211.62. The revelent portion of the definition states:

"Petroleum substitute" means * * * (b) as designated in orders issued by ERA following review of applications submitted under Subpart G of part 205 of this chapter, (1) any other fuel derived from solid-waste materials; or (2) any other fuel in a liquid form which is derived from domestic biomass, coal or tar sands.

The program was designed to "provide appropriate incentives for new technology while ensuring that crude oil substitutes not needing entitlement benefits or not materially contributing to a reduction in imported oil do not participate in the program." [43 FR 21429] Thus, the ERA has administered the program "in a way that will carry out the spirit of the regulation, which is to encourage the development and use of domestically derived petroleum substitutes that have the potential of reducing our dependence on imported oil." [43 FR 21429]

Applications for designation of a material as a petroleum substitute under section (b) of the definition of "petroleum substitute" are handled on a case-by-case basis pursuant to the *Guidelines for Evaluation of Applications for Designation as a Producer, Marketer or Consumer of Petroleum Substitutes in the Entitlements Program* (Guidelines, 44 FR 6895, February 5, 1979).[1]

[1] At the time of the adoption of the Guidelines in February 1979, only liquid fuels were eligible for inclusion in the entitlements program on a case-by-case basis. In November 1979, § 211.67(a)(5) was amended to expand the scope of the case-by-case category to permit the issuance of entitlements to certain gaseous and solid fuels [44 FR 66183, November 19, 1979]. While the Guidelines have not been amended to reflect the eligibility of non-liquid fuels, the preamble to the November 1979 final rule that made such fuels eligible for inclusion in the entitlements program stated that the gaseous and solid petroleum substitutes, newly eligible for case-by-case consideration, would receive the same treatment as those liquid petroleum substitutes that already were eligible on a case-by-case basis for inclusion in the entitlements program. Accordingly, those criteria set forth in the Guidelines (e.g., whether substitution for petroleum will occur or

Continued

The ERA may designate the producer, marketer, or consumer of the petroleum substitute as the party to receive entitlement benefits. The producer will in many cases, although not in all cases, be the designated recipient.

III. Comments Received

On September 3, 1980, the ERA issued a notice which contained a list of sixty-three (63) firms, including Nestle GC, which had filed applications for entitlement benefits for petroleum substitutes. See 45 FR 59613 (September 10, 1980). The notice invited written comments from interested persons. There were comments from Atlantic Richfield Company (ARCO), Gulf Oil Corporation (Gulf), the Standard Oil Company of Ohio (Sohio) and Texaco, Inc. (Texaco) which raised general legal challenges to the DOE regulations providing for entitlement benefits to producers of petroleum substitutes. These legal contentions were fully considered and rejected by the U.S. District Court in *Atlantic Richfield Co. v. DOE*, No. 80-1427 (E.D. Pa. November 6, 1980). No commenter submitted comments specifically addressing Nestle GC's application.

IV. Description of the Application

On July 18, 1980, Nestle GC submitted its application for entitlement benefits as a producer of petroleum substitutes. Nestle GC is producing approximately 493,000,000 BTU's per day from waste material for use as fuel in boilers to generate steam and process 100,000 lbs/day of tea. This operation began July 1, 1963.

The process by which Nestle GC produces the waste fuels is as follows:

> Spent tea leaves left over from tea manufacturing are dried in a continuous "MEC" dryer to an approximate 11 percent moisture content. A dual fuel fired (tea waste/natural gas) continuous "MEC" dryer is used in the drying process of the tea waste fibers. Natural gas is used for start-up of the dryer. After a suitable amount of dry waste has been collected (between ¾ to 1 hr. run), the waste burner is fired up and gas is shut off. About ⅝ of this dried waste is used as fuel for the "MEC" dryer to dry more tea waste, and ⅓ is combined with shredded wood chips (non-reusable tea chest shipping containers) and the mixture is air conveyed to a boiler to be burned. Approximately 26 tons of tea waste and 4 tons of wood waste are produced and burned per day.

The gross heating value of the tea waste used by Nestle GC is 16.6 MMBTU/ton. The gross heating value of the wood waste used by Nestle GC is 14.2 MMBTU/ton.

V. Analysis

The source materials used as fuel by Nestle GC and for which Nestle GC seeks entitlement benefits are wood waste and tea waste. It is ERA's determination that these materials are, as represented by Nestle GC in its application, domestically produced solid waste materials.

The amounts of energy produced and consumed in the production of wood waste and tea waste, as provided by Nestle GC in its application, are shown below. The calculation of net energy gain follows:

	Million British thermal units/day
Energy produced:	
Tea waste	442.8
Wood waste	49.7
Total	492.5
Energy consumed:	
Natural gas (start-up)	2.4
Tea waste	297.7
Total	300.1
Net energy gain	192.4

It is the ERA's determination that the production of wood waste and tea waste by Nestle GC yields a net energy gain.

As the majority of the energy consumed in producing the fuels is provided by the fuels, wood and tea wastes, and as the volume of natural gas used for start-up is a minimal amount, a significant volume of higher-valued fuel is not consumed in the production of the fuels.

Paragraph 5(f) of the Guidelines provides that entitlement benefits will not be issued for a petroleum substitute prior to a showing by the applicant that the petroleum substitute will replace the use of crude oil or refined petroleum products. This criterion, which in effect limits eligibility to those fuels that are in competition with petroleum, was adopted as a means of insuring, to the extent administratively practicable, that entitlement benefits would be issued only to those firms that can demonstrate that their production, marketing or consumption of a petroleum substitute represents a means of lessening our national dependency on foreign oil.

Nestle GC has failed to demonstrate how its use of wood waste and tea waste constitutes a substitution of those fuels for a petroleum product, as contemplated by the petroleum substitute entitlements provisions and Guidelines. Neither has Nestle GC indicated the extent, if any, to which it might reduce its consumption of petroleum as a result of its consumption of wood waste and tea waste.

Nestle GC makes the following statements in its application: "The volume of natural gas displaced is equal * * * (to) 188,667 cu. ft./day Nat. gas." and "The volume of solid waste petroleum substitute to be used in lieu of natural gas is: * * * 12.24 tons/day." While an energy equivalent for oil is expressed in the application, it is theoretical in nature.

There is no indication that Nestle GC's decision to build a waste-fired system resulted in displacement of or substitution for petroleum. Indeed, it is clear from Nestle GC's own statements that the facility substitutes the waste fuels for natural gas. Consequently, Nestle GC has failed to meet the petroleum substitution criterion of the Guidelines designed to insure that fuels which do not lessen reliance on crude oil and petroleum products are not designated as eligible for entitlements.

In summary, Nestle GC:

(a) Uses domestically produced solid waste materials as a source of fuel;

(b) Produces these fuels through net energy gain processes;

(c) Does not utilize significant volumes of higher-valued fuel in the production of the fuels; and

(d) Has failed to demonstrate that the waste-derived fuels substitute for crude oil or petroleum products.

VI. Order

In consideration of the foregoing, ERA hereby denies the application of Nestle, Granite City, Ill. Facility, for designation as a producer of petroleum substitutes under 10 CFR 211.67(a)(5). In accordance with the provisions of 10 CFR Part 205, any aggrieved party may file an appeal from this Decision and Order with the Office of Hearings and Appeals of the Department of Energy. The provisions of 10 CFR Part 205, Subpart H, set forth procedures and criteria which govern the filing and determination of any such appeal.

This decision is based upon the presumed validity of statements, allegations, and documentary material submitted by the applicant. It may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

Issued in Washington, D.C., on June 26, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-20241 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

whether the process in producing the petroleum substitute results in a net energy gain or higher-valued fuel) apply to the consideration of all case-by-case determinations of whether a material shall be designated as a petroleum substitute.

Newhall Refining Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Consent Order and Opportunity for Comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a Proposed Consent Order and provides an opportunity for public comment on the Consent Order.

DATE COMMENTS BY: August 10, 1981.

ADDRESS: Send Comments to: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, U.S. Department of Energy, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, U.S. Department of Energy, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461, (202) 653–3548.

SUPPLEMENTARY INFORMATION: On June 15, 1981, the Office of Enforcement of the ERA executed a Consent Order with Newhall Refining Company, Inc. (Newhall) of Newhall, California.

I. The Consent Order

Newhall, with its home office located in Newhall, California, is a firm engaged in the refining of crude oil, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212 during the period covered by this Consent Order ("settlement period"). To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Newhall, the Office of Enforcement, ERA, and Newhall entered into a Consent Order, the significant terms of which are as follows:

1. DOE alleges that Newhall improperly reported crude oil purchases, exchanges and processing agreements in its crude oil receipts and runs to stills on the Refiner's Monthly Reports for the period May through July 1977, in violation of 10 CFR 211.66(b) and (h).

2. DOE alleges that Newhall failed to file corrections for its Refiner's Monthly Reports as required by 10 CFR 211.67 (a), (e), and (j).

3. DOE alleges that Newhall, through its acts and practices, modified their normal business practices so as to result in the circumvention or contravention of the DOE's regulations in violation of 10 CFR 210.62(a) and 205.202.

4. Without admitting that it has violated any DOE regulations, Newhall agreed to enter into this Consent Order to avoid further interruption of its business and the expense of protracted litigation.

5. The provisions of 10 CFR 205.199J, including 9205.199J(c), are applicable to the Consent Order.

II. Refunds and Civil Penalty

A. Disposition of Refunded Overcharges

In this Consent Order, Newhall agrees to refund, in full settlement of any civil liability, excluding civil penalties, with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in Part I above during the settlement period, the sum of $41,210 on or before 30 days after the effective date of the Consent Order. Violation amounts will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Director, Office of Enforcement, ERA. This amount will remain in a suitable account pending the determinination of its proper disposition.

The DOE intends to distribute the refund amounts in accordance with applicable laws and regulations.

B. Civil Penalty

Newhall agrees to pay the sum of $1,000.00 in compromise of civil penalties relating to the above-described transactions during the settlement period.

III. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments to Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461. You may obtain a free copy of this Consent Order by writing to the same address or by calling Stanley S. Mills, (202) 653–3548.

You should identify your comments on the documents you submit with the designation, "Comments on Newhall Consent Order." We will consider all comments we receive by 4:30 p.m. local time on August 10, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C. on the 6th day of July, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-20242 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-01-M

Shelter Ridge Arco, et al.; Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW., Washington, D.C. 20461, phone 202/653–3517. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C. on the 6th day of July 1981.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

Proposed Remedial Orders, Western District

Station	Address	Date	Violation amount	Cents per gallon in violation
Shelter Ridge Arco	789 Redwood Highway, Mill Valley, CA 94941	5/29/81	$11,981.77	10.3
Stark Shell Service	1600 Humboldt, Seaside, CA 93955	5/29/81	12,869.52	7.5
Mac Brown Shell Service	3420 San Pablo Ave., Oakland, CA 94608	5/29/81	20,814.62	10.1
Santa Teresa Chevron	6090 Cattle Road, San Jose, CA 95123	5/29/81	6,617.99	5.5
McHugh's Union Service	18950 Lake Chabot Rd., Castro Valley, CA 94546.	5/29/81	1,128.20	8.6
H & H Texaco	389 El Camino Real, Menlo Park, CA 94025	5/29/81	1,816.50	6.4
Granada Chevron	1925 Barcelona, Livermore, CA 94550	5/29/81	1,710.51	7.1
J & C Shell Service	5270 Monterey Rd., San Jose, CA 95111	5/29/81	4,434.17	6.3
Ron & Joe's "Z" Service	401 Saratoga Ave., San Jose, CA 95129	5/29/81	5,220.05	7.6
Perkins Chevron Service	1395 7th Street, Oakland, CA 94608	5/29/81	14,480.85	14.3
Pacific Valley Center	Big Sur, CA 93920	5/29/81	6,868.79	20.9
Hudson Shell	495 El Camino Real, Menlo Park, CA 94025	5/29/81	1,488.88	5.4
Fakhowry Service Center	220 South Vincent Ave., West Covina, CA 91790.	4/22/81	3,310.81	5.7

Proposed Remedial Orders, Western District—Continued

Station	Address	Date	Violation amount	Cents per gallon in violation
George W. Hiatt Mobil Service	13501 Beach Blvd., Westminster, CA 92683	4/22/81	7,234.78	7.6
Ted's Texaco Service	25561 Jeronimo Rd., Mission Viejo, CA 92675	4/22/81	10,578.99	4.0

[FR Doc. 81-20244 Filed 7-9-81; 8:45 am]
BILLING CODE 6450-01-M

Witco Chemical Corp.; Action Taken on Consent Order

Pursuant to 10 CFR 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR 205.199J(b), no Consent Order involving sums in excess of $500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms.

On June 2, 1981, ERA published a Proposed Consent Order which was executed between Witco Chemical Corporation and the ERA (46 FR 29503–05, June 2, 1981). With this notice, and in accordance with 10 CFR 205.199J, ERA invited interested persons to comment on the Proposed Consent Order. No one submitted comments on the terms and conditions of the Consent Order.

Two submissions received made no comments with respect to the propriety of the settlement but rather represented notices of claim. One claimant suggested that the escrow fund should be returned to retail stations. Another claimant requested identification of those who would receive the escrow fund inasmuch as it may be entitled to a pass through of such refunds. Both matters are pertinent in the disposition of the escrow fund but are not germane on whether the ERA should enter into the Consent Order with Witco.

The ERA has concluded that the Consent Order as executed between ERA and Witco Chemical Corporation is an appropriate resolution of the compliance proceedings described in the Notice published June 2, 1981, and hereby gives notice that the Consent Order shall become effective as proposed immediately.

Issued in Philadelphia, Pennsylvania this 6th day of July 1981.

Edward F. Momorella,

District Manager, Northeast District Office of Enforcement.

[FR Doc. 81-20245 Filed 7-9-81; 8:45 am]
BILLING CODE 6450-01-M

Issued: July 1, 1981.

[illegible]	[illegible]	[illegible]	[illegible]	FIELD NAME	PAGE	PURCHASER
TEXAS RAILROAD COMMISSION						
-ACCO OIL & GAS CO			RECEIVED: 06/10/81 JA: TX			
R135660	F-03-032157	4220100000	102-4 #1 CITY OF HOUSTON	CLINTON N (YEGUA 8600)	140.0	HOUSTON PIPE LINE
-AMERICAN PETROFINA COMPANY OF TEXAS			RECEIVED: 06/10/81 JA: TX			
R135650	F-02-032056	4217531390	103 O M REED #4	SOUTH CABEZA CREEK	108.0	UNITED GAS PIPE L
-AMERICAN QUASAR PETROLEUM CO			RECEIVED: 06/10/81 JA: TX			
R135623	F-03-031633	4215730938	102-4 MILLER GAS UNIT #1-T	ROSENBURG (FRIO 5600) SE	500.0	UNITED GAS PIPELI
-AMOCO PRODUCTION CO			RECEIVED: 06/10/81 JA: TX			
R135478	F-04-023362	4248530598	103 GAS UNIT A ZONE B #2	LA SAL VIEJA/8/(9680-993	201.0	TENNESSEE GAS PIP
R135656	F-06-032117	4213533437	103 GOLDSMITH LANDRETH DEEP UNIT #206	GOLDSMITH (CLEARFORK)	33.6	PHILLIPS PETROLEU
R135655	F-08-032116	4213533438	103 GOLDSMITH LANDRETH DEEP UNIT #207	GOLDSMITH (CLEARFORK)	63.2	PHILLIPS PETROLEU
R135510	F-8A-025560	4250131778	103 OWNBY (UPPER CLEARFORK) UNIT #2-6	OWNBY (UPPER CLEARFORK)	2.9	NORTHERN NATURAL
-ANDERSON PETROLEUM INC			RECEIVED: 06/10/81 JA: TX			
R135557	F-7C-027476	4210532626	103 BILL CLEGG A 8-55	OZONA (CANYON SAND)	42.0	ANDERSON PIPELINE
R135557	F-7C-027476	4210532626	107-TF BILL CLEGG A 8-55	OZONA (CANYON SAND)	42.0	ANDERSON PIPELINE
R135554	F-7C-027457	4210532196	103 ELMER HOOVER HATTON N 4-13	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE
R135554	F-7C-027457	4210532196	107-TF ELMER HOOVER HATTON N 4-13	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE
R135558	F-7C-027482	4210532399	103 HOOVER ESTATE A 3-15	CANYON SAND	36.0	ANDERSON PIPELINE
R135558	F-7C-027482	4210532399	107-TF HOOVER ESTATE A 3-15	CANYON SAND	36.0	ANDERSON PIPELINE
R135555	F-7C-027463	4210532328	103 MOODY MINERALS A 1-27	OZONA (CANYON SAND)	90.0	ANDERSON PIPELINE
R135555	F-7C-027463	4210532328	107-TF MOODY MINERALS A 1-27	OZONA (CANYON SAND)	90.0	ANDERSON PIPELINE
R135556	F-7C-027466	4210532510	103 MOODY MINERALS A 3-27	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
R135556	F-7C-027466	4210532510	107-TF MOODY MINERALS A 3-27	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
-ARCO OIL AND GAS COMPANY			RECEIVED: 06/10/81 JA: TX			
R135680	F-10-032784	4229530887	102-4 SORENSON NO 2	KIOWA CREEK N (MORROW U)	73.0	TRANSWESTERN PIPE
-ARKANSAS LOUISIANA GAS CO			RECEIVED: 06/10/81 JA: TX			
R135590	F-06-029219	4231530538	103 CROMER SHALLOW #3	RODESSA (CHARGED)	40.0	ARKANSAS LOUISIAN
R135561	F-06-027881	4220330740	103 HOWELL #3	WASKOM (LOWER COTTON VAL	300.0	ARKANSAS LOUISIAN
-ASTIN CORP			RECEIVED: 06/10/81 JA: TX			
R135541	F-7E-027154	4208331827	102-4 HEMPHILL II NO 6 (88136)	HEMPHILL (JENNINGS)	100.0	ODESSA NATURAL CO
-BAR M PETROLEUM CO INC			RECEIVED: 06/10/81 JA: TX			
R135646	F-03-031996	4228730747	103 R D FASKE #1	GIDDINGS (AUSTIN CHALK)	110.0	PGP GAS PRODUCTS
-BRIDWELL OIL CO			RECEIVED: 06/10/81 JA: TX			
R135607	F-04-031204	4224500000	10R HOFFMAN L #1	BEN BOLT	14.0	VALLEY GAS TRANSM
R135591	F-09-029339	4223733354	102-2 RICHARDS RANCH #5 (90207)	RICHARDS RANCH	275.0	TEXAS UTILITIES F
-BRIGHT & COMPANY			RECEIVED: 06/10/81 JA: TX			
R135412	F-04-019327	4224731116	102-4 MAJOR NO 1	ALBERCAS (JACKSON 1200)	54.0	VALERO ENERGY COR
R135412	F-04-019327	4224731116	103 MAJOR NO 1	ALBERCAS (JACKSON 1200)	54.0	VALERO ENERGY COR
-C & G PRODUCTION CO			RECEIVED: 06/10/81 JA: TX			
R135520	F-08-026478	4249500000	10R MCCUTCHEN #2	KEYSTONE (YATES)	14.4	CABOT CORP
-C L GAGE JR			RECEIVED: 06/10/81 JA: TX			
R135534	F-09-026788	4249700000	103 NANNIE ROBERTS 1-A	BOONSVILLE (BEND CONGL)	121.0	NATURAL GAS PIPEL

-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 06/10/81 JA: TX				
R135487	F-04-024031	4227331320	103	G P WARDNER NO 138 30936	STRATTON	6.0	TENNESSEE GAS PIP
R135488	F-04-024091	4235531541	102-4	G P WARDNER NO 145	STRATTON	365.0	TENNESSEE GAS PIP
R135485	F-04-029084	4235531606	103	G P WARDNER NO 149	STRATTON	108.0	TENNESSEE GAS PIP
8135521	F-03-026547	4208931080	102-4	JOE F STAVINOHA NO 1	OAKLAND (YEGUA 4200) PRO	0.0	
8135415	F-06-020257	4220330637	103	V L MCCART NO 1	WILDCAT	106.0	HYDROCARBON TRANS
R135415	F-06-020257	4220330637	107-IF	V L MCCART NO 1	WILDCAT	106.0	HYDROCARBON TRANS
-CHASE OIL & GAS INC			RECEIVED: 06/10/81 JA: TX				
8135424	F-05-021791	4234900000	102-4	BAXTER-STANLEY #1 RRC ID #60559	O L HILL/LOWER PALUXY	70.0	LONE STAR GAS CO
R135425	F-05-021792	4234900000	102-4	KAMEN HUGGINS #1 RRC ID #60558	O L HILL/LOWER PALUXY	30.0	LONE STAR GAS CO
8135427	F-05-021795	4234900000	102-4	L M JAMES #1 RRC ID #78481	O L HILL/LOWER PALUXY	80.0	LONE STAR GAS CO
R135426	F-05-021794	4234900000	102-4	L M JAMES #2 RRC ID #77532	O L HILL/LOWER PALUXY	80.0	LONE STAR GAS CO
-CHEVRON U S A INC			RECEIVED: 06/10/81 JA: TX				
8135669	F-08-032393	4249531110	103	W E BAIRD 13-70C	KEYSTONE (CLEARFORK)	47.5	TRANSWESTERN PIPE
-CLEMCO INC			RECEIVED: 06/10/81 JA: TX				
R135663	F-06-032225	4218330416	102-4	HENDERSON GAS UNIT NO 1	ALPINE (TRAVIS PEAK)	365.0	ARKANSAS LOUISIAN
-CONCHO OIL CO			RECEIVED: 06/10/81 JA: TX				
8135645	F-10-031992	4234100000	103	T G SMITH #14	PANHANDLE	73.0	PHILLIPS PETROLEU
8135644	F-10-031991	4234100000	103	T G SMITH #15	PANHANDLE	73.0	PHILLIPS PETROLEU
-CONOCO INC			RECEIVED: 06/10/81 JA: TX				
8135654	F-03-032107	4214930721	103	A F STEINHAUSER NO 7	GIDDINGS (AUSTIN CHALK)	4.0	
R135626	F-08-031740	4222732176	103	G O CHALK-A-#12 ID #02685	HOWARD GLASSCOCK	365.0	PHILLIPS PET
8135617	F-78-031499	4243331114	103	W Z RUTHERFORD -F-#1 ID#16692	FRANKIRK E (ELLENBURGER)	17.5	CITIES SERVICE 01
-COOK PRODUCTION CO			RECEIVED: 06/10/81 JA: TX				
8135664	F-09-032229	4223700000	103	ANDY SHAWVER B	WILDCAT COUNTY REGULAR	14.6	TEXAS UTILITIES F
-COPET INC			RECEIVED: 06/10/81 JA: TX				
8135635	F-10-031783	4208730137	103	WM G HAWKINS NO 1	PANHANDLE EAST	80.0	EL PASO NATURAL G
-CORPUS CHRISTI OIL AND GAS CO			RECEIVED: 06/10/81 JA: TX				
8135580	F-04-028508	4224731253	102-4	ROBERT J HOLPEIN NO 1	EL REPOSO (6370)	0.0	VALERO INTERSTATE
8135647	F-04-031999	4260330125	102-4	STATE TRACT 834-S WELL #1 UPPER	CLEAR (MIOCENE 6200) FIE	0.0	CHANNEL INDUSTRIE
-COURSON OIL & GAS INC			RECEIVED: 06/10/81 JA: TX				
8135603	F-10-031028	4229530829	102-4	LANCERS #2-855T	BRADFORD (HEPLER)	75.0	TRANSWESTERN PIPE
-DAVIS OIL COMPANY			RECEIVED: 06/10/81 JA: TX				
8135604	F-03-031126	4232131813	103	FARMERS CANAL CO ET AL #1	PHEASANT (SIMPSON)	54.0	HOUSTON PIPELINE
-DESCO OIL CO			RECEIVED: 06/10/81 JA: TX				
8135593	F-03-029476	4237330458	102-4	DESCO CARTER BROTHERS NO 1	SEGNO (5350 YEGUA)	0.0	UNITED TEXAS TRAN
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 06/10/81 JA: TX				
8135653	F-10-032094	4239330801	103	FRANK CHAMBERS A NO 2	MENDOTA NW	0.0	
8135522	F-10-026622	4239330792	103	FRANK M CHAMBERS B NO 5	MENDOTA NW	0.0	
-DYNAMIC PRODUCTION INC			RECEIVED: 06/10/81 JA: TX				
8135614	F-03-031401	4219900000	108	ARCO-VICKERS NO 1 -RRC#61158	VICKERS (Y-2)	15.0	TEXAS EASTERN TRA
-EDWIN L COX			RECEIVED: 06/10/81 JA: TX				
8135406	F-02-015465	4212330966	102-4	ANGLERSTEIN #3-M	COTTONWOOD CREEK SOUTH (	180.0	LONE STAR GAS CO
-EL PASO NATURAL GAS COMPANY			RECEIVED: 06/10/81 JA: TX				
8135407	F-10-016173	4208710518	108-ER	MCDOWELL #7	PANHANDLE EAST	17.8	EL PASO NATURAL G
-ENSERCH EXPLORATION INC			RECEIVED: 06/10/81 JA: TX				
8135627	F-78-031762	4204900000	108	A O ANGEL NO 1	MAY WEST	5.0	LONE STAR GAS CO
8135629	F-05-031764	4221300000	108	BEN HEARNE NO 8	OPELIKA	4.0	LONE STAR GAS CO
8135631	F-05-031766	4221300000	108	E S HATTON A NO 1	OPELIKA	10.0	LONE STAR GAS CO
8135630	F-05-031765	4221300000	108	E S HATTON F NO 1	OPELIKA	19.0	LONE STAR GAS CO
R135414	F-01-019989	4201331029	103	H E RICHTER NO 2-L	FASHING	445.0	NATURAL GAS PIPEL
R135413	F-01-19988	4201331029	103	H E RICHTER NO 2-U	FASHING	960.0	NATURAL GAS PIPEL
8135628	F-05-031763	4221300000	108	I BUCKALEW E NO 1	OPELIKA	11.0	LONE STAR GAS CO

JA CD	GA ET	API NO	RRC DAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8135447	F-01-022561	4201300009	103	L T URBANCZYK UNIT 2 NO 3-LT	FASHING	966.0	NATURAL GAS PIPEL
8135481	F-01-023942	4201300000	103	L T URBANCZYK UNIT 3 NO 3-DT	FASHING	365.0	NATURAL GAS PIPEL
8135634	F-05-031770	4221300000	108	W H BALLARD NO 1	OPELIKA	13.0	LONE STAR GAS CO
8135633	F-05-031769	4221300000	108	W R DYER NO 1	OPELIKA	6.0	LONE STAR GAS CO
8135632	F-05-031767	4221300000	108	W R DYER NO 2	OPELIKA	3.0	LONE STAR GAS CO
-EXXON CORPORATION		RECEIVED: 06/10/81 JA: TX					
8135549	F-06-027333	4240130847	102-3	E J DOUTHIT NO 1	OAK HILL (COTTON VALLEY)	254.0	HYDROCARBON TRANS
8135549	F-06-027333	4240130847	107-TF	E J DOUTHIT NO 1	OAK HILL (COTTON VALLEY)	254.0	HYDROCARBON TRANS
8135683	F-08-032955	4210332425	103	J B TUBB A/C 1 #238U	SAND HILLS (TUBB)	110.0	EL PASO NATURAL G
*8135469	F-04-023085	4226130473	103	K R SAN JOSE DE LA PARRA 23-F (846*	CALANDRIA (E-02)	402.0	ARMCO STEEL CORP
*8135459	F-04-023070	4227331322	103	KING RANCH ALAZAN 326-D (82946)	HINOJOSA (E-62)	438.0	ARMCO STEEL CORP
*8135433	F-04-022117	4227330573	103	KING RANCH BORREGOS 537-D	BORREGOS (COMBINED ZONES	131.0	ARMCO STEEL CORP
*8135449	F-04-022688	4227330573	103	KING RANCH BORREGOS 537-F (75375)	BORREGOS (N-4-5-6-7)	146.0	ARMCO STEEL CORP
*8135460	F-04-023072	4227331209	103	KING RANCH BORREGOS 541-F (86020)	BORREGOS (N-25)	109.5	ARMCO STEEL CORP
*8135468	F-04-023084	4227300000	103	KING RANCH LAGUNA LARGA 16 (77752)	TIJERINA-CANALES-BLUCHER	91.0	ARMCO STEEL CORP
*8135470	F-04-023086	4227331360	103	KING RANCH MORGAN M-67	BORREGOS W (SEG F F-74)	2.0	ARMCO STEEL CORP
*8135467	F04023083	4226130467	103	KING RANCH SAN JOSE DE LA PARRA 21*	CALANDRIA (H-59)	365.0	ARMCO STEEL CORP
*8135456	F-04-022985	4227300000	103	KING RANCH SEELIGSON C-196-F (8131*	SEELIGSON (ZONE 21-F)	183.0	ARMCO STEEL CORP
*8135444	F-04-022249	4227330581	103	KING RANCH STRATTON P-256-D	BISHOP WEST	20.0	ARMCO STEEL CORP
*8135445	F-04-022250	4227300000	103	KING RANCH STRATTON P-257-D (75351)	STRATTON (R-6 E)	511.0	ARMCO STEEL CORP
*8135461	F-04-023073	4227300000	103	KING RANCH STRATTON P-257-F (72836)	STRATTON (P-5)	110.0	ARMCO STEEL CORP
*8135464	F-04-023078	4227300000	103	KING RANCH STRATTON T-37-D	STRATTON (AUSTIN UPPER S	38.0	ARMCO STEEL CORP
*8135465	F-04-023081	4227300000	103	KING RANCH STRATTON T-37-F	STRATTON (L-12)	7.0	ARMCO STEEL CORP
*8135439	F-04-022244	4227300000	103	KING RANCH STRATTON T-41-D	STRATTON (AUSTIN UPPER S	34.0	ARMCO STEEL CORP
*8135472	F-04-023106	4226130484	103	KING RANCH TIO MOYA 7 (86392)	CALANDRIA (H-59)	365.0	ARMCO STEEL CORP
*8135473	F-04-023171	4227331274	103	KING RANCH WEST BORREGOS M-24-80 (*	BORREGOS W (F-78)	820.0	ARMCO STEEL CORP
*8135450	F-04-022689	4204730688	103	R J K JR TR BARROSA PAST 17-D (807*	PITA N W (H-17 LO)	548.0	ARMCO STEEL CORP
*8135438	F-04-022241	4204730696	103	R J K JR TR BARROSA PAST 18-D (810*	PITA N W (G-58)	205.0	ARMCO STEEL CORP
*8135457	F-04-023067	4204700000	103	R J K JR TR BARROSA PAST 19-D (842*	PITA N W (F-57)	335.0	ARMCO STEEL CORP
8135596	F-04-029875	4204730828	103	SANTA FE RANCH 63 (92299)	SANTA FE EAST (G-57A)	548.0	NATURAL GAS PIPEL
*8135471	F-04-023104	4226130468	103	SFR JULIAN PASTURE ST 2 83857	JULIAN NORTH (I-92)	365.0	ARMCO STEEL CORP
*8135437	F-04-022240	4204730617	103	VIBORAS FIELD BU #1 V-76-D (78380)	VIBORAS (MASSIVE SECOND)	621.0	ARMCO STEEL CORP
*8135429	F-04-022102	4204730769	103	VIBORAS FIELD G U #1 V-85-F (85060)	VIBORAS	913.0	ARMCO STEEL CORP
*8135432	F 04-022106	4204730609	103	VIBORAS FIELD GAS UNIT #1 V-72-D (*	VIBORAS (MASSIVE SECOND)	548.0	ARMCO STEEL CORP
*8135463	F-04-023077	4204730653	103	VIBORAS FIELD GAS UNIT #1 V-75-D (*	VIBORAS (MASSIVE SECOND)	365.0	ARMCO STEEL CORP
*8135458	F-04-023068	4204730577	103	VIBORAS FIELD GU #1 O-76-D (75886)	VIBORAS (03)	949.0	ARMCO STEEL CORP
*8135455	F-04-022964	4204730347	103	VIBORAS FIELD GU #1 O-75-D (73950)	VIBORAS (03)	584.0	ARMCO STEEL CORP
*8135441	F-04-022246	4204730616	103	VIBORAS FIELD GU #1 V-69-D (78375)	VIBORAS (MASSIVE FIRST)	548.0	ARMCO STEEL CORP
*8135440	F-04-022245	4204730616	103	VIBORAS FIELD GU #1 V-69-F (78374)	VIBORAS (MASSIVE SECOND)	840.0	ARMCO STEEL CORP
*8135434	F-04-022120	4204730605	103	VIBORAS FIELD GU #1 V-71-F (75629)	VIBORAS (MASSIVE SECOND)	365.0	ARMCO STEEL CORP
*8135430	F-04-022103	4204730612	103	VIBORAS FIELD GU #1 V-74-F (75626)	VIBORAS (MASSIVE FIRST)	511.0	ARMCO STEEL CORP
*8135443	F-04-022248	4204730656	103	VIBORAS FIELD GU #1 V-76-D (78334)	VIBORAS (MASSIVE SECOND)	913.0	ARMCO STEEL CORP
*8135442	F-04-022247	4204730656	103	VIBORAS FIELD GU #1 V-76-F (78279)	VIBORAS (MASSIVE FIRST)	840.0	ARMCO STEEL CORP
*8135462	F-04-023096	4204730743	103	VIBORAS FIELD GU #1 V-82-D (83468)	VIBORAS (MASSIVE SECOND)	876.0	ARMCO STEEL CORP
*8135466	F-04-023082	4204730769	103	VIBORAS FIELD GU NO 1 V-85-D (8646*	VIBORAS (MASSIVE SECOND)	183.0	ARMCO STEEL CORP
*8135431	F-04-022104	4204730604	103	VIBORAS FIELD GU V-73-F (75630)	VIBORAS (MASSIVE SECOND)	657.0	ARMCO STEEL CORP
-FAGADAU ENERGY CORP		RECEIVED: 06/10/81 JA: TX					
8135545	F-09-027228	4223732610	102-4	WORTHINGTON D NO 1	NORTH CREEK RANCH (UPPER	0.0	SOUTHWESTERN GAS
8135545	F-09-027228	4223732610	103	WORTHINGTON D NO 1	NORTH CREEK RANCH (UPPER	0.0	SOUTHWESTERN GAS
-FISHER-WEBB INC		RECEIVED: 06/10/81 JA: TX					
8135661	F-7C-032179	4208130782	103	GUEST B NO 5	ARLEDGE (PENN SAND)	150.0	SUN GAS CO
8135637	F-78-031926	4244131633	103	H MCCOY NO 1	SAM W (STRAWN SAND)	50.0	PALO DURO PIPELIN
-FRIEMEL & CARPENTER		RECEIVED: 06/10/81 JA: TX					

8135673	F-08-032416	4200332061	103	UNIVERSITY 16 WELL NO 16-1 #25678	FUHRMAN-MASCHO	109.5	PHILLIPS PETROLEU
-GAGE & CO			RECEIVED: 06/10/81 JA: TX				
8135649	F-09-032034	4223733248	103	CHAMBERS B #1 (20623)	MARYETTA SE (CONGL)	0.0	SOUTHWESTERN GAS
-GENE POWELL			RECEIVED: 06/10/81 JA: TX				
8135619	F-06-031547	4240131040	103	J C GARRISON WELL #1	CHURCH HILL (TRAVIS PEAK	730.0	ARKANSAS LOUISIAN
-GENERAL AMERICAN OIL COMPANY OF TEX			RECEIVED: 06/10/81 JA: TX				
8135665	F-08-032237	4200332224	103	UNIVERSITY B 1-36	EMMA N (YATES)	180.0	NORTHERN NATURAL
-GENESIS PETROLEUM CORP			RECEIVED: 06/10/81 JA: TX				
8135674	F-03-032423	4232100000	102-4	ST TR 310 NO 1-L	OLIVER POINT S (4000) PR	365.0	DOW CHEMICAL USA
8135543	F-03-027172	4232130987	103	STATE TRACT 309 WELL NO 2-L ID 884*	OLIVER POINT S (4200)	365.0	DOW CHEMICAL CO U
-GETTY OIL COMPANY			RECEIVED: 06/10/81 JA: TX				
8135435	F-06-022125	4236531028	103	HOUGH-SHIVERS A #2	CARTHAGE (TRAVIS PEAK)	916.6	UNITED GAS PIPELI
8135597	F-06-030114	4236500000	102-4	LAGRONE-JETER WELL #3	CARTHAGE (TRAVIS PEAK -	0.0	TEXAS GAS TRANSMI
8135579	F-06-028476	4200100000	103	W H C GOODE WELL #1-D	CAYUGA	0.0	LONE STAR GAS CO
8135496	F-8A-024696	4207931154	103	XIT UNIT WELL NO 176	LEVELLAND - SAN ANDRES	5.1	CITIES SERVICE CO
-GOLDKING PRODUCTION COMPANY			RECEIVED: 06/10/81 JA: TX				
8135475	F-03-023260	4216730751	102-4	ADRIANCE NO 1 065588	ALTA LOMA	219.0	HOUSTON PIPELINE
8135675	F-02-032578	4212331084	102-4	E R RODE NO 1-T	COTTONWOOD CREEK S	123.0	HOUSTON PIPE LINE
8135476	023522	4239131382	102-4	HYNES NO 2-C 070650	EAST PAPALOTE	294.0	HOUSTON PIPE LINE
8135477	F-02-023523	4239131382	102-4	HYNES NO 2-T	PAPALOTE E (5500)	312.0	HOUSTON PIPE LINE
8135621	F-02-031617	4239131433	102-4	WELDER NO 1	PAPALOTE E (6320)	436.0	HOUSTON PIPE LINE
-GRUY MANAGEMENT SERVICE CO			RECEIVED: 06/10/81 JA: TX				
8135436	F-03-022151	4243100000	108	M MATUSEK ET AL GAS UNIT #1 (RRC #*	BERNARD EAST (MCGALLIARD	22.0	TENNESSEE GAS PIP
-GUADALUPE EXPLORATION CORP			RECEIVED: 06/10/81 JA: TX				
8135540	F-10-027076	4208730157	103	BRUTON C #1	PANHANDLE	82.8	EL PASO NATURAL G
-GULF OIL CORPORATION			RECEIVED: 06/10/81 JA: TX				
8135535	F-01-027004	4201331019	103	HENDERSON ET AL GAS UNIT #1 WELL #2	FASHING (EDWARDS LIME -A	200.0	NATURAL GAS P/L C
-H L BROWN JR			RECEIVED: 06/10/81 JA: TX				
8135547	F-08-027272	4230130225	102-2	RED BLUFF (DEEP) NO 1 WELL #88428	RED BLUFF (WOLFCAMP)	1095.0	EL PASO NATURAL G
-HAMMAN OIL & REFINING CO			RECEIVED: 06/10/81 JA: TX				
8135524	F-03-026708	4220130779	102-4	LONGENBAUGH NO 1(C) 11634	CYPRESS	180.0	TENNESSEE GAS PIP
-HARKEN OIL & GAS INCORP			RECEIVED: 06/10/81 JA: TX				
8135686	F-7C-033048	4239931403	102-4	HARRIS #1 91770	HARRIS (FRY) FIELD	2.8	EL PASO NATURAL G
-HARKINS & COMPANY			RECEIVED: 06/10/81 JA: TX				
8135560	F-04-027871	4242731392	102-4	COATES ESTATE NO 4 WELL	RINCON NORTH (4350) FIEL	52.0	TENNESSEE GAS PIP
8135560	F-04-027871	4242731352	103	COATES ESTATE NO 4 WELL	RINCON NORTH (4350) FIEL	52.0	TENNESSEE GAS PIP
-HENDERSON CLAY PRODUCTS INC			RECEIVED: 06/10/81 JA: TX				
8135622	F-06-031629	4240131055	102-3	MCALISTER GAS UNIT WELL #1	DIRGIN (COTTON VALLEY) F	365.0	DELHI GAS PIPELIN
8135622	F-06-031629	4240131055	107-TF	MCALISTER GAS UNIT WELL #1	DIRGIN (COTTON VALLEY) F	365.0	DELHI GAS PIPELIN
8135516	F-06-026402	4240130980	102-3	WILLIAM POOL NO 1	HENDERSON NORTH (COTTON	365.0	UNITED GAS PIPE L
8135516	F-06-026402	4240130980	107-TF	WILLIAM POOL NO 1	HENDERSON NORTH (COTTON	365.0	UNITED GAS PIPE L
-HILL PRODUCTION CO			RECEIVED: 06/10/81 JA: TX				
8135639	F-7A-031956	4225331239	103	KIMSEARCH A D HILL #15304	NOODLE N W CANYON SAND 3	0.0	PALO DURO PIPELIN
8135480	F-7B-023924	4215131014	102-4	TOUCHSTONE-MAYBERRY #1 ID15596	BIG JOHN (CANYON REEF) F	75.0	PALO DURO PIPELIN
-HORIZON OIL & GAS CO OF TEXAS			RECEIVED: 06/10/81 JA: TX				
8135640	F-10-031959	4235731065	103	DAVIS BROTHERS #3-45	HANSFORD (MORROW UPPER)	182.5	NORTHERN NATURAL
-HOUSTON OIL & MINERALS CORPORATION			RECEIVED: 06/10/81 JA: TX				
8135504	F-03-024994	4270330211	102-4	STATE TRACT 526-L SW/4 #11	CAVALLO (8300 SD) FIELD	365.0	VALLEY PIPE LINE
8135505	F-03-024995	4270330211	102-4	STATE TRACT 526-L SW/4 #11-U	CAVALLO (7600 SD) FIELD	365.0	VALLEY PIPE LINE
8135506	F-03-025191	4270300000	102-4	STATE TRACT 526-L SW/4 #12	CAVALLO (9100 SD) FIELD	730.0	VALLEY PIPE LINE
-HUMBLE EXPLORATION CO INC			RECEIVED: 06/10/81 JA: TX				
8135479	F-08-023729	4214900000	102-2	EVELYN VOGT #1	GIDDINGS	0.0	PHILLIPS PETROLEU
8135479	F-08-023729	4214900000	103	EVELYN VOGT #1	GIDDINGS	0.0	PHILLIPS PETROLEU

[illegible]	[illegible]	API NO	S	SEC	CAT	WELL NAME
8135491	F-03-024271	4228730710		102-2		RUTH GALIPP NO 1 - 13239
8135491	F-03-024271	4228730710		103		RUTH GALIPP NO 1 - 13239
-I B BEREN				RECEIVED: 06/10/81 JA: TX		
8135659	F-09-032153	4250323234		102-4		JOHNSON NO 1 90205
-INDEPENDENT EXPLORATION CO				RECEIVED: 06/10/81 JA: TX		
8135588	F-01-029135	4250731238		102-2		I T PRYOR -B- #4
8135589	F-01-029160	4250731254		102-2		I T PRYOR #C-1
8135587	F-01-029137	4250731235		102-2		I T PRYOR #2
-INDIAN OIL CO				RECEIVED: 06/10/81 JA: TX		
8135684	F-09-033009	4249731457		103		C F HUSKEY WELL NO 1-A
-INTEGRAL ENERGY CORP				RECEIVED: 06/10/81 JA: TX		
8135676	F-02-032600	4212300000		103		ANGERSEIN RUSCHHAUPT #1
-INTERCONTINENTAL PRODUCTION CO				RECEIVED: 06/10/81 JA: TX		
8135657	F-78-032121	4236332388		103		EVANS NO 1
-JACKSON EXPLORATION INC				RECEIVED: 06/10/81 JA: TX		
8135578	F-03-028277	4215731049		102-4		BYBLE #1
8135578	F-03-028277	4215731049		103		BYBLE #1
-JAMES W PORTER INTERESTS				RECEIVED: 06/10/81 JA: TX		
8135503	F-78-024947	4236731750		102-4		PORTER #1
8135503	F-78-024947	4236731750		103		PORTER #1
8135502	F-78-024946	4236731716		102-4		PORTER #2
8135502	F-78-024946	4236731716		103		PORTER #2
8135501	F-78-024945	4236731715		102-4		PORTER #3
8135501	F-78-024945	4236731715		103		PORTER #3
-JOSEPH T DAWSON				RECEIVED: 06/10/81 JA: TX		
8135662	F-04-032224	4210931465		102-4		J H HARVEY NO 1
-KA-HUGH INTERNATIONAL INC				RECEIVED: 06/10/81 JA: TX		
8135608	F-02-031205	4223931546		103		LIONEL PASTOR NO 3
-KILLAM & HURD LTD				RECEIVED: 06/10/81 JA: TX		
8135515	F-04-026134	4250531200		102-4		HINNANT HEIRS B WELL NO 1-10
8135551	F-04-027423	4247932445		102-4		J C MARTIN III WELL NO 2
-L & M OIL CO				RECEIVED: 06/10/81 JA: TX		
8135610	F-09-031333	4249700000		103		ARTHUR SMITH NO 2
8135611	F-09-031334	4249700000		103		JAMIE SMITH NO 1
-L TEXAS INC				RECEIVED: 06/10/81 JA: TX		
8135512	F-02-025692	4217531258		102-4		JAMES M BOWER WELL #2
-LONGHORN OIL & GAS CO				RECEIVED: 06/10/81 JA: TX		
8135453	F-01-022804	4232331197		102-4		HALSELL RANCH #2-1
8135490	F-01-024157	4212731625		102-2		HALSELL RANCH #45-1
-MARSHALL EXPLORATION INC				RECEIVED: 06/10/81 JA: TX		
8135483	F-78-023962	4236332218		102-4		ALLEN #1
8135483	F-78-023962	4236332218		103		ALLEN #1
8135486	F-78-023980	4236332323		102-4		DUNNAWAY A #2
8135486	F-78-023980	4236332323		103		DUNNAWAY A #2
8135523	F-06-026692	4218330432		103		FLEWELLEN #1-UT
8135484	F-78-023974	4236332332		102-4		J B DAVIS B #3
8135484	F-78-023974	4236332332		103		J B DAVIS B #3
8135482	F-78-023961	4236332314		102-4		LAMBERTSON #1
8135482	F-78-023961	4236332314		103		LAMBERTSON #1
8135485	F-78-023976	4236332267		102-4		THOMPSON #1
8135485	F-78-023976	4236332267		103		THOMPSON #1
-MARTIN OIL & GAS CO				RECEIVED: 06/10/81 JA: TX		
8135408	F-03-17093	4205100000		102-4		RENIGNUS #1

FIELD NAME	PAGE	PURCHASER
GIDDINGS (AUSTIN CHALK)	220.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	220.0	PHILLIPS PETROLEU
JOHNSON (800)	18.0	SOUTHWESTERN GAS
PRYOR EAST (SAN MIGUEL)	0.0	VALERO TRANSMISSI
PRYOR EAST (SAN MIGUEL)	0.0	VALERO TRANSMISSI
PRYOR EAST (OLMOS)	0.0	VALERO TRANSMISSI
CHICO WEST (5700 CONGL)	73.0	TEXAS UTILITIES F
COTTONWOOD CREEK S (YEGU	0.0	VALERO TRANS CO
BRAD SW (BIG SALINE CONG	170.8	LONE STAR GAS CO
KATY S (FIRST WILCOX)	730.0	HOUSTON PIPE LINE
KATY S (FIRST WILCOX)	730.0	HOUSTON PIPE LINE
GREEN BRANCH (3300)	0.0	SOUTHWESTERN GAS
GREEN BRANCH (3300)	0.0	SOUTHWESTERN GAS
GREEN BRANCH (3300)	0.0	SOUTHWESTERN GAS
GREEN BRANCH (3300)	0.0	SOUTHWESTERN GAS
PORTER (HARWELL)	0.0	SOUTHWESTERN GAS
PORTER (HARWELL)	0.0	SOUTHWESTERN GAS
HARVEY DEEP (MORRIS)	832.2	HOUSTON PIPELINE
LAWARD N E (6630)	60.0	UNITED GAS PIPELI
AVIATORS S (WILCOX 10600	0.0	VALERO INTERSTATE
DOLORES CREEK	0.0	TRANSCONTINENTAL
ALVORD (ATOKA CONGL)	200.0	TEXAS UTILITIES F
ALVORD (ATOKA CONGL)	75.0	TEXAS UTILITIES F
CHARCO S (PETTUS 4040)	150.0	VALERO TRANSMISSI
J D A (GEORGETOWN)	100.0	TEJAS GAS CORP
J D A (GEORGETOWN)	50.0	TEJAS GAS CORP
BRANSON N (BIG SALINE)	438.0	SOUTHWESTERN GAS
BRANSON N (BIG SALINE)	438.0	SOUTHWESTERN GAS
BRANSON N (BIG SALINE)	320.0	SOUTHWESTERN GAS
BRANSON N (BIG SALINE)	320.0	SOUTHWESTERN GAS
WILLOW SPRINGS (TRAVIS P	400.0	UNITED GAS PIPELI
BRANSON N (BIG SALINE)	360.0	SOUTHWESTERN GAS
BRANSON N (BIG SALINE)	360.0	SOUTHWESTERN GAS
BRANSON N (BIG SALINE)	328.5	SOUTHWESTERN GAS
BRANSON N (BIG SALINE)	328.5	SOUTHWESTERN GAS
BRANSON N (BIG SALINE)	292.0	SOUTHWESTERN GAS
BRANSON N (BIG SALINE)	292.0	SOUTHWESTERN GAS
CALDWELL (AUSTIN CHALK)	74.0	MAYNARD OIL CO

[illegible]	[illegible]	[illegible]	L	TEC	CAT	WELL NAME
8135410	F-03-17096	4205100000		102	4	NEMFC #1
8135409	F-03-17094	4205100000		102	4	PIWONKA #1
8135411	F-03-017097	4205100000		102	4	R A BOWERS JR
						RECEIVED: 06/10/81 JA: TX
-MAYNARD OIL COMPANY						
8135651	F-02-032077	4202500000		103		S J HUFF NO 1
						RECEIVED: 06/10/81 JA: TX
-MCZ INC						
8135581	F-03-028546	4224500000		102	4	WEEE NO 1
						RECEIVED: 06/10/81 JA: TX
-MEWBOURNE OIL COMPANY						
8135682	F-10-032951	4229530770		102	4	CROAISTER #1 ID #88008
						RECEIVED: 06/10/81 JA: TX
-MITCHELL ENERGY CORPORATION						
8135571	F-05-028239	4229330493		103		ANGELINA COUNTY LUMBER CO #1
8135666	F-09-032289	4249731833		103		BERRY-CHERRYHOMES NO 2-L
8135582	F-09-028584	4249700000		108		EMMA MCCLURE #1 2145R
8135638	F-7[illegible]-031933	4236332210		103		FRANCES H MARQUESS NO 1
8135584	F-09-028871	4249700000		108		J R NANCE #1 35783
8135567	F-09-028060	4249700000		108		M E PRUETT #1 42608
8135552	F-05-027424	4229330500		103		MABEL CARPENTER #1
8135583	F-09-028585	4249700000		108		MARIE WAGGONER #2 42646
8135572	F-7[illegible]-028248	4236300000		108		MARY J JORDAN #1 17576
8135562	F-09-027894	4249700000		108		MORRIS-KEMPNER #5 28752
8135652	F-09-032089	4249732012		103		R E WILSON #2
8135451	F-09-022702	4223700000		108		R R GILLEY #3 13296
8135592	F-7[illegible]-029433	4236731925		103		R R HOWARD #3
8135605	F-7[illegible]-031198	4214330142		103		ROSS SEGAL #2
8135570	F-09-028189	4223700000		108		W S WALKER #1 35787
-MOBIL PRDG TEXAS & NEW MEXICO INC						RECEIVED: 06/10/81 JA: TX
8135599	F-03-030424	4219931402		102	4	KIRBY LUMBER CORP #4-UT
8135548	F-08-027275	4233531701		103		MARY FOSTER NO 138
						RECEIVED: 06/10/81 JA: TX
-MOLE OPERATING COMPANY INC						
8135685	F-8A-033022	4211500000		102	4	W H MOORE
						RECEIVED: 06/10/81 JA: TX
-MOTE RESOURCES INC						
8135609	F-09-031304	4249731934		103		GREGG HEIRS UNIT #20575
						RECEIVED: 06/10/81 JA: TX
-NORTH AMERICAN PRODUCTION CO						
8135679	F-02-032781	4202550000		102	4	CARPENTER NO 1 (ID NO 92153)
						RECEIVED: 06/10/81 JA: TX
-NUEVE OPERATING CO OF TEXAS						
8135687	F-7B-033070	4244131680		102	4	#1 GRISHAM ESTATE RRC NO 91452
						RECEIVED: 06/10/81 JA: TX
-OMNI EXPLORATION INC						
8135423	F-02-021262	4229732033		102	4	WILLIAM E LEE NO 1-R
						RECEIVED: 06/10/81 JA: TX
-OUTLINE OIL CORP						
8135536	F-03-026959	4240730420		102	4	MASSEY-FERGUSON UNIT NO 1
						RECEIVED: 06/10/81 JA: TX
-OWL PETROLEUM CO						
8135566	F-03-028048	4248100000		102	4	D S BABCOCK #3-T
						RECEIVED: 06/10/81 JA: TX
-PAR PRODUCING CO						
8135658	F-8A-032137	4241531535		103		BECK NO 1
						RECEIVED: 06/10/81 JA: TX
-PENNZOIL PRODUCING COMPANY						
8135618	F-04-031509	4221500985		108		BORAH UNIT NO 1
8135648	F-04-032027	4250531196		103		JENNINGS NO 45
						RECEIVED: 06/10/81 JA: TX
-PERRYMAN OIL & GAS INC						
8135514	F-02-026009	4202531006		102	4	DUGE NO 1
						RECEIVED: 06/10/81 JA: TX
-PETROLEUM MANAGEMENT INC						
8135500	F-04-024905	4224931206		102	4	GOLLAPP TRUST A NO 1
						RECEIVED: 06/10/81 JA: TX
-PHILCON DEVELOPMENT CO						
8135602	F-10-030695	4237330276		102	2	LEDRICK #1

FIELD NAME	PROD	PURCHASER
CALDWELL (AUSTIN CHALK)	36.0	MAYNARD OIL CO
CALDWELL (AUSTIN CHALK)	82.0	MAYNARD OIL CO
CALDWELL (AUSTIN CHALK)	80.0	MAYNARD OIL CO
NOREEE (1900 SAND)	0.0	UNITED GAS PIPELI
CHEEK S	730.0	WINNIE PIPELINE C
PEERY SOUTHEAST (CLEVELA	110.0	TRANSWESTERN PIPE
POKEY (COTTON VALLEY LIM	200.0	
BOONSVILLE (BEND CONGLOM	300.0	NATURAL GAS PIPEL
BOONESVILLE (BEND CONGL	6.8	NATURAL GAS PIPEL
MINERAL WELLS (STRAWN B)	30.0	SOUTHWESTERN GAS
BOONESVILLE (BEND CONGL	11.0	NATURAL GAS PIPEL
BOONESVILLE (BEND CONGL	6.6	NATURAL GAS PIPEL
POKEY (COTTON VALLEY LIM	20.0	TEXAS UTILITIES F
BOONSVILLE (BEND CONGL G	10.0	NATURAL GAS PIPEL
GRAFORD W (CONGL)	1.8	SOUTHWESTERN GAS
BOONSVILLE (BEND CONGL G	8.3	NATURAL GAS PIPEL
BOONSVILLE (BEND CONGLOM	500.0	NATURAL GAS PIPEL
GILLEY (CONGLOMERATE)	1.5	CITIES SERVICE GA
COYLE (MARBLE FALLS)	0.0	SOUTHWESTERN GAS
TEXCLINE (MARBLE FALLS)	70.0	
BOONESVILLE (BEND CONGL	6.0	SOUTHWESTERN GAS
SOUR LAKE E (YEGUA UPPER	547.5	TRANSCONTINENTAL
IATAN EAST HOWARD	0.4	GETTY OIL CO
ACKERLY NORTH	24.0	GETTY OIL CO
ALVORD (CADDO CONGLOMERA	58.0	NATURAL GAS PIPEL
SINGLETON (3950)	219.0	FERGUSON CROSSING
HIGH HOPES (MORRIS)	9.0	LONE STAR GAS CO
MOUNTAIN VIEW N (8600)	1245.0	HOUSTON PIPE LINE
OLD WAVERLY FIELD	120.0	TEXAS EASTERN TRA
MENEFEE (FRIO 5400) PROP	55.0	TRANSCONTINENTAL
TOWLE (CANYON)	5.0	SUN GAS CO (DELAW
SAN CARLOS (METTLACH)	1.0	TRUNKLINE GAS CO
JENNINGS W (ROSENBERG 12	3.0	NATURAL GAS PIPEL
LINKE (2700) FIELD	30.0	TRANSCONTINENTAL
GOLLAPP (5360) PROPOSED	350.0	NUE-WELLS PIPE LI
LEDRICK RANCH (MORROW LP	146.0	TRANSWESTERN PIPE

JD NO	DA AT	WELL NO	E SEC CAT	WELL NAME
-PHILLIPS & SPRADLEY				RECEIVED: 06/10/81 JA: TX
*8135550	F-04-027403	4240931414	102-4	KIRK GAS UNIT NO A2
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 06/10/81 JA: TX
8135546	F-10-027269	4217900000	108	PHIL-PAMPA UNIT 5B-01
8135499	F-10-024894	4242100000	108	WILLOLO #3
-PITCOCK INC				RECEIVED: 06/10/81 JA: TX
8135667	F-7B-032268	4236332404	103	GIBSON-BELDING #5 IL AC 91315
8135598	F-7B-030242	4236332320	102-2	GILBERT #1
-PITTS OIL CO & DALLAS PROD INC				RECEIVED: 06/10/81 JA: TX
8135613	F-06-031376	4207330388	102-4	NEELY NO 1 91560
-QUEST PETROLEUM INC				RECEIVED: 06/10/81 JA: TX
8135672	F-09-032484	4223700000	103	L M DUERSON NO 1
-REITA OIL CO				RECEIVED: 06/10/81 JA: TX
8135643	F-7B-031983	4236731734	103	CLEMENS #1-T (91324)
-REMUDA OIL & GAS CO				RECEIVED: 06/10/81 JA: TX
8135612	F-06-031340	4236530314	103	MCKAY NO 1 #76491
-ROBERT P LAMMERTS				RECEIVED: 06/10/81 JA: TX
8135564	F-03-027977	4214930478	102-2	#1 ALOIS KEILERS
8135565	F-03-027978	4214900000	102-2	#1 MARY JANE UNIT
8135535	F-03-026767	4214900000	102-2	#2 KEINSCH ET AL
8135537	F-03-026978	4214900000	102-2	GOEBEL BROTHERS #1
8135497	F-03-024711	4214900000	102-2	MARTIN C GOEBEL #1
8135538	F-03-026979	4214900000	102-2	WHITE HEIRS UNIT #1
-ROWE PRODUCTION CO				RECEIVED: 06/10/81 JA: TX
8135600	F-02-030450	4223931511	102-4	GARLAND T BROCKING WELL #2
-RVO PETROLEUM CO				RECEIVED: 06/10/81 JA: TX
8135446	F-06-022443	4249903064	102-4	VERNON M MOORE #1
8135446	F-06-022443	4249903064	103	VERNON M MOORE #1
-SAXON OIL COMPANY				RECEIVED: 06/10/81 JA: TX
8135563	F-08-027905	4231732167	103	GAY WADE B NO 1
-SEAGULL INTERNATIONAL EXPLORATION I				RECEIVED: 06/10/81 JA: TX
8135513	F-06-025801	4240100000	102-4	CECIL CASSITY GU WELL NO 1-LT
8135509	F-06-025447	4240100000	102-4	ORVILLE TODD GAS UNIT NO 1-C
-SEAGULL RESOURCES INC				RECEIVED: 06/10/81 JA: TX
8135544	F-03-027179	4215731082	102-4	GUNTLE GAS UNIT #1-L
-SHELL OIL CO				RECEIVED: 06/10/81 JA: TX
8135569	F-04-028166	4204730844	102-4	OCTAVIO LONGORIA ET AL GU #1
-SIOUX NATURAL GAS CORP				RECEIVED: 06/10/81 JA: TX
8135576	F-7C-028255	4210532818	103	UNIVERSITY 1-14-29
8135577	F-7C-028256	4210532919	103	UNIVERSITY 1-22-29
8135573	F-7C-028252	4210532815	103	UNIVERSITY 1-23-29
8135575	F-7C-028254	4210533038	103	UNIVERSITY 2-14-29
8135574	F-7C-028253	4210532816	103	UNIVERSITY 2-23-29
-SOUTHLAND ROYALTY CO				RECEIVED: 06/10/81 JA: TX
8135511	F-7C-025593	4238300000	108	RUBY WRIGHT 47 #1
8135508	F-7C-025361	4243530261	108-ER	SHURLEY C #1
-SOUTHWEST PETROCHEM INC				RECEIVED: 06/10/81 JA: TX
8135526	F-05-026726	4228930379	102-2	P ALBRECHT NO 2-88853
-SOUTHWESTERN GAS EXPLORATION CORP				RECEIVED: 06/10/81 JA: TX
8135489	F-09-024117	4223732968	103	LINDSEY RANCH A #2
-SPINDLETOP OIL & GAS CO				RECEIVED: 06/10/81 JA: TX
8135416	F-7B-028453	4236731818	102-4	BAILEY HEIRS #1 (77549)
8135421	F-7B-028478	4236731354	102-4	KELLY #1-T (84183)

FIELD NAME	FACT	PURCHASER
WHITE POINT EAST DEEP (G	370.0	VALERO TRANSMISSI
PANHANDLE GRAY	0.5	GETTY OIL CO
PALO DURO CREEK	1.7	MICHIGAN WISCONSI
B R A (COAGL)	336.0	TEXAS UTILITIES F
MINERAL WELLS (GEORGIA S	80.0	INTRASTATE GATHER
TECULA SE (PETTIT)	369.0	UNITED GAS PIPELI
CLAYTON (STRAWN 3900)	500.0	SOUTHWESTERN GAS
ALECO S (MARBLE FALLS)	62.0	SOUTHWESTERN GAS
BECKVILLE W (COTTON VALL	36.5	TEJAS GAS CORP
GIDDINGS (AUSTIN CHALK)	100.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	150.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	7.3	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
BROCKING (8650) - PROPCS	274.0	CHANNEL INDUSTRIE
MANZIEL N E (HILL)	340.0	ARKANSAS-LOUISIAN
MANZIEL N E (HILL)	340.0	ARKANSAS-LOUISIAN S
BREEDLOVE EAST SPRABERRY	29.9	PHILLIPS PETROLEU
PINEHILL S E (TRAVIS PEA	0.0	UNITED GAS PIPELI
PINEHILL S E (RODESSA GL	0.0	UNITED GAS PIPELI
ROSENBERG (FRIO 5220) FI	0.0	UNITED GAS PIPELI
LOPEZ RANCH (VICKSBURG 1	1000.0	LONE STAR GAS CO
INGHAM (DEVONIAN)	0.0	SOUTHWESTERN GAS
INGHAM (DEVONIAN)	0.0	SOUTHWESTERN GAS
INGHAM (DEVONIAN)	0.0	SOUTHWESTERN GAS
INGHAM (DEVONIAN)	0.0	SOUTHWESTERN GAS
INGHAM (DEVONIAN)	0.0	SOUTHWESTERN GAS
SPRABERRY TREND AREA	8.0	EL PASO NATURAL G
SHURLEY RANCH	17.0	EL PASO NATURAL G
CENTERVILLE SE	275.0	SOUTHWEST GATHERI
JACK COUNTY REGULAR	20.6	SOUTHWESTERN GAS
MALES (4650)	107.0	LONE STAR GAS CO
MALES (4300)	42.0	BUCKNER GAS CO

8135418	F-78-020461	4236731713	102-4	LILES #1-C (84832)	
8135417	F-78-020459	4236731713	102-4	LILLS #1-T (84861)	
8135419	F-78-020467	4236332201	102-4	STEWART #1-C (86031)	
8135420	F-78-020470	4236331968	102-4	STONE #1 (80639)	
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 06/10/81 JA: TX	
8135677	F-04-032676	4224931158	103	P CANALES NO 136-L	
8135681	F-78-032911	4214330659	102-4	PORTER-STATE NO 1	
8135678	F-04-032678	4242731418	103	RODRIGUEZ PENA GAS UNIT 2 NO 2C	
-SUPERIOR OIL CO				RECEIVED: 06/10/81 JA: TX	
8135681	F-02-030527	4228531516	103	F J KRUPALA G U NO 1	
8135594	F-03-029480	4228730780	103	EDGMON-CAMERON WELL NO 2	
8135525	F-02-026718	4205700000	108	HOLLOMAN LAND COMPANY WELL #1	
-T L J INC				RECEIVED: 06/10/81 JA: TX	
8135528	F-7C-026732	4238300000	103	TEXAS Y #11	
8135529	F-7C-026733	4238300000	103	TEXAS Y #12	
8135532	F-7C-026736	4238300000	103	TEXAS Y #9	
8135531	F-7C-026735	4238300000	103	TEXAS Z #7	
8135530	F-7C-026734	4238300000	103	TEXAS Z #8	
8135533	F-7C-026737	4238300000	103	TEXAS Z #9	
8135527	F-7C-026731	4238300000	103	UNIVERSITY 2-49 #6	
-TARTAN OIL & GAS				RECEIVED: 06/10/81 JA: TX	
8135428	F-03-021858	4248100000	103	ENSZ-ROECKER NO 1	
8135586	F-03-029136	4248131994	103	NOHAVITZA UNIT NO 1	
8135668	F-03-032357	4248100000	103	ZIMMERMAN UNIT NO 1	
-TEE OPERATING CO				RECEIVED: 06/10/81 JA: TX	
8135495	F-03-024441	4215730982	102-2	DUNAWAY GAS UNIT NO 1	
8135495	F-03-024441	4215730982	103	DUNAWAY GAS UNIT NO 1	
-TEXACO INC				RECEIVED: 06/10/81 JA: TX	
8135642	F-04-031961	4250530098	108	J D JENNINGS #341	
-TEXAS OIL & GAS CORP				RECEIVED: 06/10/81 JA: TX	
8135452	F-05-022707	4216130568	102-2	BEST #1	
8135452	F-05-022707	4216130568	107-TF	BEST #1	
8135507	F-04-025314	4250531221	103	LOPENO #32	
-TEXOMA PRODUCTION CO				RECEIVED: 06/10/81 JA: TX	
8135595	F-03-029721	4270630159	102-2	STATE TRACT 245-L #2U	
-TORREYANA OIL CORP				RECEIVED: 06/10/81 JA: TX	
8135448	F-8A-022566	4207931116	103	C S DEAN A #1	
-TRANS-AMERICAN DEVELOPMENT CORP				RECEIVED: 06/10/81 JA: TX	
8135641	F-78-031960	4204900000	103	ARNOLD #1 (90314)	
-TSPI INC				RECEIVED: 06/10/81 JA: TX	
8135620	F-10-031560	4223300000	103	29A NO 5	
-U S OPERATING INC				RECEIVED: 06/10/81 JA: TX	
8135559	F-03-027737	4228730575	102-2	DEE NO 1	
8135474	F-03-023200	4228730590	102-2	LINDA NO 1	
8135474	F-03-023200	4228730590	103	LINDA NO 1	
-VIRLAR EXPLORATION INC				RECEIVED: 06/10/81 JA: TX	
8135606	F-02-031203	4223931547	103	F K KOOP NO 1	
-VORTT EXPLORATION CO INC				RECEIVED: 06/10/81 JA: TX	
8135454	F-78-022955	4236300000	102-4	#1 WITHERS	
8135517	F-78-026462	4236300000	102-4	U PRICE #1	
8135519	F-78-026464	4236300000	102-4	L A WOOLRIDGE #1	
8135518	F-78-026463	4236300000	102-4	R EDMONDSON #1	
-W A MONCRIEF JR				RECEIVED: 06/10/81 JA: TX	

VOLUME 461 PAGE 086

FIELD NAME	PRICE	PURCHASER
WEATHERFORD (STRAWN A)	32.0	BUCKNER GAS CO
WALES (4300)	13.0	BUCKNER GAS CO
MCCLISH-STONE (CONGL UP)	150.0	TEXAS UTILITIES F
MCCLISH-STONE (CONGL UP)	97.0	TEXAS UTILITIES F
T C B (I-21)	713.0	
INDIANOLA (STRAWN)	150.0	
KELSEY SOUTH (5580)	91.0	
WORD N (EDWARDS)	0.0	
GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEU
EAST LONG MOTT FIELD	0.0	UNITED TEXAS TRAN
PRICE/GRAYBURG	0.0	BIG LAKE GASOLINE
PRICE/GRAYBURG	0.0	BIG LAKE GASOLINE
PRICE/GRAYBURG	0.0	BIG LAKE GASOLINE
PRICE/GRAYBURG	0.0	BIG LAKE GASOLINE
PRICE/GRAYBURG	0.0	BIG LAKE GASOLINE
PRICE/GRAYBURG	0.0	BIG LAKE GASOLINE
PRICE/GRAYBURG	0.0	BIG LAKE GASOLINE
JONES CREEK (5000 FRIO)	290.0	TRANSCONTINENTAL
JONES CREEK (5200 FRIO)	140.0	
JONES CREEK (5200 FRIO)	300.0	FLORIDA GAS TRANS
TAVENER (7950 COOK MOUNT	50.0	LONE STAR GAS CO
TAVENER (7950 COOK MOUNT	50.0	LONE STAR GAS CO
	3.3	TENNESSEE GAS PIP
WILDCAT	500.0	
WILDCAT	500.0	
LOPENO FIELD	0.0	DELHI GAS PIPELIN
WILDCAT	548.0	NATURAL GAS PIPEL
SLAUGHTER	210.0	AMOCO PRODUCTION
MIKLAR (STRAWN) FIELD	36.0	ODESSA NATURAL CO
PANHANDLE FIELD	108.0	PANHANDLE PRODUCI
GIDDINGS (AUSTIN CHALK)	80.0	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHALK)	0.0	PGP GAS PRODUCTS
GIDDINGS (AUSTIN CHALK)	0.0	PGP GAS PRODUCTS
KOOP BEND (6200)	260.0	DELHI GAS PIPELIN
MINERAL WELLS S (GEORGIA	280.0	SOUTHWESTERN GAS
MINERAL WELLS S (PRICE S	0.0	SOUTHWESTERN GAS
MINERAL WELLS S (STRAWN	0.0	SOUTHWESTERN GAS
MINERALS WELLS S	0.0	SOUTHWESTERN GAS

JD No.	RRC DAT	API No.	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8135615	F-7B-051415	4236731080	108	A H HUGHEY #1	WEATHERFORD SW (STRAWN)	14.5	SOUTHWESTERN GAS
8135616	F-7B-051421	4236700000	108	GRIFFIN #1	WINSTON RANCH (BIG SALIN	16.1	SOUTHWESTERN GAS
-W H PRICE			RECEIVED: 06/10/81 JA: TX				
8135422	F-7B-021017	4235330740	102-4	WHITESIDE #1-A	GROUP S (SADDLE CREEK)	13.5	PALO DURO PIPELIN
-WAINOCO OIL & GAS COMPANY			RECEIVED: 06/10/81 JA: TX				
8135542	F-04-027167	4221531001	103	A M CARDENAS ET AL NO 2	SAN SALVADOR (8600)	180.0	TENNESSEE GAS PIP
-WAYMAR-POOL & ROBERTSON			RECEIVED: 06/10/81 JA: TX				
8135670	F-09-032400	4249731867	103	J T & L NEW NO 1	ALVORD CADDO CONGLOMERAT	92.0	NATURAL GAS PIPEL
-WES-TEX DRILLING COMPANY			RECEIVED: 06/10/81 JA: TX				
8135671	F-7B-032403	4235330844	103	COMPTON NO 1	JMM (CANYON)	73.0	SUN OIL CO
-WILSON ENERGY INC			RECEIVED: 06/10/81 JA: TX				
8135498	F-7C-024805	4210500000	103	MAGGIE NEAL #3	WEGER (NORTH)	17.0	BIG LAKE GASOLINE
8135568	F-7C-028144	4210500000	103	UNIVERSITY 2 #3	FARMER (SAN ANDRES)	36.0	BIG LAKE GAS PLAN
8135553	F-7C-027432	4210500000	103	UNIVERSITY 2 #4	FARMER (SAN ANDRES)	15.0	BIG LAKE GASOLINE
8135624	F-7C-031640	4210500000	103	UNIVERSITY 8 B #5 08726	FARMER (SAN ANDRES)	273.0	BIG LAKE GASOLINE
8135625	F-7C-031641	4210500000	103	UNIVERSITY 8 B #7	FARMER (SAN ANDRES)	328.0	BIG LAKE GASOLINE
-ZONERGY INC			RECEIVED: 06/10/81 JA: TX				
8135636	F-03-031916	4205100000	102-2	BAILEY #1	GIDDINGS	0.0	CLAJON GAS CO
8135492	F-03-024308	4205130529	102-2	HOUSTON #1	GIDDINGS	116.8	CLAJON GAS CO
8135493	F-03-024310	4247730324	102-2	PRIVATE STOCK #1	GIDDINGS	146.0	CLAJON GAS CO
8135494	F-03-024311	4228730499	102-2	WESTBROOK #1	GIDDINGS	32.1	P&P GAS PRODUCTS

Other Purchasers: 8135550 Florida Gas Transmission; for all other control numbers preceded by (*) the additional purchaser is E I Dupont de Nemours

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 27, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–19998 Filed 7–9–81; 8:45 am]
BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 1, 1981.

BILLING CODE 6450-85-M

8135933	F-05-035565	4234521110	102-4	ALFRED MILLIGAN WELL NO 1	CHENEYBORO/TRAVIS PEAK/	146.0	LONE STAR GAS CO
8135761	F-05-034310	4234931400	102-4	DEE GARRETT LIVELY CU /C/ #1	CHENEYBORO/COTTON VALLEY	107.0	LONE STAR GAS CO
8135929	F-8A-035559	4221933018	103	LEVELLAND UNIT #778	LEVELLAND	10.1	AMOCO PRODUCTION
8135912	F-03-035521	4224551380	103	LIGNUM OIL COMPANY #1	SPINDLETOP	5.0	WINNIE PIPELINE C
8135913	F-03-035523	4203931566	103	LYDIA RESOFT R/A A 4	HASTINGS WEST	4.5	AMOCO GAS CO
-ARCO OIL AND GAS COMPANY			RECEIVED: 06/10/81 JA: TX				
8135849	F-08-035323	4200332446	103	W H BONER #6	FUHRMAN-MASCHO	65.0	PHILLIPS PETROLEU
-BLAIR OIL CO			RECEIVED: 06/10/81 JA: TX				
8135896	F-10-035474	4223330998	103	RILEY #1	PANHANDLE - HUTCHINSON F	40.0	PANHANDLE EASTERN
8135895	F-10-035473	4223331002	103	RILEY #2	PANHANDLE - HUTCHINSON F	33.0	PANHANDLE EASTERN
-BLAIR OIL COMPANY			RECEIVED: 06/10/81 JA: TX				
8135894	F-10-035472	4223331005	103	RILLY #3	PANHANDLE - HUTCHINSON F	62.0	PANHANDLE EASTERN
8135893	F-10-035471	4223331007	103	RILEY #4	PANHANDLE - HUTCHINSON F	52.0	PANHANDLE EASTERN
-BOB WALLACE OIL INC			RECEIVED: 06/10/81 JA: TX				
8135769	F-10-034614	4206530823	103	BURNETT (044950) NO 5	PANHANDLE CARSON COUNTY	100.0	PANHANDLE EASTERN
-BROTHERTON PRODUCTION CO			RECEIVED: 06/10/81 JA: TX				
8135951	F-7C-035624	4238300000	103	FRIEND #1	FARMER (SAN ANDRES)	0.0	BIG LAKE GASOLINE
8135952	F-7C-035630	4238300000	103	FRIEND #2	FARMER (SAN ANDRES)	0.0	BIG LAKE GASOLINE
-C & K PETROLEUM INC			RECEIVED: 06/10/81 JA: TX				
8135855	F-7C-035354	4238331694	103	SUGG #1	CALVIN (DEAN)	16.0	
8135854	F-7C-035353	4238331695	103	SUGG #2	CALVIN (DEAN)	27.0	
-C L GAGE JR			RECEIVED: 06/10/81 JA: TX				
8135911	F-09-035520	4249700000	103	ROLAND WALKER NO 1	BOOKSVILLE (BEND CONGL)	35.0	NATURAL GAS PIPEL
P135911	F-09-035520	4249700000	108	ROLAND WALKER NO 1	BOOKSVILLE (BEND CONGL)	35.0	NATURAL GAS PIPEL
-CHARLES L WALKER			RECEIVED: 06/10/81 JA: TX				
8135853	F-08-035346	4200332451	102-4	FISHER 10 #2	BLOCK A-34 (SAN ANDRES)	12.2	PHILLIPS PETROLEU
8135853	F-08-035346	4200332491	103	FISHER 10 #2	BLOCK A-34 (SAN ANDRES)	12.2	PHILLIPS PETROLEU
-CHARLES M CHILDERS			RECEIVED: 06/10/81 JA: TX				
8135823	F-7E-035270	4236731565	103	CRAWFORD #1 (51261)	MILLSAP E (CONGL 4300)	0.0	LONE STAR GAS CO
-CHEVRON U S A INC			RECEIVED: 06/10/81 JA: TX				
8135941	F-8A-035598	4241531589	103	SACROC UNIT 15-9	KELLY SNYDER	343.8	EL PASO NATURAL G
8135943	F-8A-035600	4241531587	103	SACROC UNIT 16-9	KELLY SNYDER	54.4	EL PASO NATURAL G
8135958	F-8A-035642	4241531580	103	SACROC UNIT 179-5	KELLY SNYDER	16.4	EL PASO NATURAL G
8135957	F-8A-035641	4241531586	103	SACROC UNIT 15-11	KELLY SNYDER	21.0	EL PASO NATURAL G
8135956	F-8A-035640	4241531584	103	SACROC UNIT 26-9	KELLY SNYDER	22.0	EL PASO NATURAL G
8135942	F-8A-035599	4241531582	103	SACROC UNIT 30-20	KELLY SNYDER	29.0	EL PASO NATURAL G
8135955	F-8A-035639	4241531581	103	SACROC UNIT 33-12	KELLY SNYDER	333.2	EL PASO NATURAL G
8135953	F-8A-035632	4241531588	103	SACROC UNIT 34-9	KELLY SNYDER	235.0	EL PASO NATURAL G
8135944	F-8A-035601	4241531587	103	SACROC UNIT 35-5	KELLY SNYDER	47.0	EL PASO NATURAL G
8135954	F-8A-035634	4241531585	103	SACROC UNIT 37-8	KELLY SNYDER	301.1	EL PASO NATURAL G

[illegible]	[illegible]	[illegible]	[illegible]	SEC CAT	WELL NAME	FIELD NAME	PRICE	PURCHASER
-CITIES SERVICE COMPANY				RECEIVED: 06/10/81 JA: TX				
8135925	F-10-035553	4217500070		108	MEERS A #2	PANHANDLE GRAY	2.0	PHILLIPS PETROLEU
8135926	F-10-035554	4206500000		108	ONEAL A #1	PANHANDLE CARSON	6.8	GETTY OIL CO
8135962	F-[illegible]-035670	4214550820		102-2	STEINHAUSER A-1 (13808)	GIDDINGS (AUSTIN CHALK)	8.9	
-COASTAL OIL & GAS CORP				RECEIVED: 06/10/81 JA: TX				
8135908	F-10-035495	4237530828		103	SIVINS 3704RO	PANHANDLE (RED CAVE)	19.0	COLORADO INTERSTA
-COATES ENERGY TRUST				RECEIVED: 06/10/81 JA: TX				
8135766	F-01-034559	4212700000		102-4	BERTA TUMLINSON UNIT WELL NO 2	BLAKEWAY	30.0	VALERO TRANSMISSI
8135749	F-01-033975	4212700000		102-4	BERTA TUMLINSON WELL NO 1	BLAKEWAY	120.0	VALERO TRANSMISSI
8135767	F-01-034560	4212700000		102-4	ESTATE OF H H COFFIELD WELL NO 1	BLAKEWAY	10.0	VALERO TRANSMISSI
8135764	F-01-034558	4212700000		102-4	TUMLINSON UNIT WELL NO 3	BLAKEWAY	18.0	VALERO TRANSMISSI
8135747	F-01-033965	4212700000		102-4	TUMLINSON-SHUMAKER UNIT WELL NO 4	BLAKEWAY	120.0	VALERO TRANSMISSI
-COLLIER DIAMOND C OILS INC				RECEIVED: 06/10/81 JA: TX				
8135831	F-04-035275	4247931757		103	G A COX NO 1 RRC #73926	LAS TIENDAS (OLMOS)	15.0	DELHI GAS PIPELIN
-CONOCO INC				RECEIVED: 06/10/81 JA: TX				
8135828	F-84-035276	4267900000		108	CONOCO DEAN UNIT #27 ID #60106	SLAUGHTER	0.9	AMOCO PRODUCTION
8135829	F-08-035277	4238900000		108	FORD GERALDINE UNIT #189 ID #21021	GERALDINE FORD	1.2	EL PASO NATURAL G
8135830	F-08-035278	4238900000		108	FORD GERALDINE UNIT #192 ID #21021	GERALDINE FORD	0.1	EL PASO NATURAL G
8135826	F-08-035274	4238900000		108	FORD GERALDINE UNIT #305 ID #21021	GERALDINE FORD	6.8	EL PASO NATURAL G
8135704	F-08-033411	4238900000		108	FORD GERALDINE UNIT #318 ID #21021	GERALDINE FORD	1.3	EL PASO NATURAL G
8135835	F-08-035299	4222700000		108	G O CHALK -E- #16 ID #02689	HOWARD-GLASSCOCK	0.3	PHILLIPS PETROLEU
8135827	F-08-035275	4231700000		108	GRISHAM & GREEMAN #38 ID #22261	SPRAYBERRY TREND	0.2	ADOBE OIL CO
8135842	F-08-035303	4213500000		108	H S FOSTER -A- #15 ID #16154	COWDEN S	0.1	PHILLIPS PETROLEU
8135824	F-78-035272	4215100000		108	J B TERRELL -A- #7 ID #13657	ROUND TOP	6.3	LONE STAR GAS CO
8135840	F-08-035300	4213500000		108	J L JOHNSON #9 ID #01554	FOSTER	0.9	ODESSA NATURAL CO
8135841	F-70-035301	4210500000		108	J M SHANNON -A- #13 ID #00435	ELKHORN	0.8	THE PERMIAN CORP
8135825	F-78-035273	4215100000		108	LUCIE MAE WILSON #23 ID #01915	ROUND TOP	8.1	LONE STAR GAS CO
8135838	F-68-035297	4200370000		108	UNIVERSITY -A- #8 ID #14151	FULLERTON (CLEARFORK UPP	1.1	PHILLIPS PETROLEU
8135865	F-08-035407	4213500000		108	WIGHT-1R-7-#3 ID #25220	COWDEN N	2.5	AMOCO PRODUCTION
-COTTON PETROLEUM CORPORATION				RECEIVED: 06/10/81 JA: TX				
8135934	F-10-035570	4235731030		103	PIERSON C	PERRYTON (LOWER MORROW)	730.0	NORTHERN NATURAL
8135881	F-10-035442	4229530027		108	PIPER A NO 1	BRADFORD	19.0	TRANSWESTERN PIPE
-CRAWFORD ENERGY				RECEIVED: 06/10/81 JA: TX				
8135858	F-09-035373	4249732017		103	CHESTER AARON-NIELETT #1 91733	BOONSVILLE BEND CONGL GA	157.0	NATURAL GAS PIPEL
8135852	F-09-035341	4233731521		103	LAIRD-CARPENTER #1-237 91894	PARK SPRINGS/CONGLOMERAT	140.0	TEXAS UTILITIES F
-DEVON CORPORATION				RECEIVED: 06/10/81 JA: TX				
8135790	F-6A-035134	4211531458		103	GRAVESA#2-A	ACKERLY (DEAN SAND)	50.0	GETTY OIL CO
-DINERO OIL CO				RECEIVED: 06/10/81 JA: TX				
8135755	F-04-034083	4224931356		103	C W ROTH ET AL #2	ORANGE GROVE (4100)	185.0	VALERO TRANSMISSI
-DIXON EXPLORATION INC				RECEIVED: 06/10/81 JA: TX				
8135935	F-78-035571	4244131402		103	M C SHAFFER -138- #1 (15329)	AUDAS-GRAHAM (CAPPS LIME	2.0	UNION TEXAS PETRO
8135936	F-78-035572	4242441314		103	M C SHAFFER -138- #2 (15329)	AUDAS-GRAHAM (CAPPS LIME	38.0	UNION TEXAS PETRO
-DYNE OIL & GAS INC				RECEIVED: 06/10/81 JA: TX				
8135692	F-10-033296	4217530857		103	GRAY NO 12 WELL LEASE NO 01708	PANHANDLE GRAY COUNTY FI	0.0	PHILLIPS PIPELINE
8135938	F-10-035585	4217930856		103	GRAY NO 13 WELL LEASE NO 01708	PANHANDLE GRAY COUNTY FI	0.0	PHILLIPS PETROLEU
8135697	F-10-033322	4223330936		103	HERRING E NO 16 LEASE NO 01688	PANHANDLE HUTCHINSON COU	0.0	PANHANDLE PRODUCI
-E B FLETCHER				RECEIVED: 06/10/81 JA: TX				
8135770	F-7C-034625	4239500000		102-4	E J BISHOP JR 446.1 NO 1	DEIKE (GARDNER)	2.0	LONE STAR GAS CO
8135771	F-7C-034626	4239500000		102-4	E J BISHOP 446 NO 1	DEIKE (GARDNER)	180.0	LONE STAR GAS CO
-EARL T SMITH & ASSOCIATES INC				RECEIVED: 06/10/81 JA: TX				
8135758	F-10-034215	4221131286		102-2	LOWERS NO 7	WAGHITA CREEK (MORROW UP	1460.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED: 06/10/81 JA: TX				
8135778	F-10-034852	4208726027		108	PETERBOUGH A #5	PANHANDLE EAST	23.0	EL PASO NATURAL G

8135779	F-10-034454	4208726038	108		BRASHEARS #1	PANHANDLE EAST	25.0	EL PASO NATURAL G
8135780	F-10-034857	4208726284	108		WATTENBARGER A #4	PANHANDLE EAST	17.0	EL PASO NATURAL G
-ENERGY DEVELOPMENT CORPORATION			RECEIVED: 06/10/81 JA: TX					
8135759	F-04-034238	4208730660	102-A		STATE TRACT 3 NO 1 -	DUNHAM BAY (FRIO UP)	456.0	SOUTHWESTERN GAS
-ENERGY RESERVES GROUP INC			RECEIVED: 06/10/81 JA: TX					
8135744	F-7C-033894	4246131603	102-A		ROSA M BARNET F #2	AMACKER-TIPPETT SW (WOLF	165.2	EL PASO NATURAL G
-ENRE CORP			RECEIVED: 06/10/81 JA: TX					
8135750	F-09-033983	4212130344	102-A		CLARA DUNN UNIT #1 (91728)	MONTEATH (CONGL)	511.0	TEXAS UTILITIES F
8135786	F-09-034976	4249731909	102-A		MARVIN POTTER #1	MONTEATH (CONGL)	0.0	TEXAS UTILITIES F
-ENSERCH EXPLORATION INC			RECEIVED: 06/10/81 JA: TX					
8135871	F-06-035414	4218366000	108		B A SKIPPER A NO 2	WILLOW SPRINGS	13.0	WESTERN GAS CORP
8135867	F-06-035410	4218300000	108		B A SKIPPER B NO 1	WILLOW SPRINGS	21.0	WESTERN GAS CORP
8135870	F-06-035413	4218300000	108		E F MARTIN NO 1	WILLOW SPRINGS	1.0	WESTERN GAS CORP
8135868	F-06-035411	4218300000	108		E LACY NO 1	WILLOW SPRINGS	2.0	WESTERN GAS CORP
8135866	F-09-035409	4249732084	103		G R TAYLOR NO 4	BOONSVILLE	37.0	LONE STAR GAS CO
8135869	F-06-035412	4218300000	108		R LACY NO 1	WILLOW SPRINGS	7.0	WESTERN GAS CORP
-EXXON CORPORATION			RECEIVED: 06/10/81 JA: TX					
*8135930	F-06-035561	4245930411	102-A		DELROSE GAS UNIT 1 #1	DELROSE (HAYNESVILLE)	730.0	ARMCO STEEL CORP
8135927	P-8A-035556	4216531895	103		EXXON-SHELL FEE #8	ROBERTSON N (CLEAR FORK	1.0	
8135776	F-10-034725	4239330763	103		FLOWERS TRUST A #3-L	MENDOTA NW (GRANITE WASH	782.0	TRANSWESTERN PIPE
8135835	F-08-035296	4200332579	103		FULLERTON CLEARFORK UNIT #1919	FULLERTON	21.0	PHILLIPS PETROLEU
8135928	F-08-035557	4200332573	103		FULLERTON CLEARFORK UNIT #641	FULLERTON	18.0	PHILLIPS PETROLEU
8135850	F-06-035333	4249930876	103		HAWKINS FIELD UNIT #3433	HAWKINS	126.0	
8135851	F-06-035334	4249930877	103		HAWKINS FIELD UNIT #4338	HAWKINS	54.8	
8135834	F-08-035288	4210332371	103		J B TUBB C #23U	SAND HILLS (MCKNIGHT)	47.0	EL PASO NATURAL G
*8135735	F-04-033702	4226130418	102-A		J G KENEDY JR E-32 (83016)	EL PAISTLE NORTH (I-95 W	100.0	ARMCO STEEL CORP
*8135731	F-04-033698	4227330576	102-A		K R ALAZAN 306 (73988)	MADERO (J-36)	1500.0	ARMCO STEEL CORP
*8135714	F-04-033654	4227331414	102-A		K R ALAZAN 343-C (85139)	ALAZAN (I-96)	511.0	ARMCO STEEL CORP
*8135725	F-04-033674	4227331274	103		K R BORREGOS M-24-BF (88750)	BORREGOS WEST (F-36 SEG	613.0	ARMCO STEEL CORP
*8135710	F-04-33649	4227331459	103		K R BORREGOS 540 (06544)	BORREGOS (COMBINED ZONES	100.0	ARMCO STEEL CORP
*8135722	F-04-033667	4227331403	103		K R BORREGOS 551-D (06544)	BORREGOS (COMBINED ZONES	37.0	ARMCO STEEL CORP
*8135723	F-04-033665	4227331484	103		K R BORREGOS 556 (89716)	BORREGOS (N-21)	600.0	ARMCO STEEL CORP
*8135811	F-04-035247	4226131518	102-A		K R SAN JOSE DE LA PARRA 27-D (873*	CALANDRIA (F-78)	900.0	ARMCO STEEL CORP
*8135740	F-04-033717	4226130576	103		K R SAN JOSE DE LA PARRA 32-D (898*	CALANDRIA (I-05)	120.0	ARMCO STEEL CORP
*8135902	F-04-035483	4226130576	103		K R SAN JOSE DE LA PARRA 32-F (905*	CALANDRIA (H-87)	1100.0	ARMCO STEEL CORP
*8135741	F-04-033732	4227331487	102-A		K R SEELIGSON E-111 (09388)	T-C-B EAST (20-I 4 NE)	105.0	ARMCO STEEL CORP
*8135818	F-04-035255	4227331217	102-A		K R SEELIGSON E-55 (09049)	T-C-B EAST (20-I-4 N)	16.0	ARMCO STEEL CORP
*8135717	F-04-033658	4227331446	102-A		K R TIJERINA A-59 (08938)	T-C-B EAST (20-I-4)	230.0	ARMCO STEEL CORP
*8135901	F-04-035479	4227330593	102-A		K R VISNAGA 15-D (72983)	YEARY (J-03)	400.0	ARMCO STEEL CORP
*8135720	F-04-033664	4227331311	102-A		K R VISNAGA 18 (09299)	EL INFERNILLO (L-70)	106.0	ARMCO STEEL CORP
*8135739	F-04-033709	4227331330	102-A		KING RANCH ALAZAN 320-C (09266)	HINOJOSA NORTH (G-04)	50.0	ARMCO STEEL CORP
*8135718	F-04-033661	4227331313	102-A		KING RANCH ALAZAN 321-F (09192)	HINOJOSA NORTH (G-08)	50.0	ARMCO STEEL CORP
*8135734	F-04-033701	4227331316	102-A		KING RANCH ALAZAN 324-C (81369)	ALAZAN (I-96)	900.0	ARMCO STEEL CORP
*8135900	F-04-035478	4227331315	102-A		KING RANCH ALAZAN 325-F (85979)	ALAZAN (H-21 C)	1460.0	ARMCO STEEL CORP
*8135730	F-04-033697	4227331357	102-A		KING RANCH ALAZAN 342 (86473)	MADERO (J-36 E)	500.0	ARMCO STEEL CORP
*8135742	F-04-033751	4227331451	103		KING RANCH ALAZAN 348 (89439)	MADERO (J-24)	146.0	ARMCO STEEL CORP
*8135709	F-04-033648	4227331165	103		KING RANCH BORREGOS 539-D (76568)	BORREGOS	183.0	ARMCO STEEL CORP
*8135711	F-04-33650	4227331214	103		KING RANCH BORREGOS 544-D (76720)	BORREGOS	450.0	ARMCO STEEL CORP
*8135712	F-04-033651	4227331257	103		KING RANCH BORREGOS 546-D (78612)	BORREGOS	420.0	ARMCO STEEL CORP
*8135713	F-04-033652	4227331256	103		KING RANCH BORREGOS 547-D (77366)	KING RANCH BORREGOS 547-	124.0	ARMCO STEEL CORP
*8135721	F-04-33666	4227331253	103		KING RANCH BORREGOS 548-D (76413)	BORREGOS	670.0	ARMCO STEEL CORP
*8135719	F-04-33663	4227331152	103		KING RANCH LAGUNA LARGA 15 (79123)	FLOWELLA (V-5)	250.0	ARMCO STEEL CORP
*8135738	F-04-33705	4227331265	102-A		KING RANCH MORGAN F-61-F (09255)	ELPAR (F-32-N)	28.0	ARMCO STEEL CORP

*8135810	F-04-035248	4227331263	102-4	KING RANCH TIJERINA A-45	T-C-B E (20-I-4 N)	90.0	ARMCO STEEL CORP
*8135812	F-04-035249	4227331276	102-4	KING RANCH TIJERINA A-46	T-C-B E (20-I-4 N)	45.0	ARMCO STEEL CORP
*8135898	F-04-035478	4226130506	103	KP SAN JOSE DE LA PARRA 26 (85967)	CALANDRIA (G-33)	900.0	ARMCO STEEL CORP
8135777	F-7C-034795	4208130932	103	LOU E JOHNSON ESTATE B #10	JAMESON (STRAWN)	8.0	
8135903	F-04-035489	4224730849	102-4	MRS A M K BASS 36-F (91167)	KELSEY DEEP (ZONE 18-C N	400.0	TRUNKLINE GAS CO
*8135737	F-04-033704	4226130384	103	MRS S K EAST 8-28 (83864)	EL PAISTLE NORTH (I-95)	150.0	ARMCO STEEL CORP
*8135728	F-04-33683	4226130476	103	MRS S K EAST 101 (85109)	RITA NE (I-70)	540.0	ARMCO STEEL CORP
*8135910	F-04-035519	4226130584	102-4	MRS S K EAST 116 (92144)	RITA N E (I-78)	913.0	ARMCO STEEL CORP
*8135716	F-04-033657	4226130392	102-4	MRS S K EAST 90 (82104)	TAJOS (G-90)	400.0	ARMCO STEEL CORP
*8135729	F-04-033688	4204731813	103	R J K JR TR BARROSA PASTURE 21-F (*	PITA NW (G-56)	550.0	ARMCO STEEL CORP
*8135732	F-04-033696	4204730686	102-4	R J K JR TR LOS MUERTOS 27-F (8136*	EL AZUL (H-17)	320.0	ARMCO STEEL CORP
*8135733	F-04-033700	4204730705	102-4	R J K JR TR LOS MUERTOS 30 (82013)	EL AZUL (F-57)	115.0	ARMCO STEEL CORP
*8135816	F-04-035253	4204730707	102-4	R J K JR TR QUITERIA PAST 91 (0892*	VIBORAS (8500 SOUTH)	45.0	ARMCO STEEL CORP
*8135817	F-04-035254	4204730727	102-4	R J K JR TR VIBORAS PAST 81-F (839*	VIECRAS	900.0	ARMCO STEEL CORP
*8135736	F-04-033702	4204730803	102-4	R J K JR TR VIBORAS PASTURE 87-F (*	VIBORAS (G-54 W)	500.0	ARMCO STEEL CORP
*8135813	F-04-035245	4204730348	102-4	R J KLEBERG JR TR QUITERIA PAST 78	VIBORAS (8500 SOUTH)	20.0	ARMCO STEEL CORP
*8135814	F-04-035250	4204730559	102-4	R J KLEBERG JR TR QUITERIA PAST 80	VIBORAS (8500 SOUTH)	50.0	ARMCO STEEL CORP
*8135815	F-04-035252	4204730618	102-4	R J KLEBERG JR TR QUITERIA PAST 84	VIECRAS (8500 SOUTH)	350.0	ARMCO STEEL CORP
*8135899	F-04-035477	4204730753	103	RJK JR TR BARROSA PASTURE 19-F (83*	PITA NW (F-54)	913.0	ARMCO STEEL CORP
*8135727	F-04-033682	4226130416	103	S F R MULA PASTURE 15-D (78829)	STILLMAN	90.0	ARMCO STEEL CORP
*8135724	F-04-033672	4221530425	102-4	SANTA FE RANCH B-32 (80581)	SANTA FE SOUTH (G-39)	510.0	ARMCO STEEL CORP
*8135726	F-04-033677	4204730662	103	SANTA FE RANCH 40-F (82324)	SANTA FE (E-09-E)	183.0	ARMCO STEEL CORP
*8135715	F-04-033655	4204730745	102-4	SANTA FE RANCH 47-D (87168)	SANTA FE (ZONE 5)	150.0	ARMCO STEEL CORP
*8135897	F-04-035475	4204730655	103	VFGU #1 V-77-F (82218)	VIBORAS (MASSIVE FIRST)	700.0	ARMCO STEEL CORP
-FARGO EXPLORATION CO			RECEIVED: 06/10/81 JA: TX				
8135822	F-7C-035266	4239931775	102-4	FOY ALLCORN #1	MARI-BILL (GRAY) FIELD	620.0	UNION TEXAS PETRO
-FRONTIER OIL & GAS CO INC			RECEIVED: 06/10/81 JA: TX				
8135791	F-7B-035142	4236731813	103	TOMPE #1 (86423)	MEEKER (1900)	1095.0	SOUTHWESTERN GAS
-G DEPRANG OIL CO			RECEIVED: 06/10/81 JA: TX				
8135746	F-7B-033940	4208331834	103	DEPRANG B #12 (15143)	FRANCES (JENNINGS SAND)	2.0	UNION TEXAS PETRO
-H & L OPERATING COMPANY			RECEIVED: 06/10/81 JA: TX				
8135804	F-10-035238	4219530747	103	HART #1 91406	HANSFORD NORTH (MORROW)	70.0	
-HENDERSON CLAY PRODUCTS INC			RECEIVED: 06/10/81 JA: TX				
8135964	F-06-035693	4240130706	102-3	J ORVILLE TODD WELL #1 RRC# 79866	OAKHILL (COTTON VALLEY)	120.0	HYDROCARBON TRANS
-HILLIARD OIL & GAS INC			RECEIVED: 06/10/81 JA: TX				
8135762	F-04-034325	4204730829	102-4	BARBARA LIPS B NC 1	LOPEZ RANCH (VKSBG 12250	400.0	CHANNEL INDUSTRIE
-HNG OIL COMPANY			RECEIVED: 06/10/81 JA: TX				
8135891	F-7C-035458	4243532213	103	BLOODWORTH 139 #1	SAWYER (LEONARD)	91.0	INTRATEX GAS CO
8135886	F-7C-035450	4243532297	103	BLOODWORTH 139 #4	SAWYER (LEONARD)	32.0	INTRATEX GAS CO
8135888	F-7C-035452	4243532296	103	BLOODWORTH 139 #5	SAWYER (LEONARD)	153.0	INTRATEX GAS CO
8135883	F-7C-035447	4243532360	103	BLOODWORTH 140 #5	SAWYER (LEONARD)	15.0	INTRATEX GAS CO
8135876	F-04-035437	4247932759	103	BRUNI MINERAL L #2	JUANITA (LOBO)	390.7	HOUSTON PIPELINE
8135801	F-04-035206	4250500000	103	BRUNI MINERAL TRUST A #3	LA PERLA	9.8	HOUSTON PIPELINE
8135801	F-04-035206	4250500000	108	BRUNI MINERAL TRUST A #3	LA PERLA	9.8	HOUSTON PIPELINE
8135797	F-01-035169	4243532324	103	CAUTHORN 85 #3 88831	HOLMAN RANCH N (PENN)	15.3	INTRATEX GAS CO
8135798	F-04-035170	4235531619	102-4	CHAPMAN HEIRS A 1321	ARNOLD DAVID (10100)	105.0	HOUSTON PIPELINE
8135798	F-04-035170	4235531619	103	CHAPMAN HEIRS A 1321	ARNOLD DAVID (10100)	105.0	HOUSTON PIPELINE
8135889	F-04-035453	4235530422	108	DRISCOLL - SEVIER #3 78360	BRAYTON (SIMMONDS)	18.3	HOUSTON PIPELINE
8135885	F-7C-035449	4243532255	103	RICHARDSON 139 #3	SAWYER (LEONARD)	127.0	INTRATEX GAS CO
8135884	F-7C-035448	4243532356	103	RICHARDSON 4 #1	SAWYER (LEONARD)	38.0	INTRATEX GAS CO
8135890	F-08-035454	4247531989	103	UNIVERSITY 18-4 #2	WAR-WINK S (WOLFCAMP)	0.0	INTRATEX GAS CO
8135887	F-08-035451	4247532169	103	UNIVERSITY 18-4 #3	WAR-WINK S (WOLFCAMP)	1.9	INTRATEX GAS CO
8135760	F-7C-034265	4243532429	103	VANDERSTUCKEN 71-5	SAWYER/CANYON	80.3	INTRATEX GAS CO
8135760	F-7C-034265	4243532429	107-TF	VANDERSTUCKEN 71-5	SAWYER/CANYON	80.3	INTRATEX GAS CO

8135802	F-7C-035208	4242532428	103	VANDERSTUCKEN 72 #5 92166	SAWYER (CANYON)	40.2	INTRATEX GAS CO	
8135802	F-7C-035208	4242532428	108	VANDERSTUCKEN 72 #5 92166	SAWYER (CANYON)	40.2	INTRATEX GAS CO	
8135892	F-08-035457	4243130868	103	WILKINSON 3 #2-A	CREDO E (CISCO UPPER)	91.0	INTRATEX GAS CO	
-HOUSTON OIL & MINERALS CORPORATION			RECEIVED: 06/10/81 JA: TX					
8135856	F-03-035355	4229131397	103	MINNIE FRUITT ET AL #19 04575	SOUTH LIBERTY	0.0		
-HUGHES & HUGHES			RECEIVED: 06/10/81 JA: TX					
8135864	F-03-035406	4228730750	103	WINTER UNIT NO 1	GIDDINGS (AUSTIN CHALK)	48.0	CLAJON GAS CO	
-HUNT OIL COMPANY			RECEIVED: 06/10/81 JA: TX					
8135959	F-06-035648	4221330287	103	FAIRWAY (JAMES LIME) UNIT #649-2	FAIRWAY (JAMES LIME) UNI	113.0	LONE STAR GAS CO	
-J B DAVIS PIPE CO INC			RECEIVED: 06/10/81 JA: TX					
8135909	F-7B-035497	4236332059	102-2	RIEHE #4	STRAWN N (BEND CONGL A Z	22.4	LONE STAR GAS CO	
-J CLEO THOMPSON			RECEIVED: 06/10/81 JA: TX					
8135774	F-7C-034659	4210533117	102-4	UNIVERSITY 21 NO 1	UNIVERSITY 31 (STRAWN-DE	0.0	PHILLIPS PETROLEU	
-J M HUBER CORPORATION			RECEIVED: 06/10/81 JA: TX					
8135966	F-10-035492	4200500000	108	BURNETT M NO 2	WEST PANHANDLE	18.0	NORTHERN NATURAL	
8135920	F-10-035545	4223300000	108	CHEATHAM B NO 2	WEST PANHANDLE	19.0	COLORADO INTERSTA	
8135921	F-10-035546	4223300000	108	CHRISTIAN SHAFFER NO 2	WEST PANHANDLE	17.0	COLORADO INTERSTA	
8135905	F-10-035491	4223300000	108	DEAL JOHNSON NO 2	WEST PANHANDLE	18.5	COLORADO INTERSTA	
8135922	F-10-035547	4223300000	108	DELMAR JOHNSON NO 2	WEST PANHANDLE	15.0	COLORADO INTERSTA	
8135923	F-10-035548	4223300000	108	HERRING NO 124 RC	WEST PANHANDLE	16.0	COLORADO INTERSTA	
8135904	F-10-035490	4223300000	108	JOHNSON H NO 2	WEST PANHANDLE	12.5	COLORADO INTERSTA	
8135915	F-10-035539	4223300000	108	MCILROY NO 1	WEST PANHANDLE	11.0	COLORADO INTERSTA	
8135918	F-10-035543	4223300000	108	SANFORD D NO 2	WEST PANHANDLE	19.0	COLORADO INTERSTA	
8135919	F-10-035544	4223300000	108	SANFORD UNIT E NO 2 RC	WEST PANHANDLE	19.0	COLORADO INTERSTA	
8135917	F-10-035542	4223300000	108	STATE A NO 2	WEST PANHANDLE	21.0	COLORADO INTERSTA	
8135916	F-10-035541	4223300000	108	WILLIAMS C NO 5A RC	WEST PANHANDLE	20.0	COLORADO INTERSTA	
-JAMES K ANDERSON INC			RECEIVED: 06/10/81 JA: TX					
8135763	F-7C-034455	4239931718	102-4	G V MILLER NO 1	LOWER FRY SAND	51.0	LONE STAR GAS CO	
-K L H OIL & GAS INC			RECEIVED: 06/10/81 JA: TX					
8135821	F-7B-035263	4204932582	103	H C WILLIAMS #1	CHAMBERS (CONGL) FIELD	365.0	ODESSA NATURAL CO	
-KEY PRODUCTION CO INC			RECEIVED: 06/10/81 JA: TX					
8135772	F-06-034638	4236531162	102-4	WIEMER ETAL #3	JOAQUIN (WIENER)	365.0	UNITED GAS PIPELI	
-LEAR PETROLEUM CORPORATION			RECEIVED: 06/10/81 JA: TX					
8135705	F-03-033463	4218530256	102-2	LEAR #1 H BELL	IOLA (GEORGETOWN)	24.0	PRODUCERS GAS CO	
-LONDON & WAGGONER			RECEIVED: 06/10/81 JA: TX					
8135743	F-09-033846	4249731921	102-4	M C LITTLE NO 1-T	MCATEATH (CONGL)	724.0	SOUTHWESTERN GAS	
-MATHIS M E			RECEIVED: 06/10/81 JA: TX					
8135820	F-7C-035259	4239900000	108	J O BRIGGS ET #1 ID-04563	KLOPER (GARDNER)	5.3	UNION TEXAS PETRO	
-MAYNARD OIL COMPANY			RECEIVED: 06/10/81 JA: TX					
8135690	F-03-033234	4205130789	102-4	TATUM NO 2	CALDWELL (AUSTIN CHALK)	0.0	FERGUSON CROSSING	
-MCFARLANE OIL CO INC			RECEIVED: 06/10/81 JA: TX					
8135785	F-02-034927	4246900000	103	PICKERING & ROOS NO 39	PLACEDO FIELD	0.0	TENNECO CHEMICALS	
-MEADCO PROPERTIES			RECEIVED: 06/10/81 JA: TX					
8135875	F-7C-035436	4223531496	102-2	#1 A SUGG UNIT 17 RRC ID #08529	ELA SUGG (CISCO)	5.8	NORTHERN NATURAL	
8135880	F-7C-035441	4223531426	102-2	#1 E SUGG 21 RRC ID #08530	ELA SUGG (CISCO)	38.6	NORTHERN NATURAL	
8135878	F-7C-035439	4223531385	102-2	#1 FISHER 1F RRC #07962	ELA SUGG (CANYON)	24.0	NORTHERN NATURAL	
8135877	F-7C-035438	4223531590	102-2	#2 A SUGG 1964 RRC ID #68446	ELA SUGG (CANYON)	127.0	NORTHERN NATURAL	
8135879	F-7C-03544	4223531584	102-2	#2 E SUGG 17 RRC ID #90226	ELA SUGG (WOLFCAMP)	264.0	NORTHERN NATURAL	
-MEWBOURNE OIL COMPANY			RECEIVED: 06/10/81 JA: TX					
8135745	F-10-033932	4235731045	102-4	HARDY #5 RRC ID#	HARDY (MORROW UPPER)	20.0	TRANSWESTERN PIPE	
8135819	F-10-035257	4235731114	103	JUDICE #6 WELL RRC #	HARDY (MORROW UPPER)	20.0	TRANSWESTERN PIPE	
-MGF OIL CORP			RECEIVED: 06/10/81 JA: TX					
8135872	F-08-035430	4231732185	103	NAIL B #1	SPRAYBERRY (TREND AREA)	0.0	NORTHERN NATURAL	

8135873	F-08-035432	4231732135	103	NAIL D #1	SPRAYBERRY (TREND AREA)	10.5	NORTHERN NATURAL
8135874	F-08-035433	4231732136	103	NAIL D #2	SPRAYBERRY (TREND AREA)	17.6	NORTHERN NATURAL
-MITCHELL ENERGY CORPORATION			RECEIVED: 06/10/81 JA: TX				
8135947	F-09-035613	4249700000	108	H H HOUSTON #1 28685	BOONSVILLE (BEND CONGL G	7.8	NATURAL GAS PIPEL
8135688	F-03-033151	4214900000	103	HOLMES #2	GIDDINGS (AUSTIN CHALK)	36.5	SOUTH CEN-TEX GAS
8135946	F-09-035612	4223700000	108	L E BOLEY #5 80766	BOLEY SOUTH (ATOKA)	3.3	SOUTHWESTERN GAS
8135948	F-09-035614	4236700000	108	L P BOOTH #1 56680	BOONSVILLE (BEND CONGL G	5.6	LONE STAR GAS CO
8135695	F-03-033314	4228700000	103	LAAKE #1	GIDDINGS (AUSTIN CHALK)	36.5	
8135696	F-03-033315	4228700000	103	LUECKE #1	GIDDINGS (AUSTIN CHALK)	36.5	
-MOBIL PROD TEXAS & NEW MEXICO INC			RECEIVED: 06/10/81 JA: TX				
8135691	F-04-033257	4247932627	102-A	W N MCELROY NO 1	CALLAGHAN N (WILCOX LO)	384.3	
*8135848	F-08-035519	4232930155	108	WALTON-JUDKINS NO 1	AZALEA/DEVONIAN	15.6	LONE STAR GAS CO
-MURPHY H BAXTER			RECEIVED: 06/10/81 JA: TX				
8135706	F-02-033557	4223900000	102-B	STANFORD NO 2 RRC NO 91356	STANFORD (FRIO 6570)	50.0	UNITED TEXAS TRAN
-NORTH AMERICAN ROYALTIES INC			RECEIVED: 06/10/81 JA: TX				
8135950	F-08-035628	4232732097	102-A	FLANAGAN #1 (26054)	RED DRAW (MISSISSIPPIAN)	75.0	PHILLIPS PETROLEU
-NORTH CENTRAL OIL CORPORATION			RECEIVED: 06/10/81 JA: TX				
8135836	F-09-035291	4249700000	103	C T COX UNIT NO 2	BOONESVILLE (BEND CONGL	182.0	NATURAL GAS PIPEL
8135837	F-09-035292	4249700000	103	C W POUNDS UNIT NO 2-T	BOONESVILLE (BEND CONGL	182.0	NATURAL GAS PIPEL
-OLSEN ENERGY INC			RECEIVED: 06/10/81 JA: TX				
8135746	F-04-033973	4237133189	103	BARNHART #1	ABELL (PERMIAN GENERAL)	63.0	NORTHERN NATURAL
-PARAGON RESOURCES INC			RECEIVED: 06/10/81 JA: TX				
8135940	F-02-035596	4225530740	103	DISCHER #1	RUNGE WEST (LULING)	200.0	
-PARKER & PARSLEY INC			RECEIVED: 06/10/81 JA: TX				
8135914	F-08-035535	4232930975	103	ESTES WELL NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEU
-PEND OREILLE OIL & GAS CO			RECEIVED: 06/10/81 JA: TX				
8135773	F-03-034641	4232131070	102-A	FRANCES P BURKE ET AL UNIT NO 2	MELLON (10500)	547.5	DOW CHEMICAL CO
-PENNZOIL PRODUCING COMPANY			RECEIVED: 06/10/81 JA: TX				
8135707	F-04-033610	4247932743	102-A	H M T - ALICE B HALL NO 53-1	AVIATORS N (12000)	493.0	
-PETRO-LEWIS CORPORATION			RECEIVED: 06/10/81 JA: TX				
8135949	F-08-035627	4217331080	103	W A HUTCHINSON 18 NO 10	SPRABERRY (TREND AREA)	40.8	PECOS CO
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 06/10/81 JA: TX				
8135689	F-7C-033155	4246530327	103	CAUTHORN F NO 2	JONELL (CANYON D)	292.7	NORTHERN NATURAL
8135689	F-7C-033155	4246530327	107-TF	CAUTHORN F NO 2	JONELL (CANYON D)	292.7	NORTHERN NATURAL
8135832	F-08-035282	4213533524	103	GOLDSMITH ADOBE UNIT NO 17-12 (187*	GOLDSMITH (5600)	13.9	EL PASO NATURAL G
8135787	F-10-035065	4217500000	108	JOHNSON CC 43	PANHANDLE GRAY	0.0	
-POLK & PATTON INC			RECEIVED: 06/10/81 JA: TX				
8135806	F-7H-035241	4236700000	108	KERMIT SMITH K #1 ID-76769	TOTC (STRAWN)	1.6	SOUTHWESTERN GAS
8135808	F-7H-035244	4236700000	108	MARTIN ESTATE #1 ID73107	TOTC (CADDO CONGL)	12.9	SOUTHWESTERN GAS
8135807	F-7H-035243	4236700000	108	PHILLIPS #1 ID-16480	TOTC (STRAWN)	9.1	SOUTHWESTERN GAS
8135809	F-7H-035245	4236732041	103	SPRINGTIME GAS UNIT #1	RENO (CONGL)	224.5	SOUTHWESTERN GAS
8135805	F-7H-035240	4236700000	108	ZACK THOMAS #1 ID-82452	TOTC (STRAWN)	14.0	SOUTHWESTERN GAS
-R H SIEGFRIED INC			RECEIVED: 06/10/81 JA: TX				
8135961	F-09-035654	4249700000	103	R L MORRIS-A-NO 23A	CHICO WEST (CADDO CONGL	110.0	NATURAL GAS PIPEL
-RANGER OIL CO			RECEIVED: 06/10/81 JA: TX				
8135781	F-09-034866	4201500000	102-A	FINKE #1 - 7752H	SEALY (WILCOX 8800)	110.0	TEJAS-SOUTHWEST P
-RANKIN OIL CO			RECEIVED: 06/10/81 JA: TX				
8135857	F-08-035371	4200332014	103	BASSEL #1	FUHRMAN MASCHO	25.0	PHILLIPS PETROLEU
-REPUBLIC GAS GATHERING SYSTEMS INC			RECEIVED: 06/10/81 JA: TX				
8135863	F-7H-035401	4204900000	108	HARPER NO 1	ERCKWOOD NW (MARBLE FAL	0.0	HARBIN GAS GATHER
-ROBERT E BYRNE			RECEIVED: 06/10/81 JA: TX				
8135967	F-7H-035698	4213332088	103	JOHNSON # 1 (16213)	EASTLAND COUNTY REGULAR	3.0	LONE STAR GAS CO
8135966	F-7H-035696	4213300000	103	WHITE # 1	EASTLAND COUNTY REGULAR	19.0	LONE STAR GAS CO

-ROCANVILLE CORP			RECEIVED: 06/10/81 JA: TX				
8135703	F-82-033387	4229700006	102-4	NO 1 FLANAGAN-KINKAMON	SCHULZ (EDWARDS)	40.0	NATURAL GAS PIPEL
-S K ROGERS OIL CO			RECEIVED: 06/10/81 JA: TX				
8135860	F-8A-035395	4221900000	103	LEVELLAND TOWNSITE "A" NO 1	LEVELLAND	15.0	AMOCO PRODUCTION
8135861	F-8A-035394	4221900000	103	LEVELLAND TOWNSITE B NO 1	LEVELLAND	15.0	AMOCO PRODUCTION
8135862	F-8A-035395	4221900000	103	REEVES NO 1	LEVELLAND	8.0	AMOCO PRODUCTION
-S R G OIL CORP			RECEIVED: 06/10/81 JA: TX				
8135937	F-7B-035573	4208332384	103	C D SNEED #1 (92444)	COLEMAN COUNTY REGULAR	770.0	LONE STAR GAS CO
-SAGE ENERGY CO			RECEIVED: 06/10/81 JA: TX				
8135782	F-7C-034867	4238331604	103	CITIES STATE 20 RRC #08245	BARNHART SOUTH (ELLENBER	6.0	NORTHERN NATURAL
8135783	F-7C-03468	4210532729	103	UNIVERSITY 13 #3 RRC #07388	FARMER (SAN ANDRES)	2.9	NORTHERN NATURAL
-SAMSON RESOURCES COMPANY			RECEIVED: 06/10/81 JA: TX				
8135882	F-06-035446	4200131017	103	FLOCKHART NO 1	TENNESSEE COLONY (ROD UP	93.0	LONE STAR GAS CO
8135799	F-03-035174	4208931056	102-4	KAECHELE NO 22-1	NORTH CHESTERVILLE (MIOC	204.0	TENNESSEE GAS PIP
-SAXON OIL COMPANY			RECEIVED: 06/10/81 JA: TX				
8135932	F-7C-035568	4217331109	103	LANE C NO 1	CALVIN (DEAN)	131.4	UNION TEXAS PETRO
8135931	F-08-035567	4231732303	103	HOLLOW NO 4	BREEDLOVE EAST (SPRABERR	20.4	PHILLIPS PETROLEU
-SEELY OIL CO			RECEIVED: 06/10/81 JA: TX				
8135784	F-7B-034869	4236732079	103	MADLOX #2 ID #92344	MEEKER (1900)	54.0	SOUTHWESTERN GAS
-SIDWELL OIL & GAS INC			RECEIVED: 06/10/81 JA: TX				
8135924	F-10-035550	4206500000	103	MCCONNELL #16	PANHANDLE CARSON	23.0	GETTY OIL
-SIMPSON-MANN OIL PRODUCERS			RECEIVED: 06/10/81 JA: TX				
8135963	F-7C-035692	4210533264	103	MRS JAMES M BAGGETT ET AL #1-S	ADAMS-BAGGETT RANCH (CAN	108.6	VALERO TRANSMISSI
8135963	F-7C-035692	4210533264	107-TF	MRS JAMES M BAGGETT ET AL #1-S	ADAMS-BAGGETT RANCH (CAN	108.6	VALERO TRANSMISSI
8135965	F-7C-035694	4210533263	103	MRS JAMES M BAGGETT ET AL #2-S	ADAMS-BAGGETT RANCH (CAN	100.5	VALERO TRANSMISSI
8135965	F-7C-035694	4210533263	107-TF	MRS JAMES M BAGGETT ET AL #2-S	ADAMS-BAGGETT RANCH (CAN	100.5	VALERO TRANSMISSI
-SPINDLETOP OIL & GAS CO			RECEIVED: 06/10/81 JA: TX				
8135701	F-7B-033383	4236731492	102-4	DOSS FOUNDATION #1-T (84920)	DOSS (4900)	168.0	LONE STAR GAS CO
8135702	F-7B-033384	4236731492	102-4	DOSS FOUNDATION 1-C (84930)	MALES (4650)	16.0	LONE STAR GAS CO
8135698	F-7B-033380	4236731727	102-4	LONG JONES #2 (86166)	MALES (4300)	60.0	LONE STAR GAS CO
8135700	F-7B-033382	4236731787	102-4	MCKEON #2-T	DOSS (4900)	30.0	LONE STAR GAS CO
8135699	F-7B-033381	4236731787	102-4	MCKEON 2-C	MALES (4300)	70.0	LONE STAR GAS CO
8135753	F-7B-034031	4236731829	102-4	ROSE 1-C (88529)	SPRINGTOWN (5500)	10.0	LONE STAR GAS CO
8135754	F-7B-034032	4236731829	102-4	ROSE 1-T (88530)	SPRINGTOWN (5700)	125.0	LONE STAR GAS CO
8135751	F-7B-034033	4236731537	102-4	STEVENS #1C (87209)	MALES (4650)	10.0	LONE STAR GAS CO
8135752	F-7B-034030	4236731537	102-4	STEVENS 1-T (87171)	DOSS (4900)	10.0	LONE STAR GAS CO
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 06/10/81 JA: TX				
8135795	F-8A-035164	4250131717	103	BENNETT RANCH UNIT #315	WASSON	15.4	SHELL OIL CO
8135794	F-01-035162	4212731864	103	BIG WELLS UNIT WELL NO 4616	BIG WELLS	35.0	HOUSTON PIPE LINE
8135792	F-08-035160	4249500000	108	M J HILL #240	HALLEY (DEVONIAN)	7.7	TRANSWESTERN PIPE
8135796	F-7B-035165	4243330775	103	MCMILLIN (CANYON SAND) UNIT #44	GUEST (CANYON SAND)	0.0	CITIES SERVICE CO
8135800	F-713-035179	4243330547	103	MCMILLIN (CANYON SAND) UNIT #45	GUEST (CANYON SAND)	1.0	CITIES SERVICE CO
8135789	F-10-035129	4219500000	108	SANDERS REX GAS UT #1C & 1T	HANSFORD NORTH	3.0	NORTHERN NATURAL
8135793	F-10-035161	4235700000	108	THERESA WRIGHT #4L	PERRYTON WEST (MARMATON)	4.4	NORTHERN NATURAL
-TEX-STAR PETROLEUM			RECEIVED: 06/10/81 JA: TX				
8135757	F-7C-034116	4239931766	103	ALEXANDER #1	HENSON (MORRIS)	14.0	UNION TEXAS PETRO
8135756	F-7C-034115	4239931813	103	ALEXANDER #2	HENSON (MORRIS)	17.0	UNION TEXAS PETRO
-TEXACO INC			RECEIVED: 06/10/81 JA: TX				
8135859	F-34-035377	4224731269	102-4	A K FAST FEL #21	BLACK DIAMOND (PETTUS I)	25.0	VALERO TRANSMISSI
8135844	F-08-035307	4243130945	103	COPE-SEALE UNIT #1	CONGER SW (PENN)	216.0	
8135845	F-08-035305	4243130934	103	E B COPE B #1	CONGER SW (PENN)	330.0	
8135765	F-03-034550	4224531356	102-4	H E HARDER GAS UNIT WELL #1	CONSTITUTION (13600)	670.0	TRANSCONTINENTAL
8135845	F-08-035306	4243532260	103	STATE GAS UNIT B #5	CAPRITO (DELAWARE MIDDLE	756.0	PIONEER NATURAL G

8135843	F-08-035308	4247532167	103	STATE OF TEXAS DC #6	CAPRITO (DELAWARE MIDDLE	22.0	PIONEER NATURAL G
-TWF OIL & GAS INC			RECEIVED: 06/10/81 JA: TX				
8135945	F-7C-035805	4242932305	102-4	NEWNHAM #1 (16784)	FRANKEL NE (CADDO)	28.0	WARREN PETROLEUM
-UNION TEXAS PETROLEUM			RECEIVED: 06/10/81 JA: TX				
8135788	F-08-035114	4247531774	103	UNIVERSITY *18-20* #1	WAR-WINK S WOLFCAMP (SEC	57.4	LONE STAR GAS COR
-UNIT DRILLING & EXPLORATION CO			RECEIVED: 06/10/81 JA: TX				
8135803	F-10-035235	4229530804	102-4	LINCOLN BOOTH NO 1	UNIT (UPPER MORROW)	730.0	PALO DURO PIPELIN
-W R EDWARDS JR			RECEIVED: 06/10/81 JA: TX				
8135960	F-10-035652	4223300000	103	WILLIAM #3	PANHANDLE HUTCHINSON	95.0	PANHANDLE PRODUCI
-WARREN PETR CO A DIV OF GULF OIL CO			RECEIVED: 06/10/81 JA: TX				
8135939	F-08-035593	4210332304	103	W N WADDELL ET AL TR A NO 1151	SAND HILLS (JUDKINS)	49.0	EL PASO NATURAL G
8135907	F-08-035494	4210332328	103	W N WADDELL NO 1119	UNIVERSITY WADDELL (DEVC	48.0	EL PASO NATURAL G
8135693	F-08-033304	4210332377	103	W N WADDELL NO 1136	DUNE	6.0	EL PASO NATURAL G
8135694	F-08-033307	4210332369	103	W N WADDELL NO 1139	DUNE	8.0	EL PASO NATURAL G
8135833	F-08-035285	4210332402	103	W N WADDELL NO 1143	WADDELL	7.0	EL PASO NATURAL G
-WAYMAN W BUCHANAN			RECEIVED: 06/10/81 JA: TX				
8135847	F-03-035316	4205131123	103	NOVOSAD-SLOVACEK NO 2	GIDDINGS (AUSTIN CHALK)	122.2	FERGUSON CROSSING
-WILSON ENERGY INC			RECEIVED: 06/10/81 JA: TX				
8135768	F-7C-034611	4210500000	103	UNIVERSITY 2 C NOS 1	FARMER (SAN ANDRES)	182.0	BIG LAKE GASOLINE
-WORLD PRODUCERS INC			RECEIVED: 06/10/81 JA: TX				
8135775	F-7B-034717	4236731879	102-4	LEONARD #1	EL CHICO (STRAWN)	250.0	SOUTHWESTERN GAS
8135708	F-09-033611	4223738410	103	LITTLE #1	WOLFE (CONGLOMERATE)	50.0	SOUTHWESTERN GAS

Other purchasers: 8135848 El Paso Natural Gas Co; for all other control numbers preceded by (*) the additional purchaser is E I Dupont de Nemours

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 27, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20151 Filed 7–9–81; 8:45 am]

BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 2, 1981.

						FIELD NAME	PRICE	PURCHASER
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								
-A R WIANT				RECEIVED: 06/04/81 JA: PA				
#136150	7443	3703170758	108	#27651 MAP NO E L N-8 E-1		PORTER	3.2	PEOPLES NATURAL G
-ADOBE OIL & GAS CORPORATION				RECEIVED: 06/04/81 JA: PA				
#135969	7358	3706325646	103	C W BENNETT #1-A		BRUSH VALLEY	45.0	
#136028	7481	3706522208	103	JOSEPH CALTAGARONE #1-A		REYNOLDSVILLE	36.0	
#136027	7150	3706521654	103	LAWRENCE HANKINSON #2		COOLSPRING	21.0	T W PHILLIPS GAS
#135968	6760	3712921784	103	ROBERT C SMITH #1		MT PLEASANT	33.0	INDUSTRIAL GAS SA
#136026	6911	3712921881	103	THOMAS FREEMAN #1		MT PLEASANT	0.7	INDUSTRIAL GAS SA
-ANGERMAN ASSOCIATES INC				RECEIVED: 06/04/81 JA: PA				
#135971	7004	3706325747	103	HERENTHAL #1 IND-25797		BLACKLICK-UPPER DEVONIAN	0.0	T W PHILLIPS GAS
#135970	6871	3706325932	103	KIMMEL #1 IND-25932		W PA UPPER DEVONIAN SAND	25.0	COLUMBIA GAS TRAN
-APPALACHIAN ENERGY INC				RECEIVED: 06/04/81 JA: PA				
#136032	7286	3704921268	102-2	D WIGGERS #1 A-E-199		UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
#136029	7283	3704921272	102-2	K FAY #1 A-E-195		UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
#136031	7285	3704921206	102-2	L EVAN WING #1 A-E-165		UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
#136030	7284	3704921269	102-2	W MCCRAY #1 A-E-173		UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
-BARON CREST ENERGY PROGRAM NO IV				RECEIVED: 06/04/81 JA: PA				
#135972	7771	3703120906	103	CARMEN FURRELL DREW #1		EAST BRADY	20.0	NATIONAL FUEL GAS
#135973	7772	3703120907	103	CARMEN FURRELL DREW #2		EAST BRADY	20.0	NATIONAL FUEL GAS
-BETA 79-S T JOINT VENTURE				RECEIVED: 06/04/81 JA: PA				
#135974	5667	3706521986	103	WAGGY #1		MC CALMONT	25.0	NATIONAL FUEL GAS
-BOYD & SHRIVER				RECEIVED: 06/04/81 JA: PA				
*#135975	2045	3706525768	108	526-HIMES		CANOE	9.8	CONSOLIDATED GAS
*#135976	2107	3706521545	108	597-RYEN		CANOE	6.4	CONSOLIDATED GAS
#136033	7479	3706324347	108	451-GARLNER		GRANT	3.6	CONSOLIDATED GAS
#136034	7480	3706323928	108	469-BROWN		GRANT	3.6	CONSOLIDATED GAS
#136036	7490	3706323851	108	480 - GASTON NO 1		ROCHESTER MILLS	3.6	CONSOLIDATED GAS
#136035	7489	3706323851	108	481 - GASTON NO 2		ROCHESTER MILLS	3.6	CONSOLIDATED GAS
-C & N CO				RECEIVED: 06/04/81 JA: PA				
#136037	7456	3706302119 C	103	L G WERTZ COAL CO #1 (104A)		YOUNG	200.0	PEOPLES NATURAL G
-CABOT OIL & GAS CORP				RECEIVED: 06/04/81 JA: PA				
#136038	7370	3703920741	102-2	W L DUNN #4		GREENWOOD	50.0	TENNESSEE GAS PIP
-CASTLE GAS CO INC				RECEIVED: 06/04/81 JA: PA				
#136039	864	3706322019	108	S G HARRIGE #4 C-S IND 22019		SOUTH MAHONING TWP	6.0	PEOPLES NATURAL G
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 06/04/81 JA: PA				
#136042	7278	3706323482	108	DAVID G PIPES WA-1553		CANOE TOWNSHIP	21.1	GENERAL SYSTEM PU
#135977	7287	3703320535	108	RAYMOND NELSON WA-1524		BRADY TOWNSHIP	18.9	GENERAL SYSTEM PU
#135978	7288	3703320536	108	RAYMOND NELSON WA-1525		BRADY TOWNSHIP	18.9	GENERAL SYSTEM PU
#136041	7485	3706321663	103	ROCHESTER & PITTS COAL CO WA-1652		MCCALMONT	3.4	GENERAL SYSTEM PU
#136040	7484	3703320654	103	THOMAS E M REITZ WA-1631		BRALY	9.7	GENERAL SYSTEM PU
-DAMSON-LOUDEN CO LTD & NCC-LOUDEN L				RECEIVED: 06/04/81 JA: PA				

JP #					WELL NAME	FIELD NAME	ELEV.	PURCHASER
8136080	7566	3712500070	108	C	B ASHCRAFT B663-1	NOTTINGHAM	1.9	PEOPLES NATURAL G
8136170	7542	3706322437	108	C	CLOID PINA ESTATE B247-1	ARMSTRONG	16.2	PEOPLES NATURAL G
8136058	7550	3706322273	108	C	E MCCAULIFF B200-1	ARMSTRONG	16.2	PEOPLES NATURAL G
8136064	7570	3712500059	108	C	E WEAVER B653-1	WEST PIKE RUN	1.5	PEOPLES NATURAL G
8136067	7574	3712500070	108	C	L BALLEIN B659-1	NOTTINGHAM	1.1	PEOPLES NATURAL G
8136053	7525	3706322090	108	C	M HAGGERTY B134-1	WASHINGTON	20.0	PEOPLES NATURAL G
8136054	7526	3706322335	108	C	M HAGGERTY B134-2	WASHINGTON	20.0	PEOPLES NATURAL G
8136081	7547	3712500000	108	C	W BAKER & K C BURNETT B651-1	DEEMSTON BORO	3.0	PEOPLES NATURAL G
8136069	7541	3706322578	108	F	E LONG B245-2	ARMSTRONG	13.2	PEOPLES NATURAL G
8136089	7576	3712500050	108	G	N BILLEN B655-1	NOTTINGHAM	3.5	PEOPLES NATURAL G
8136059	7531	3706322329	108	H	L SCHRECENGOST B212-2	ARMSTRONG	16.2	PEOPLES NATURAL G
8136066	7540	3706322754	108	H	LONG UNIT B242 243 244-1	ARMSTRONG	13.2	PEOPLES NATURAL G
8136055	7527	3706322079	108	H	M FLEMING B143-1	ARMSTRONG	8.7	PEOPLES NATURAL G
8136056	7528	3706322370	108	H	M FLEMING B143-2	ARMSTRONG	8.7	PEOPLES NATURAL G
8136067	7535	3706322537	108	H	M LONG B242-1	ARMSTRONG	13.2	PEOPLES NATURAL G
8136043	7511	3700520732	108	J	C HERRON B1X-1	PLUMCREEK	12.4	PEOPLES NATURAL G
8136060	7532	3706322265	108	J	CANALE B217-1	ARMSTRONG	13.2	PEOPLES NATURAL G
8136078	7564	3712500000	108	J	E GAMBLE B662-1	NOTTINGHAM	1.9	PEOPLES NATURAL G
8136079	7565	3712500000	108	J	E GAMBLE B662-2	NOTTINGHAM	1.9	PEOPLES NATURAL G
8136057	7529	3706322271	108	J	L HAZLETT B198-1	ARMSTRONG	16.2	PEOPLES NATURAL G
8136090	7577	3712500000	108	M	E MOFFITT ET AL B664-1	WEST PIKE RUN	19.5	PEOPLES NATURAL G
8136091	7578	3712500000	108	M	E MOFFITT ET AL B664-2	WEST PIKE RUN	2.0	PEOPLES NATURAL G
8136064	7554	3706322238	108	M	K HOYER B224-1	ARMSTRONG	15.1	PEOPLES NATURAL G
8136085	7571	3712500000	108	M	K KRISTON B657-1	NOTTINGHAM	2.6	PEOPLES NATURAL G
8136073	7545	3706322994	108	M	MUSSER FORESTS INC B272-1	ARMSTRONG	16.2	PEOPLES NATURAL G
8136072	7544	3706323067	108	N	REEGER B271-2	ARMSTRONG	16.2	PEOPLES NATURAL G
8136071	7543	3706322514	108	N	REEGER JR B271-1	ARMSTRONG	16.2	PEOPLES NATURAL G
8136088	7575	3712500070	108	P	VLCEK B669-1	DEEMSTON BORO	1.5	PEOPLES NATURAL G
8136086	7573	3712500000	108	R	DEMPSTER B668-2	ROSTRAVER	2.6	PEOPLES NATURAL G
8136082	7568	3712500000	108	R	E CRUMPINE ET AL B652-1	DEEMSTON BORO	2.4	PEOPLES NATURAL G
8136083	7569	3712500000	108	R	E CRUMPINE ET AL B652-2	DEEMSTON BORO	2.4	PEOPLES NATURAL G
8136075	7561	3712500000	108	R	L MCNALL B661-1	NOTTINGHAM	1.9	PEOPLES NATURAL G
8136076	7562	3712500000	108	R	L MCNALL B661-2	NOTTINGHAM	1.9	PEOPLES NATURAL G
8136077	7563	3712500000	108	R	L MCNALL B661-3	NOTTINGHAM	1.9	PEOPLES NATURAL G
8136063	7535	3706322297	108	R	L ORR B223-1	ARMSTRONG	12.7	PEOPLES NATURAL G
8136046	7518	3700521918	108	R	M MCILWAIN B70-1	BURRELL	10.1	PEOPLES NATURAL G
8136047	7519	3700500039	108	R	M MCILWAIN B70-2	BURRELL	3.3	PEOPLES NATURAL G
8136061	7533	3706322254	108	R	R TOMMS B222-1	WHITE	9.1	PEOPLES NATURAL G
8136062	7534	3706322322	108	R	R TOMMS B222-2	ARMSTRONG	9.1	PEOPLES NATURAL G
8136066	7548	3706322579	108	S	W LONG JR B241-1	ARMSTRONG	13.2	PEOPLES NATURAL G
8136048	7520	3700521944	108	T	E MCILWAIN B71-1	BURRELL	7.3	PEOPLES NATURAL G
8136065	7537	3706322376	108	T	K FLEMING B233-1	ARMSTRONG	6.5	PEOPLES NATURAL G
8136074	7546	3706322511	108	T	W PETERMAN B273-1	ARMSTRONG	16.2	PEOPLES NATURAL G
8136049	7521	3706322207	108	T	W WIGGINS B128-1	ARMSTRONG	13.2	PEOPLES NATURAL G
8136050	7522	3706322123	108	T	W WIGGINS B129-1	ARMSTRONG	13.2	PEOPLES NATURAL G
8136051	7523	3706322124	108	T	W WIGGINS B129-2	ARMSTRONG	13.2	PEOPLES NATURAL G
8136052	7524	3706322159	108	T	W WIGGINS B129-3	ARMSTRONG	13.2	PEOPLES NATURAL G
8136044	7516	3706320454	108	W	A REED B56X-1	ARMSTRONG	9.2	PEOPLES NATURAL G
8136045	7517	3706321081	108	W	A REED B56X-2	ARMSTRONG	8.7	PEOPLES NATURAL G
-DORAN & ASSOCIATES INC			RECEIVED: 06/04/81 JA: PA					
8135979	7279	3706325651	103	C	& P COAL #7 K-J-9	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8135981	7283	3706325652	103	H	& P COAL #8 K-J-10	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8135980	7279	3706325654	103	H	& P COAL CO #1 K-A-1	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN

ID				FILE NAME	PRCL	PURCHASER
-DRUCY A MERWIN-			RECEIVED: 06/04/81 JA: PA			
*8136136	7478	3712900600	108 C E SWANK WELL NO 1	CLINTON E SWANK	2.5	PEOPLES NATURAL G
-EDMUND EDWARD			RECEIVED: 06/04/81 JA: PA			
8135991	7119	3708300000	108 WELL NO 2 WESTLINE	WESTLINE	10.0	NATIONAL FUEL GAS
8135989	7117	3708300000	108 WELL NO 6 WESTLINE	WESTLINE	6.0	NATIONAL FUEL GAS
8135990	7118	3708300000	108 WELL NO 7 WESTLINE	WESTLINE	6.2	NATIONAL FUEL GAS
8135992	7120	3708300000	108 WELL NO 8 WESTLINE	WESTLINE	2.0	NATIONAL FUEL GAS
-EDWARD G ARIEBEL GAS CO			RECEIVED: 06/04/81 JA: PA			
8135997	7324	3700521467	108 BONNER #1	EAST FRANKLIN	21.5	PEOPLES NATURAL G
8136127	7448	3700500000	108 GILPIN #1	RAYBURN TWP	5.8	PEOPLES NATURAL G
8135996	7282	3703100000	108 GRAHAM #1	RIMERSBURG	0.9	COLUMBIA GAS TRAN
8135995	7281	3703100000	108 GRAHAM #2	RIMERSBURG	0.9	COLUMBIA GAS TRAN
8135998	7325	3700520223	108 HOOKS #1	RURAL VALLEY	2.7	PEOPLES NATURAL G
8136000	7327	3712920395	108 KING #3	UNITY	0.4	PEOPLES NATURAL G
8136134	7503	3700500000	108 KUHAS #1	REDBANK TOWNSHIP	1.0	PEOPLES NATURAL G
8136135	7504	3700500000	108 KUHAS #2	REDBANK TWP	1.0	PEOPLES NATURAL G
8136136	7505	3700500000	108 KUHAS #3	REDBANK TWP	1.0	PEOPLES NATURAL G
8136137	7506	3700500000	108 KUHAS #4	REDBANK TWP	1.0	PEOPLES NATURAL G
8136130	7499	3700500000	108 NEESE #1	REDBANK TWP	1.8	PEOPLES NATURAL G
8136131	7500	3700520107	108 NEESE #2	REDBANK TWP	1.8	PEOPLES NATURAL G
8136132	7501	3700500000	108 NEESE #3	REDBANK TWP	1.8	PEOPLES NATURAL G
8136133	7502	3700500000	108 NEESE #4	REDBANK TWP	1.8	PEOPLES NATURAL G
8136126	7497	3712900000	108 OLSON #1	UNITY TOWNSHIP	2.0	PEOPLES NATURAL G
8135999	7326	3706321878	108 ORR #1	WASHINGTON	3.9	PEOPLES NATURAL G
8136002	7329	3706321962	108 ORR #2	WASHINGTON TWP	8.2	PEOPLES NATURAL G
8136122	7444	3706329172	108 RELLICK # 1	INDIANA	2.7	PEOPLES NATURAL G
8136124	7446	3706320413	108 RELLICK # 3	INDIANA	2.7	PEOPLES NATURAL G
8136123	7445	3706320202	108 RELLICK #2	INDIANA	2.7	PEOPLES NATURAL G
8136125	7447	3700520556	108 SCHRECENGOST #1	RURAL VALLEY	2.8	PEOPLES NATURAL G
8136128	7495	3700500000	108 SNYDER-ZIEGLER #1	EAST FRANKLIN TWP	4.3	PEOPLES NATURAL G
8136129	7496	3700500000	108 SNYDER-ZIEGLER #2	EAST FRANKLIN TWP	4.3	PEOPLES NATURAL G
8136001	7328	3712920513	108 WADDLE #2	LOYALHANNA	3.4	PEOPLES NATURAL G
-ENERGY PRODUCTION CO			RECEIVED: 06/04/81 JA: PA			
8136093	7484	3706325867	103 B F OLIVER NO 2	NOLO MOUNTAIN	83.2	COLUMBIA GAS TRAN
8136092	7483	3706325824	103 J MYERS NO 1	NOLO MOUNTAIN	12.8	COLUMBIA GAS TRAN
8136094	7486	3706325957	103 M B STEPHENS NO 1	NOLO MOUNTAIN	132.4	COLUMBIA GAS TRAN
8136095	7487	3706325958	103 M B STEPHENS NO 2	NOLO MOUNTAIN	16.0	COLUMBIA GAS TRAN
-ENERGY QUEST INC			RECEIVED: 06/04/81 JA: PA			
8135982	7322	3706325938	103 RICHARD W OVERDORFF #1 (96/126 AC)	STRONGSTOWN	30.0	T W PHILLIPS GAS
8135983	7323	3706325940	103 RICHARD W OVERDORFF #3 (96/126 AC)	STRONGSTOWN	30.0	T W PHILLIPS GAS
-FAIRMAN DRILLING CO			RECEIVED: 06/04/81 JA: PA			
8135984	7356	3706325175	103 GEORGE C ZERBE NO 3 F-2645	BIG RUN	30.0	T W PHILLIPS GAS
-FOX OIL & GAS INC			RECEIVED: 06/04/81 JA: PA			
8135988	7128	3706326007	103 DAYLE F SIRSAEAUCH #1	GREEN TOWNSHIP	29.2	COLUMBIA GAS TRAN
8136098	7461	3712920752	108 DONALD SWARTZ #1	HEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136102	7467	3712920734	108 EARL DAVIS #1	HEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8135987	7127	3706326039	103 IRVIN PISS #2	MONTGOMERY TOWNSHIP	25.5	COLUMBIA GAS TRAN
8136101	7466	3712920727	108 JACK EVANS #2	HEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136106	7472	3712920930	108 JOSEPH MAGYAR #2	HEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136105	7471	3712920931	108 JOSEPH MAGYAR #1	HEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136100	7465	3712920766	108 LAVERNE LYNCH #1	HEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136103	7468	3712920769	108 LAVERNE LYNCH #2	HEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
8136099	7463	3712920873	108 MILLSTEIN #2	HEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G

ID					FIELD NAME	PRICE	PURCHASER
R135985	7125	3706325963	103	SAMUEL KIERN #1	GRANT TOWNSHIP	29.2	COLUMBIA GAS TRAN
R135986	7126	3706325954	103	SEHRATH #1	GREEN TOWNSHIP	29.2	COLUMBIA GAS TRAN
R136108	7476	3712920985	108	THOMAS MALEFA #1	HEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
R136107	7475	3712920726	108	W H EVANS #3	HEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
R136109	7477	3712920741	108	W H EVANS #4	HEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
R136097	7460	3712920764	108	WM SELEPCHAK	HEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
R136104	7470	3712920972	108	YOUNGWOOD SPORTS ASSN #1	HEMPFIELD TOWNSHIP	20.5	PEOPLES NATURAL G
R136096	7464	3712921002	103	YOUNGWOOD SPORTSMAN ASSN #2	HEMPFIELD TOWNSHIP	25.5	PEOPLES NATURAL G
-H D HOUGH AGENT			RECEIVED: 06/04/81 JA: PA				
*R136111	7456	3712500000	108	AMES WELL NO 1	ELLSWORTH	6.0	PEOPLES NATURAL G
*R136110	7449	3712500000	108	AMES WELL NO 2	ELLSWORTH QUADRANGLE	6.0	PEOPLES NATURAL G
-J & J ENTERPRISES INC			RECEIVED: 06/04/81 JA: PA				
R136112	6398	3706324804	108	LYNN SHIELDS #1	BANKS	7.7	CONSOLIDATED GAS
R135993	7223	3703320795	103	RAYMOND BARRETT #4	BURNSIDE	200.0	T W PHILLIPS GAS
R135994	7224	3703320756	103	RAYMOND BARRETT #5	BURNSIDE	200.0	T W PHILLIPS GAS
-JAMES DRILLING CORP			RECEIVED: 06/04/81 JA: PA				
R136116	7451	3705102040	108	ALBERT EWING WELL #1	FRANKLIN	7.5	PEOPLES NATURAL G
R136118	7453	3712920214	108	AUSTIN R HOOK WELL #1	HEMPFIELD	2.5	PEOPLES NATURAL G
R136117	7452	3706320184	108	FRANK FAIRLEY WELL #1	CONEMAUGH	3.0	PEOPLES NATURAL G
R136114	7538	3706320742	108	P N G - S T D CO WELL #1	BURRELL	5.0	PEOPLES NATURAL G
R136113	7507	3706343200	108	P P MCLAUGHLIN WELL #1	BURRELL	16.0	PEOPLES NATURAL G
R136115	7534	3706320745	108	S T D WELL #1	BURRELL	11.0	PEOPLES NATURAL G
-KEYSTONE ENERGY RESOURCES			RECEIVED: 06/04/81 JA: PA				
R136120	7435	3706325983	103	PETRARCA #1	UMBERT PETRARCA	29.2	T W PHILLIPS GAS
R136119	7432	3706325984	103	PETRARCA #2	UMBERT PETRACA	32.9	T W PHILLIPS GAS
R136121	7434	3706325999	103	PETRARCA #4	UMBERT PETRARCA	32.4	T W PHILLIPS GAS
-LOUDEN PROPERTIES CO			RECEIVED: 06/04/81 JA: PA				
R136149	6027	3712921641	103	HAROLD E DILLINGER #43-1	EAST HUNTINGTON	30.0	COLUMBIA GAS OF P
-PEACOCK DOVERSPIKE GAS VENTURE-1979			RECEIVED: 06/04/81 JA: PA				
R136139	7555	3705122286	103	MILLS #2 ARM-22286	PLUM CREEK	27.0	PEOPLES NATURAL G
-PEACOCK/DOVERSPIKE GAS VENTURE - 79			RECEIVED: 06/04/81 JA: PA				
R136140	7557	3705122405	103	BEAM #2 ARM-22405	WAYNE	10.0	PEOPLES NATURAL G
R136141	7558	3706325049	103	SOULCHIN #3 IND-25049	WHITE	18.0	PEOPLES NATURAL G
-PHILLIPS PRODUCTION CO			RECEIVED: 06/04/81 JA: PA				
R136009	7314	3706323385	108	AGNES STENMAN #1 NOW A J SENULES #1	SOUTH MAHONING	5.0	CRUCIBLE INC
R136011	7316	3706323386	108	AGNES STENMAN #2 NOW A J SENULES #2	SOUTH MAHONING	8.0	CRUCIBLE INC
R136004	7365	3706325893	103	ALFONSO POLITO #1	WASHINGTON	25.0	WALLACE-MURRAY CO
R136145	6968	3706324758	108	CARL A SPEVETZ ET UX #2	YOUNG	15.0	COLUMBIA GAS TRAN
R136146	6969	3706324759	108	CARL A SPEVETZ ET UX #3	YOUNG	15.0	COLUMBIA GAS TRAN
R136018	7361	3706323659	108	CLAIR W EVANS #1	WHITE	7.0	WALLACE-MURRAY CO
R136017	7360	3706323659	108	CLAIR W EVANS #2	WHITE	7.0	WALLACE-MURRAY CO
R136142	7277	3706720040	103	EVERETT C THIMBLE ET AL #1	WAYNE	45.0	
R136008	7313	3706323411	108	GLENN L CAMPBELL #1	SOUTH MAHONING	5.0	CRUCIBLE INC
R136013	7318	3706323376	108	J DALE KIRKPATRICK #1	SOUTH MAHONING	8.0	CRUCIBLE INC
R136012	7317	3706323378	108	J DALE KIRKPATRICK #2	SOUTH MAHONING	18.0	CRUCIBLE INC
R136144	6882	3706327758	108	JAY T KISSINGER ET AL #2	CENTER	6.0	COLUMBIA GAS TRAN
R136148	7374	3706321850	108	JOSEPH FERRARA ET AL #1	MCCALMONT	16.0	NATIONAL FUEL GAS
R136006	7365	3706323737	103	LEVI E MILLER ET UX #1	WEST MAHONING	23.0	WALLACE-MURRAY CO
R136016	7321	3706323380	108	LISLE H WALKER #1	CENTER	12.0	CRUCIBLE INC
R136015	7320	3706323381	108	LISLE H WALKER #2	CENTER	12.0	CRUCIBLE INC
R136143	7373	3706326046	103	MAX M LLOYD #2	NORTH MAHONING	35.0	
R136010	7315	3706323370	108	RALPH E KELLEY #1	SOUTH MAHONING	7.0	CRUCIBLE INC
R136007	7312	3706323371	108	RALPH E KELLEY #2	SOUTH MAHONING	5.0	CRUCIBLE INC

R136003	7362	3706323742	103	ROBERT E WISSINGER #2	ARMSTRONG	23.0	WALLACE-MURRAY CO
R136005	7364	3706323744	103	ROBERT E WISSINGER ET UX #1	ARMSTRONG	23.0	WALLACE-MURRAY CO
R136147	7359	3706323724	108	RUTH A HEUPLER #1	CHERRY HILL	2.0	WALLACE-MURRAY CO
R136014	7416	3706323582	108	WILLIAM EDWARD ANDERSON #1	CENTER	8.0	CRUCIBLE INC
-SMITH & SMITH			RECEIVED: 06/04/81 JA: PA				
R136019	7439	3706520119	108	SUTTER FARM #1	SPRANKLES MILLS (DAYTON	0.7	PEOPLES NATURAL G
R136020	7441	3706500006	108	SUTTER FARM #2	SPRANKLES MILLS (DAYTON	0.7	PEOPLES NATURAL G
R136021	7441	3706500000	108	SUTTER FARM #3	SPRANKLES MILLS (DAYTON	0.7	PEOPLES NATURAL G
*R136022	7442	3706520103	108	SUTTER FARM #4	SPRANKLES MILLS (DAYTON	0.7	PEOPLES NATURAL G
-UNION DRILLING INC			RECEIVED: 06/04/81 JA: PA				
R136023	7123	3704921221	102-2	JOHN P ALLEN ESTATE #1 0688	UNION TOWNSHIP	0.0	COLUMBIA GAS TRAN
R136024	7124	3704921229	102-2	ROGER E WETMORE #1 0694	UNION TOWNSHIP	0.0	COLUMBIA GAS TRAN
-VINEYARD OIL & GAS CO			RECEIVED: 06/04/81 JA: PA				
R136025	7048	3704921254	102-2	BARNES C-1035	BARNES - LEBOEUF	50.0	NATL FUEL GAS DIS

[illegible]

[illegible]

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 27, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108 : Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20152 Filed 7–9–81; 8:45 am]

BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 2, 1981.

| | | |

-THRESHOLD DEVELOPMENT CO			RECEIVED: 06/11/81 JA: AM				
R136170		3501523289	102-4	CONOCO 10 A STATE NC 1Y (ATOKA)	TURKEY TRACK ATOKA	547.5	CONOCO INC
R136179		3501523285	102-4	CONOCO 10 A STATE NC 1Y (ATOKA)	TURKEY TRACK ATOKA	547.5	CONOCO INC
R136180		3501523066	102-4	CONOCO 10 STATE COM #1	TURKEY TRACK-ATOKA GAS	706.0	EL PASO NATURAL G
R136169		3501523174	102-4	CONOCO 7 STATE #1	TURKEY TRACK MORROW	665.8	CONOCO INC
-YATES PETROLEUM CORPORATION			RECEIVED: 06/11/81 JA: AM				
R136171		3500560850	102-2	DEE CO STATE #1	UND AEG	0.0	TRANSWESTERN PIPE
**********							
OKLAHOMA CORPORATION COMMISSION							
**********							
-AMOCO PRODUCTION CO			RECEIVED: 06/08/81 JA: CK				
R136253	08385	3503920251	103	MAST UNIT #1	S E THOMAS	400.0	WESTERN FARMERS E
R136254	08384	3503920357	103	MAST UNIT A WELL #1	S THOMAS	200.0	WESTERN FARMERS E
R136208	08105	3503920154	103	ROOF UNIT WELL #1	S E THOMAS	365.0	WESTERN FARMERS E
-AN-SON CORPORATION			RECEIVED: 06/10/81 JA: CK				
R136295	09254	3503920290	102-4	STEPH #1	EAST ARAPAHO	400.0	MICHIGAN WISCONSI
-ANDOVER OIL COMPANY			RECEIVED: 06/08/81 JA: CK				
R136276	09192	3501721680	103	ANDOVER #28-1		180.0	DELHI GAS PIPELIN
R136207	09213	3500320772	103	ROOT #6-1A		40.0	DELHI GAS PIPELIN
-APOLLO PRODUCTION LTD			RECEIVED: 06/08/81 JA: CK				
R136193	09240	3507322444	103	WOOLDINE NO 24-2	N E CKARCHE	51.0	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY,			RECEIVED: 06/08/81 JA: CK				
R136286	09222	3504722134	102-4	FRANK BURTON NO 1	SOUTH DOUGLAS	73.0	
R136246	09223	3504722251	102-4	GFE - THOMAS NO 1	SOUTH DOUGLAS	37.0	
-ROSWELL ENERGY CORP			RECEIVED: 06/10/81 JA: CK				
R136306	09257	3510920422	103	CHISHOLM #2-9	E PRAIRIE BELL	0.0	PHILLIPS PETROLEU
-BROWN & BORELLI INC			RECEIVED: 06/08/81 JA: CK				
R136213	07288	3507322489	102-4	OPPEL #1	SOONER TREND	219.0	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 06/08/81 JA: CK				
R136204	09191	3507322577	103	KARL VADDER NO 2	DEVLR-HENNESSEY	332.9	EXXON CORP
R136198	09216	3504721839	103	MARIA REGIER NO 3	EAST CHANEY DELL	182.5	CHAMPLIN PETROLEU
-CHASE EXPLORATION CORP			RECEIVED: 06/08/81 JA: CK				
R136262	09216	3507122020	103	DECKER 2-28		4.9	CITIES SERVICE GA
R136265	09210	3507121150	103	HARKINS 1-17		7.3	CITIES SERVICE GA
R136277	09209	3507121204	103	HARKINS 2-17	UNNAMED	3.8	CITIES SERVICE GA
R136267	09212	3507121681	103	HINTON 1-26		6.6	CITIES SERVICE GA
R136264	09208	3507121050	103	KAHLE 1-24		26.8	CITIES SERVICE GA
R136261	09205	3507121125	103	KAHLE 2-18		21.2	CITIES SERVICE GA
R136263	09207	3507121724	103	KOKENDOFFER 1-8		1.6	CITIES SERVICE GA
R136266	09211	3507121677	103	SCHIEFER 2-21		13.3	CITIES SERVICE GA
-CHASE EXPLORATION CORP			RECEIVED: 06/10/81 JA: CK				
R136314	7923	3507121357	103	FITCH #1-32		3.5	CITIES SERVICE GA
-CLARK RESOURCES INC			RECEIVED: 06/08/81 JA: CK				
R136259	09189	3504722325	103	DALE 8-1	SOONER TREND	27.4	CITIES SERVICE GA
R136258	09187	3507522685	103	HENSON 6-1	SOONER TREND	177.6	CITIES SERVICE GA
R136270	09188	3504722324	103	REX 34-1	SOONER TREND	134.5	PANHANDLE EASTERN
R136268	09190	3507322688	103	STATE 36-1	SOONER TREND	70.4	EASON OIL CO
-CLIFFORD RESOURCES INC			RECEIVED: 06/08/81 JA: CK				
R136288	09206	3509300010	103	GEE #1-32	MERC	50.0	PANHANDLE EASTERN
-CLIFFORD RESOURCES INC			RECEIVED: 06/10/81 JA: CK				
R136307	09246	3509300000	103	MOFFIT 1-27	MERC	75.0	PANHANDLE EASTERN
-COBRA OIL AND GAS CORPORATION			RECEIVED: 06/10/81 JA: CK				
R136308	09266	3505920977	103	GANLY 20 #1		0.0	NORTHERN NATURAL

			SEC	TWP	RGE			
8136389	09265	3505920977	103			GANEY 20 #1		0.0 NORTHERN NATURAL
-COTTON PETROLEUM CORPORATION			RECEIVED: 06/08/81 JA: CK					
8136192	09128	3505102857	103			COWPCY 6 #2	E CHICKASHA	1100.0 TRANSOK PIPE LINE
-CRAWLEY PETROLEUM CORPORATION			RECEIVED: 06/08/81 JA: CK					
8136186	09195	3507322555	103			MESIS A-2	EAST HENNESSEY	25.0 EASON OIL CO
-CURT BROWN DRILLING CO			RECEIVED: 06/08/81 JA: CK					
8136212	08914	3511720521	103			ZIMMERMAN #2	HALLETT	20.0 COLORADO GAS COMP
-DAWN ENERGY CO			RECEIVED: 06/08/81 JA: CK					
8136191	09022	3505920952	103			CRIGLER #1-32	MOCANE-LAVERNE	300.0 PANHANDLE EASTERN
-EASON OIL COMPANY			RECEIVED: 06/08/81 JA: CK					
8136249	08440	3501721651	103			C A HENDERSON #4	YUKON	73.0 DORIC PETROLEUM I
8136200	09030	3507204850	103			C E GARNER #1	GOLDEN TREND	365.0 CITIES SERVICE GA
8136285	08442	3501721653	103			TULLOS-HENDERSON #5	YUKON	365.0 DORIC PETROLEUM I
-ECC OIL CO			RECEIVED: 06/08/81 JA: CK					
8136215	08389	3514721686	103			MOODY #2 CE/2 SE/4 NE/4	17-25N-14E	OGLESBY GAS FIELD 64.1 OKAN GAS CO
8136194	09243	3514721558	103			REYNOLDS #5 C W/2 NW/4 SE/4	20-25N-	OGLESBY GAS FIELD 35.9 OKAN GAS CO
-ENERGY RESERVES GROUP INC			RECEIVED: 06/08/81 JA: CK					
8136241	09015	3509120396	102-2			BREWER #1	HITCHITA	54.0
8136214	08974	3509330274	10R			SODOWSKY #1	CHANEY DELL	0.4 OKLAHOMA NATURAL
-EXXON CORPORATION			RECEIVED: 06/08/81 JA: CK					
8136190	09106	3500700409	10R-SA			BALDWIN UNIT #1	COMC	20.0 NORTHERN NATURAL
-F C D OIL CORP			RECEIVED: 06/08/81 JA: CK					
8136240	09101	3510321052	103			CURRY 1-23	E BILLINGS	36.5 ARCO OIL & GAS CO
8136239	09100	3507322612	103			HICKEY 1-29	E HENNESSEY	54.8 EASON OIL CO
8136237	09097	3507322616	103			KIRSCH 1-12	E LOYAL	80.3 PHILLIPS PETROLEU
8136221	09096	3509321826	103			LAW 1-1	E CLEC SPRINGS	109.5 PIONEER GAS PRODU
8136223	09095	3507322614	103			MCCLELLY 1-32	E HENNESSEY	54.8 EASON OIL CO
8136260	09094	3509322038	103			SMITH 1-12	CLEC SPRINGS	127.8 PIONEER GAS PRODU
8136238	09099	3504722340	103			VOTH 1-16	KREMLIN	36.5 C R A INC
-GRACE PETROLEUM CORPORATION			RECEIVED: 06/10/81 JA: CK					
8136313	09201	3509120316	102-3			FISHER NO 1-16		300.0
-GREG L COOK			RECEIVED: 06/08/81 JA: CK					
8136197	08812	3507322426	103			FLEANOR #1	W EDMOND	365.0 PHILLIPS PETROLEU
-H & L OPERATING COMPANY			RECEIVED: 06/08/81 JA: CK					
8136269	09055	3500721645	103			HAYLIFF #1	MCCANE-LAVERNE	240.0 EL PASO NATURAL G
-HARPER OIL COMPANY			RECEIVED: 06/08/81 JA: CK					
8136211	08950	3509322068	103			LAUERMAN #1	SOONER TREND	182.0 PHILLIPS PETROLEU
8136199	09227	3507322691	103			VRSKA #2	EAST COVER	45.0 EXXON CORP
-HAWK EXPLORATION LTD			RECEIVED: 06/08/81 JA: CK					
8136210	08875	3509321933	103			CROW NO 15-1	SOONER TREND	90.0 PIONEER GAS PRODU
-HILL OIL CO			RECEIVED: 06/10/81 JA: CK					
8136316	09261	3511900000	103			DUNCAN 1-A	LOST CREEK	36.0 SUN GAS CO
8136315	09262	3511920501	103			SPRINGER #1	LOST CREEK	6.0 SUN GAS CO
-HOLDEN ENERGY CORP			RECEIVED: 06/08/81 JA: CK					
8136255	09164	3501922142	102-4			REED 12-1	JOINER CITY	69.0 AMINOIL USA INC
8136257	09167	3501922140	102-4			REED 28-1	JOINER CITY	75.0 AMINOIL USA INC
8136256	09165	3501922050	102-4			REEL 28-4	JOINER CITY	85.0 AMINOIL USA INC
-INTERNORTH INC			RECEIVED: 06/08/81 JA: CK					
8136287	7661	3500721862	103			MCOS TRUST NO 1-19	EAST LORENA	47.0 INTERNORTH INC
-JAN OIL CO			RECEIVED: 06/08/81 JA: CK					
8136274	09024	3510321111	103			WELLS NO 2-28	SOUTH LONE ELM PROSPECT	75.0 AMINOIL USA INC
-JET OIL COMPANY			RECEIVED: 06/10/81 JA: CK					
8136299	08975	3504722302	103			JOHNSON #1	N ELKHORN	12.0 EASON OIL CO

-JI CO EXPLORATION INC			RECEIVED: 06/08/81	JA: CK	
R136275	08540	3507322309	103	JICO FRAKES #1	
-JIMMY W GRAY			RECEIVED: 06/08/81	JA: CK	
R136235	09249	3504921269	103	COOK NO 1	
R136206	9251	3504921271	103	GOSS NO 1	
R136205	09250	3504920648	103	VIRGINIA NO 1	
-JULIEN B ADDUE JR			RECEIVED: 06/08/81	JA: CK	
R136224	09228	3514320628	102-2	ROSS ESTATE #2	
-KANOKLA ENERGY CORP			RECEIVED: 06/08/81	JA: CK	
R136219	08813	3513321148	103	CAROLINA NO 1	
-L & N EXPLORATION INC			RECEIVED: 06/08/81	JA: CK	
R136272	08983	3508321432	103	ENDICOTT #1-5	
R136275	08985	3508321405	103	JOHN HOPFER #1-25	
R136222	08986	3508321307	103	PAUL HOPFER #1-27	
-L G WILLIAMS OIL COMPANY INC			RECEIVED: 06/08/81	JA: CK	
R136289	06813	3501721347	102-2	(ESCO) COOKSEY 7-1	
R136227	06819	3501721155	102-2	(ESCO) COLESE 17-2	
R136225	06821	3501721156	102-2	(ESCO) LEHMAN 20-1	
R136226	06820	3501721367	102-2	(ESCO) PHELPS 17-1	
R136230	06316	3501721328	102-2	BEECHER 11-1	
R136228	07323	3501721505	102-2	HUCEK #1-1	
R136229	07739	3501721618	102-2	JENSEN #28-1	
-LADD PETROLEUM CORPORATION			RECEIVED: 06/08/81	JA: CK	
R136220	08802	3505120974	103	SPROWLS NO 1	
-LPCX CORPORATION			RECEIVED: 06/08/81	JA: CK	
R136282	07609	3505120860	102-4	PINCHAM #1	
R136284	07610	3505120804	102-4	HOFFMAN KIDS #1	
R136247	07613	3505100000	102-4	KING #1	
R136283	07611	3505120861	102-4	THAL #1	
-LPCX CORPORATION			RECEIVED: 06/10/81	JA: CK	
R136300	07612	3505120872	102-4	PHILLIPS #1	
-MAJOR OIL CORP			RECEIVED: 06/10/81	JA: CK	
*R136305	08867	3509321505	103	SMITH NO 1-18	
-MICHIGAN WISCONSIN PIPE LINE CO			RECEIVED: 06/08/81	JA: CK	
R136195	09224	3509321816	103	WILPOTT #1	
-MORTON BROTHERS INC			RECEIVED: 06/08/81	JA: CK	
R136273	06588	3510900000	103	PERRYHILL NO 1	
-NOVA ENERGY CORPORATION			RECEIVED: 06/08/81	JA: CK	
R136236	05174	3505120818	102-2	WEHLING #1-27	
-ONG EXPLORATION INC			RECEIVED: 06/08/81	JA: CK	
R136185	08129	3505920960	103	RUBLE NO 1	
-PETROMARK EXPLORATION INC			RECEIVED: 06/08/81	JA: CK	
R136280	05179	3507322696	103	YORK 5-1	
-PHOENIX RESOURCES COMPANY			RECEIVED: 06/08/81	JA: CK	
R136243	8623	3505900000	103	GUY THOMAS #2	
R136242	8621	3500721839	103	WEAVER #2	
-POTTS-STEPHENSON EXPLORATION CO			RECEIVED: 06/08/81	JA: CK	
R136196	9171	3512120734	102-2	ESTELLA GEORGE NO 1-25	
R136196	9171	3512120734	103	ESTELLA GEORGE NO 1-25	
-RALPH E PLOTNER OIL & GAS INVEST IN			RECEIVED: 06/08/81	JA: CK	
R136291	09162	3501721509	103	TATE NO 1-11	
-RALPH E PLOTNER OIL & GAS INVEST IN			RECEIVED: 06/10/81	JA: CK	
R136302	09181	3501721553	103	MICKIE ANNE NO 1-12	

FIELD NAME	PROD	PURCHASER
SCONER TREND	47.0	PHILLIPS PETROLEU
WILDCAT	0.0	WARREN PETROLEUM
ANTIOCH NORTH	0.0	WARREN PETROLEUM
WHITEHEAD WEST	0.0	WARREN PETROLEUM
	72.0	DIAMOND-S GAS SYS
CAROLINA LEASE	216.0	ARKANSAS LOUISIAN
SOUTH CRESCENT	110.0	EASON OIL CO
WEST BARNS	27.0	EASON OIL CO
NORTH CRESCENT	12.0	EASON OIL CO
WEST YUKON	0.0	DELHI GAS PIPELIN
NORTHWEST YUKON	0.0	DELHI GAS PIPELIN
NORTHWEST YUKON	0.0	DELHI GAS PIPELIN
NORTHWEST YUKON	0.0	DELHI GAS PIPELIN
N RICHLAND	0.0	PHILLIPS PETROLEU
NORTH RICHLAND	0.0	PHILLIPS PETROLEU
UNION CITY	0.0	PHILLIPS PETROLEU
MINCO WEST	1231.8	TRANSOK PIPELINE
WATONGA-CHICKASHA	200.0	CITIES SERVICE GA
WATONGA-CHICKASHA	600.0	CITIES SERVICE GA
WATONGA-CHICKASHA	1000.0	CITIES SERVICE GA
WATONGA-CHICKASHA	1000.0	CITIES SERVICE GA
WATONGA-CHICKASHA	600.0	CITIES SERVICE GA
MENO-RINGWOOD	75.0	OKLAHOMA NATURAL
S E BADO	204.0	PANHANDLE EASTERN
NORTH BEGGS	0.0	
W MINCO	0.0	MICHIGAN WISCONSI
LOVEDALE	75.0	NORTHERN NATURAL
SCONER TREND	106.0	CITIES SERVICE GA
GATE LAKE	113.0	NORTHERN NATURAL
DOWER AREA	100.0	NORTHERN NATURAL
WILDCAT	547.5	
WILDCAT	547.5	
YUKON	961.2	PHILLIPS PETROLEU
YUKON	329.8	PHILLIPS PETROLEU

-RAMBLER OIL CO				RECEIVED: 06/10/81 JA: CK				
R136298	09410	3501121424	103	CRAVENS ESTATE #1-27				
-ROYAL OIL & GAS CORPORATION				RECEIVED: 06/08/81 JA: CK				
R136216	08960	3507127063	102-A	GERALDEAN BURGARDNER #3				
-ROYAL OIL & GAS CORPORATION				RECEIVED: 06/10/81 JA: CK				
R136312	08964	3507121242	103	HENRY ROHRS #1 (WAS #1-A)				
R136311	08965	3507121619	103	HENRY ROHRS #2				
R136317	08962	3511921030	103	RENA EAGLES #1				
R136293	08963	3511921084	103	RENA EAGLES #2				
-SENECA OIL CO				RECEIVED: 06/08/81 JA: CK				
R136290	09150	3509321957	102-2	NIGHTENGALE NO 2-30				
R136189	09183	3509321817	103	RUSCH NO 1-16				
-SPELLER OIL CORP				RECEIVED: 06/08/81 JA: CK				
R136281	08975	3507322655	103	KITSA 1-1				
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 06/08/81 JA: CK				
R136203	09085	3500721929	103	BAXTER UNIT #2				
R136188	R663	3505920937	103	VANSCOYOC A NO 2				
-TENNECO OIL COMPANY				RECEIVED: 06/08/81 JA: CK				
*R136209	08879	3501922135	103	S GRAHAM DEESE UNIT 25-1A				
-TEXAS OIL & GAS CORP				RECEIVED: 06/08/81 JA: CK				
R136216	08819	3507322521	103	ERMA #1				
-TOWNER PETROLEUM CO				RECEIVED: 06/08/81 JA: CK				
R136234	09215	3501721708	102-A	LORENA JONES #15-1				
-TRANSIERRA EXPLORATION CORP				RECEIVED: 06/08/81 JA: CK				
R136217	08729	3508121078	103	STATE SCHOOL LAND NO 3				
-UNIT OPERATIONS				RECEIVED: 06/10/81 JA: CK				
*R136510	09245	3501121466	103	KIRTLEY NO 12-1				
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 06/08/81 JA: CK				
R136248	08850	3501721403	103	JAMES 1-36				
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 06/10/81 JA: CK				
R136304	08852	3501721517	103	JACOBS 1-25				
R136305	08848	3507322430	103	ROTHER 1-34				
-URBAN ENERGY CO				RECEIVED: 06/08/81 JA: CK				
R136201		3510523870	103	W H TEMPLE E NO 4				
-URBAN ENERGY CO				RECEIVED: 06/10/81 JA: CK				
R136294	09033	3510522675	103	OPAL BROWN NO 2				
-W B OSBORN JR (OPERATOR)				RECEIVED: 06/08/81 JA: CK				
R136244	09180	3507322277	103	SHOWLEN #1-A				
-W C PAYNE				RECEIVED: 06/08/81 JA: CK				
R136276	09033	3502920216	102-2	DAVIS #11				
R136251	09058	3502920159	102-2	DAVIS #7				
R136250	09036	3502920202	102-2	DAVIS #9				
R136187	09035	3502920156	102-2	MARTIN #1-1				
R136232	09043	3502920214	102-2	MURRAY #1-35				
R136233	09040	3502920207	102-2	RIDLEY #1-35				
R136231	09042	3502920209	102-2	RIDLEY #2-35				
R136252	09041	3502920211	102-2	RIDLEY A #1-35				
R136245	01054	3502920213	102-2	RIDLEY A #2-35				
-WESTERN OIL RESOURCES LTD				RECEIVED: 06/10/81 JA: CK				
R136297	07478	3511720715	103	JOHNSON #5				
R136292	07482	3511720628	103	LITTLE B-2				
R136296	07475	3511720755	103	SCHOOL LAND #3				
-WESTLAND EXPLORATION CO				RECEIVED: 06/10/81 JA: CK				

FIELD NAME	FRCL	PURCHASER
NW CHEENE	670.0	DELHI PIPELINE CO
NORTH BLACKWELL	40.0	CITIES SERVICE GA
NORTH BLACKWELL	12.0	CITIES SERVICE GA
NORTH BLACKWELL	12.0	CITIES SERVICE GA
NORTHEAST PRATT	14.0	ENTERPRISE DEVELO
NORTHEAST PRATT	14.0	ENTERPRISE DEVELO
OAKE	300.0	PANHANDLE PIPE LI
CEDAR SPRINGS	50.0	DELHI GAS PIPELIN
SOONER TREND	60.0	EASON OIL CO
MOCANE LAVERNE GAS AREA	161.0	PANHANDLE EASTERN
MOCANE - LAVERNE GAS ARE	988.0	MICHIGAN WISCONSI
SHO-VEL-TUM	9.0	MOBIL OIL CORP
S E KINGFISHER	0.0	
	365.0	PHILLIPS PETROLEU
SW PRAIRIE GEM FIELD	17.0	SUN OIL CO
SOUTHWEST LACEY	219.0	ONG WESTERN INC
RICHLAND	189.8	PHILLIPS PETROLEU
RICHLAND	178.9	PHILLIPS PETROLEU
BIRDWOMAN	116.8	PHILLIPS PETROLEU
NOWATA-CLAGGETT	16.0	FUEL PRODUCTS INC
WOODY	0.0	BOOMER PIPELINE I
SOUTHWEST LOYAL	291.0	MUSTANG FUEL CORP
EAST OCONEE	182.0	ARKANSAS LOUISIAN
EAST OCONEE	55.0	ARKANSAS LOUISIAN
EAST OCONEE	182.0	ARKANSAS LOUISIAN
EAST OCONEE	182.0	ARKANSAS LOUISIAN
EAST OCONEE	182.0	ARKANSAS LOUISIAN
EAST OCONEE	182.0	ARKANSAS LOUISIAN
EAST OCONEE	182.0	ARKANSAS LOUISIAN
EAST OCONEE	182.0	ARKANSAS LOUISIAN
EAST OCONEE	182.0	ARKANSAS LOUISIAN
HALLETT SECTION 12-20N-7	20.2	MID-AMERICA GAS L
HALLETT SECTION 12-20N-7	7.4	MID-AMERICA GAS L
HALLETT SECTION 13-20N-7	4.7	MID-AMERICA GAS L

						FIELD NAME	PROD	PURCHASER
R136761	05196	3[illegible]1212[illegible]740	103		ESTELLE D AL 1	NORTHWEST REAMS	182.5	ARKANSAS LOUISIAN
-WILLIAM MOSS PROPERTIES INC				RECEIVED: 06/08/81 JA: CK				
R136[illegible]	[illegible]	3[illegible]2[illegible]777	103		RYEL 15 WELL NO 1	SOONER TREND	27.4	PANHANDLE EASTERN
-WILLIS EXPLORATION INC				RECEIVED: 06/08/81 JA: CK				
R136271	08955	3[illegible]017[illegible]1557	105		HOPE #1	N E MUSTANG	130.0	MOBIL OIL CORP
**********								
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM								
**********								
-GRACE PETROLEUM CORPORATION				RECEIVED: 06/08/81 JA: AM 4				
R136151	NM-0451-81	3[illegible]0[illegible]421[illegible]	108		FEDERAL 1-20	RED TANK	12.9	NATURAL GAS PIPEL

[illegible]

[illegible]

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 27, 1981.

Categories within each NGPA section are indicated by the following codes

Section 102–1: New OCS Lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–20153 Filed 7–8–81; 8:45 am]
BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 2, 1981.

[illegible]	[illegible]	[illegible]	[illegible]	FIELD NAME	PROD	PURCHASER
********** OHIO DEPARTMENT OF NATURAL RESOURCES **********						
-AMERICAN WELL MANAGEMENT COMPANY		RECEIVED: 06/08/81 JA: CH				
8136319	3412725062	103	FRANCIS LOVE #2	MADISON	18.0	
8136319	3412725062	107-TF	FRANCIS LOVE #2	MADISON	18.0	
8136318	3411925456	103	GEORGE ASHFORD #1	CLAY	18.0	
8136318	3411925456	107-TF	GEORGE ASHFORD #1	CLAY	18.0	
-ATLAS ENERGY GROUP INC		RECEIVED: 06/08/81 JA: CH				
8136322	3415521432	102-2	CARR NO 1	VERNON	17.0	COLUMBIA GAS TRAN
8136322	3415521432	107-TF	CARR NO 1	VERNON	17.0	COLUMBIA GAS TRAN
8136320	3415521162	102-2	DIGIACOMO NO 2	FOWLER	29.0	COLUMBIA GAS TRAN
8136320	3415521162	107-RT	DIGIACOMO NO 2	FOWLER	29.0	COLUMBIA GAS TRAN
8136321	3415521419	102-2	HINES NO 1	VERNON	0.0	COLUMBIA GAS TRAN
8136321	3415521419	107-TF	HINES NO 1	VERNON	0.0	COLUMBIA GAS TRAN
-BECK OIL & GAS CO		RECEIVED: 06/08/81 JA: CH				
8136323	3403123854	103	ROBERT BARRICK NC 1	JACKSON	12.0	NATIONAL GAS & OI
8136323	3403123854	107-TF	ROBERT BARRICK NC 1	JACKSON	12.0	NATIONAL GAS & OI
8136324	3403123855	103	ROBERT BARRICK NC 2	JACKSON	12.0	NATIONAL GAS & OI
8136324	3403123855	107-TF	ROBERT BARRICK NC 2	JACKSON	12.0	NATIONAL GAS & OI
-BUCKHORN OIL COMPANY INC		RECEIVED: 06/08/81 JA: CH				
8136325A	3407523008	103	HAWKINS #1	RICHLAND	20.0	COLUMBIA GAS TRAN
8136325C	3407523008 C	107-TF	HAWKINS #1	RICHLAND	20.0	COLUMBIA GAS TRAN
-CARBONIT EXPLORATION INC		RECEIVED: 06/08/81 JA: CH				
8136327	3411122286	107-DV	RALPH L PARKS (EAST) #1	BETHEL	0.0	TEXAS EASTERN GAS
8136326	3411122285	107-DV	RALPH L PARKS #1 (WEST)	BETHEL	0.0	TEXAS EASTERN GAS
-CLINTON OIL CO		RECEIVED: 06/08/81 JA: CH				
8136328	3403123402	103	CORAH SCHULER #1	BEDFORD	75.0	NATIONAL GAS & OI
8136328	3403123402	107-RT	CORAH SCHULER #1	BEDFORD	75.0	NATIONAL GAS & OI
8136331	3403123613	103	DARR #1	BEDFORD	10.0	COLUMBIA GAS TRAN
8136331	3403123613	107-TF	DARR #1	BEDFORD	10.0	COLUMBIA GAS TRAN
8136329	3403123421	103	PEABODY COAL #1	BEDFORD	70.0	NATIONAL GAS & OI
8136329	3403123421	107-RT	PEABODY COAL #1	BEDFORD	70.0	NATIONAL GAS & OI
8136330	3403123422	103	PEABODY COAL #2	BEDFORD	60.0	NATIONAL GAS & OI
8136330	3403123422	107-RT	PEABODY COAL #2	BEDFORD	60.0	NATIONAL GAS & OI
-CYCLOPS CORP		RECEIVED: 06/08/81 JA: CH				
8136336	3403124096	103	C PWE #6	KEENE	50.0	
8136336	3403124096	107-TF	C PWE #6	KEENE	50.0	
8136332	3403123256	103	DAVIS #1	JEFFERSON	15.0	COLUMBIA GAS TRAN
8136332	3403123256	107-TF	LAVIS #1	JEFFERSON	15.0	COLUMBIA GAS TRAN
8136335	3403123942	103	DICKERSON #1	TUSCARAWAS	30.0	
8136335	3403123942	107-TF	DICKERSON #1	TUSCARAWAS	30.0	
8136334	3403123920	103	N ELDER #1	JEFFERSON	45.0	COLUMBIA GAS TRAN
8136334	3403123920	107-TF	N ELDER #1	JEFFERSON	45.0	COLUMBIA GAS TRAN

8136332		3403123643	103	WAYNE FARMS #1	LAFAYETTE	29.0	COLUMBIA GAS TRAN
8136333		3403123643	107-TF	WAYNE FARMS #1	LAFAYETTE	29.0	COLUMBIA GAS TRAN
-DAVID SHAFER OIL PRODUCERS INC		RECEIVED: 06/08/81 JA: CH					
8136547		3410322356	103	A & C FIRESTONE #1	GRANGER	5.0	COLUMBIA GAS TRAN
8136547		3410322356	107-TF	A & C FIRESTONE #1	GRANGER	5.0	COLUMBIA GAS TRAN
8136548		3410322357	103	A & C FIRESTONE #2	GRANGER	5.0	COLUMBIA GAS TRAN
8136548		3410322357	107-TF	A & C FIRESTONE #2	GRANGER	5.0	COLUMBIA GAS TRAN
8136549		3410322503	103	A O STANLEY & ESTHER ALLARD #1	GRANGER	5.0	COLUMBIA GAS TRAN
8136549		3410322503	107-TF	A O STANLEY & ESTHER ALLARD #1	GRANGER	5.0	COLUMBIA GAS TRAN
8136545		3410322166	103	LOUIS GAIDUK #1	GRANGER	20.0	COLUMBIA GAS TRAN
8136545		3410322166	107-TF	LOUIS GAIDUK #1	GRANGER	20.0	COLUMBIA GAS TRAN
8136546		3410322288	103	LOUIS GAIDUK #2	GRANGER	20.0	COLUMBIA GAS TRAN
8136546		3410322288	107-TF	LOUIS GAIDUK #2	GRANGER	20.0	COLUMBIA GAS TRAN
8136554		3415320932	103	R & E ALESSIO #1	BATH	25.0	COLUMBIA GAS TRAN
8136554		3415320932	107-TF	R & E ALESSIO #1	BATH	25.0	COLUMBIA GAS TRAN
8136551		3410322558	103	RAYMOND C FIRESTONE #3	GRANGER	5.0	COLUMBIA GAS TRAN
8136551		3410322558	107-TF	RAYMOND C FIRESTONE #3	GRANGER	5.0	COLUMBIA GAS TRAN
8136550		3410322551	103	RAYMOND C FIRESTONE #4	GRANGER	5.0	COLUMBIA GAS TRAN
8136550		3410322551	107-TF	RAYMOND C FIRESTONE #4	GRANGER	5.0	COLUMBIA GAS TRAN
8136552		3410322559	103	RAYMOND C FIRESTONE #5	GRANGER	5.0	COLUMBIA GAS TRAN
8136552		3410322559	107-TF	RAYMOND C FIRESTONE #5	GRANGER	5.0	COLUMBIA GAS TRAN
8136553		3410322560	103	RAYMOND C FIRESTONE #6	GRANGER	5.0	COLUMBIA GAS TRAN
8136553		3410322560	107-TF	RAYMOND C FIRESTONE #6	GRANGER	5.0	COLUMBIA GAS TRAN
-DERRICK PETROLEUM INC		RECEIVED: 06/08/81 JA: CH					
8136337		3403123748	103	DOUGLAS SWIGERT #1	JACKSON	10.0	NATIONAL GAS & OI
8136337		3403123748	107-TF	DOUGLAS SWIGERT #1	JACKSON	10.0	NATIONAL GAS & OI
8136338		3403124087	103	GUY LOWERY #1	JACKSON	12.0	NATIONAL OIL & GA
8136338		3403124087	107-TF	GUY LOWERY #1	JACKSON	12.0	NATIONAL OIL & GA
8136339		3403124088	103	ROBERT ASHCRAFT #1	JACKSON	14.0	NATIONAL OIL & GA
8136339		3403124088	107-TF	ROBERT ASHCRAFT #1	JACKSON	14.0	NATIONAL OIL & GA
-DOMESTIC OIL & GAS CO		RECEIVED: 06/08/81 JA: CH					
8136340		3403124076	103	FRITZ UNIT # 1 (FOWLER) 4076	BLISSFIELD	5.0	
8136340		3403124076	107-TF	FRITZ UNIT # 1 (FOWLER) 4076	BLISSFIELD	5.0	
-DORAN & ASSOCIATES INC		RECEIVED: 06/08/81 JA: CH					
8136341		3407523067	103	EMANUEL D MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8136341		3407523067	107-TF	EMANUEL D MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8136342		3412725077	103	JOHN HERSHBERGER #1	READING	12.0	COLUMBIA GAS TRAN
8136342		3412725077	107-TF	JOHN HERSHBERGER #1	READING	12.0	COLUMBIA GAS TRAN
-EDCO DRILLING & PRODUCING INC		RECEIVED: 06/08/81 JA: CH					
8136343		3403124167	103	BL-1A SEWELL	BEDFORD	18.0	
8136343		3403124167	107-TF	BL-1A SEWELL	BEDFORD	18.0	
8136344		3403124168	103	BL-2A SEWELL	BEDFORD	18.0	
8136344		3403124168	107-TF	BL-2A SEWELL	BEDFORD	18.0	
-ENNEY OILFIELD RENTAL CO		RECEIVED: 06/08/81 JA: CH					
8136347		3411902812	D 102-4	CLARABELLE TRACLY #1	NORWICH	6.6	COLUMBIA GAS TRAN
8136346		3411922749	D 102-4	HARRY HIESTAND #1	NORWICH	5.0	COLUMBIA GAS
8136348		3411902822	D 102-4	JOHN BIRD #2	NORWICH	5.5	COLUMBIA GAS
8136345		3411922731	D 102-4	RONALD CLARK #2	NORWICK	7.5	COLUMBIA GAS TRAN
-ENSERCH EXPLORATION INC		RECEIVED: 06/08/81 JA: CH					
8136386		3400720792	108	BROCKETT-ROLEHAUGH UN 1 #2	LENOX	1.0	JONES & LAUGHLIN
8136369		3400720602	108	E & A MANDIC NO 1	LENOX	3.0	JONES & LAUGHLIN
8136370		3400720603	108	D & G POOLE NO 1	LENOX	3.0	JONES & LAUGHLIN
8136385		3400720784	108	D E KYLE UN 1 #1	LENOX	4.0	JONES & LAUGHLIN

8136400		3400720888	108		E & V DAWSON NO 1	LENOX	8.0	JONES & LAUGHLIN
8136349		3400720098	108		ED ROMANOWSKI #1	LENOX	2.0	JONES & LAUGHLIN
8136365		3400720584	108		F D ANDEL NO 1	LENOX	1.0	JONES & LAUGHLIN
8136368		3400720595	108		F D ANDEL NO 2	LENOX	1.0	JONES & LAUGHLIN
8136397		3400720873	108		F J KELLER NO 4	LENOX	4.0	JONES & LAUGHLIN
8136396		3400720872	108		F J KELLER NO 5	LENOX	4.0	JONES & LAUGHLIN
8136407		3400720909	108		F J KELLER NO 6	LENOX	3.0	JONES & LAUGHLIN
8136406		3400720908	108		F J KELLER NO 7	LENOX	3.0	JONES & LAUGHLIN
8136405		3400720907	108		F V KELLER UN 1 #1	LENOX	2.0	JONES & LAUGHLIN
8136404		3400720901	108		FLICKINGER UN 1 NO 3	LENOX	4.0	JONES & LAUGHLIN
8136403		3400720899	108		FLICKINGER UN 1 NO 4	LENOX	4.0	JONES & LAUGHLIN
8136363		3400720561	108		G & E ENGLE UNIT 1 NO 1	LENOX	2.0	JONES & LAUGHLIN
8136378		3400720744	108		G & E ENGLE UNIT 1 NO 2	LENOX	2.0	JONES & LAUGHLIN
8136366		3400720570	108		G & N PIRINEN UNIT 1 #1	LENOX	5.0	JONES & LAUGHLIN
8136392		3400720860	108		G E HITCHCOCK UN 1 #1	LENOX	4.0	JONES & LAUGHLIN
8136354		3400720518	108		GIVENS NO 1	LENOX	3.0	JONES & LAUGHLIN
8136353		3400720503	108		GRAHAM NO 1	LENOX	2.0	JONES & LAUGHLIN
8136355		3400720538	108		GRAHAM NO 2	LENOX	5.0	JONES & LAUGHLIN
8136391		3400720801	108		H & C HEIFER NO 2	LENOX	5.0	JONES & LAUGHLIN
8136390		3400720759	108		H M CZERSKI NO 1	LENOX	2.0	JONES & LAUGHLIN
8136379		3400720745	108		H R SPIETH NO 1	LENOX	1.0	JONES & LAUGHLIN
8136356		3400720540	108		J & J OZUIBA NO 1	LENOX	6.0	JONES & LAUGHLIN
8136367		3400720593	108		J & J OZUIBA NO 2	LENOX	6.0	JONES & LAUGHLIN
8136358		3400720542	108		J & M FARAHAY UNIT 4 NO 1	LENOX	4.0	JONES & LAUGHLIN
8136357		3400720541	108		J & M FARAHAY UNIT 4 NO 2	LENOX	4.0	JONES & LAUGHLIN
8136399		3400720887	108		J & O TKACZ UN 1 NO 2	LENOX	3.0	JONES & LAUGHLIN
8136364		3400720563	108		J D RODEBAUGH UNIT 1 NO 1	LENOX	2.0	JONES & LAUGHLIN
8136377		3400720742	108		J D RODEBAUGH UNIT 1 NO 2	LENOX	2.0	JONES & LAUGHLIN
8136359		3400720551	108		J J SCHICK NO 1	LENOX	3.0	JONES & LAUGHLIN
8136360		3400720552	108		J L WOOD UNIT 1 #1	LENOX	3.0	JONES & LAUGHLIN
8136350		3400720407	108		J M FARAHAY NO 2	LENOX	2.0	JONES & LAUGHLIN
8136351		3400720408	108		J M FARAHAY NO 3	LENOX	2.0	JONES & LAUGHLIN
8136362		3400720560	108		J M ROSINTOSKI NO 1	LENOX	2.0	JONES & LAUGHLIN
8136384		3400720774	108		J SOKOSKI UN 1 NO 2	LENOX	2.0	JONES & LAUGHLIN
8136376		3400720639	108		J SOKOSKI UNIT 1 NO 1	LENOX	2.0	JONES & LAUGHLIN
8136375		3400720638	108		K & U LEONARD UNIT 1 NO 1	LENOX	4.0	JONES & LAUGHLIN
8136396		3400720885	108		K & F GOEKJIAN #1	LENOX	9.0	JONES & LAUGHLIN
8136373		3400720625	108		L & J MORRIS NO 1	LENOX	2.0	JONES & LAUGHLIN
8136382		3400720748	108		L & J MORRIS UN 1 NO 1	LENOX	1.0	JONES & LAUGHLIN
8136381		3400720747	108		L & J MORRIS UN 1 NO 2	LENOX	1.0	JONES & LAUGHLIN
8136393		3400720865	108		M A SZAJKOWSKI UN 1 NO 1	LENOX	5.0	JONES & LAUGHLIN
8136402		3400720898	108		M A SZAJKOWSKI UN 1 NO 2	LENOX	5.0	JONES & LAUGHLIN
8136387		3400720794	108		PEHL NO 1	LENOX	2.0	JONES & LAUGHLIN
8136395		3400720869	108		R & M BROWN NO 1	LENOX	4.0	JONES & LAUGHLIN
8136389		3400720797	108		R & R BOGGS UN 1 NO 1	LENOX	4.0	JONES & LAUGHLIN
8136388		3400720796	108		R & R BOGGS UN 1 NO 2	LENOX	4.0	JONES & LAUGHLIN
8136372		3400720623	108		R J BARNARD NO 1	LENOX	1.0	JONES & LAUGHLIN
8136394		3400720868	108		S & H ROEBUCK UN 1 #1	LENOX	5.0	JONES & LAUGHLIN
8136371		3400720618	108		S & M HUBER UNIT 1 #1	LENOX	4.0	JONES & LAUGHLIN
8136401		3400720897	108		SZAJKOWSKI UN 2 NO 2	LENOX	3.0	JONES & LAUGHLIN
8136361		3400720559	108		T & C STACK NO 1	LENOX	5.0	JONES & LAUGHLIN
8136374		3400720637	108		THOMAS UNIT 1 #1	LENOX	2.0	JONES & LAUGHLIN
8136352		3400720502	108		TRASK NO 1	LENOX	2.0	JONES & LAUGHLIN

R136383		3400720749	108	U & M ALTIZER UN 1 #1		LENOX	2.0	JONES & LAUGHLIN	
R136380		3400720746	108	WAGONECK NO 1		LENOX	8.0	JONES & LAUGHLIN	
-ENTERPRISE GAS & OIL INC			RECEIVED: 06/08/81 JA: CH						
R136408		3401921409	103	ROWMAN #1		BROWN	36.5		
R136408		3401921409	107-TF	ROWMAN #1		BROWN	36.5		
-GASEARCH INC			RECEIVED: 06/08/81 JA: CH						
R136409		3415521634	103	HANNA #1		WEATHERSFIELD	20.0		
R136409		3415521634	107-TF	HANNA #1		WEATHERSFIELD	20.0		
-HANLEY HARDIN			RECEIVED: 06/08/81 JA: CH						
R136411		3407521787	D	107-TF	MARTUCH #1		RICHLAND	50.0	
-HOPCO RESOURCES INC			RECEIVED: 06/08/81 JA: CH						
R136412		3411924627	103	PETTY RAMBO ET AL #1		LICKING	12.0	NATIONAL OIL & GA	
R136413		3411924627	107-TF	PETTY RAMBO ET AL #1		LICKING	12.0	NATIONAL OIL & GA	
R136414		3411924628	103	PETTY RAMBO ET AL #2		LICKING	12.0	NATIONAL GAS & OI	
R136414		3411924628	107-TF	PETTY RAMBO ET AL #2		LICKING	12.0	NATIONAL GAS & OI	
R136415		3411924667	103	PETTY RAMBO ET AL #3		LICKING	12.0	NATIONAL GAS & OI	
R136415		3411924667	107-TF	PETTY RAMBO ET AL #3		LICKING	12.0	NATIONAL GAS & OI	
R136424		3411925100	103	CLYDE DORSEY #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136424		3411925100	107-TF	CLYDE DORSEY #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136425		3411925101	103	CLYDE DORSEY #2		LICKING	12.0	COLUMBIA GAS TRAN	
R136425		3411925101	107-TF	CLYDE DORSEY #2		LICKING	12.0	COLUMBIA GAS TRAN	
R136431		3411925138	103	ELIZABETH GAUSE #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136431		3411925138	107-TF	ELIZABETH GAUSE #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136433		3411925236	103	ELMER K MILLER #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136433		3411925236	107-TF	ELMER K MILLER #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136420		3411925096	103	MARY E DUNFEE #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136420		3411925096	107-TF	MARY E DUNFEE #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136428A		3411925134	103	MARY ESTHER VENSIL #1		MUSKINGUM	12.0	COLUMBIA GAS TRAN	
R136428		3411925134	D	107-TF	MARY ESTHER VENSIL #1		MUSKINGUM	12.0	COLUMBIA GAS TRAN
R136436A		3411925479	103	FREDERICK FRUEH #1		MUSKINGUM	12.0	COLUMBIA GAS TRAN	
R136436		3411925479	D	107-TF	FREDERICK FRUEH #1		MUSKINGUM	12.0	COLUMBIA GAS TRAN
R136416A		3411925066	103	HOMER & FREDA BONEY #1		MUSKINGHAM	12.0	COLUMBIA GAS TRAN	
R136416		3411925066	D	107-TF	HOMER & FREDA BONEY #1		MUSKINGHAM	12.0	COLUMBIA GAS TRAN
R136419A		3411925069	103	HOMER & FREDA BONEY #2		MUSKINGHAM	12.0	COLUMBIA GAS TRAN	
R136419		3411925069	D	107-TF	HOMER & FREDA BONEY #2		MUSKINGHAM	12.0	COLUMBIA GAS TRAN
R136417A		3411925067	103	MARTIN FITZGERALD #1		MUSKINGUM	12.0	NATIONAL OIL & GA	
R136417		3411925067	D	107-TF	MARTIN FITZGERALD #1		MUSKINGUM	12.0	NATIONAL OIL & GA
R136418A		3411925068	103	MARTIN FITZGERALD #2		MUSKINGHAM	12.0	NATIONAL OIL & GA	
R136418		3411925068	D	107-TF	MARTIN FITZGERALD #2		MUSKINGHAM	12.0	NATIONAL OIL & GA
R136429A		3411925135	103	MARY ESTHER VENSIL #2		MUSKINGUM	12.0	COLUMBIA GAS TRAN	
R136429		3411925135	D	107-TF	MARY ESTHER VENSIL #2		MUSKINGUM	12.0	COLUMBIA GAS TRAN
R136422		3411925098	103	MCCANN #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136422		3411925098	107-TF	MCCANN #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136430		3411925137	103	MCGINNIS-BELL UNIT #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136430		3411925137	107-TF	MCGINNIS-BELL UNIT #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136435		3411925240	103	MILLER #2		LICKING	12.0	COLUMBIA GAS TRAN	
R136435		3411925240	107-TF	MILLER #2		LICKING	12.0	COLUMBIA GAS TRAN	
R136434		3411925238	103	PIEPER #1		MUSKINGUM	12.0	COLUMBIA GAS TRAN	
R136434		3411925238	107-TF	PIEPER #1		MUSKINGUM	12.0	COLUMBIA GAS TRAN	
R136412		3411924207	103	ROBERT L BELL #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136412		3411924207	107-TF	ROBERT L BELL #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136423		3411925099	103	THOMAS JOHNSON #1		LICKING	12.0	COLUMBIA GAS TRAN	
R136423		3411925099	107-TF	THOMAS JOHNSON #1		LICKING	12.0	COLUMBIA GAS TRAN	

8136426		3411925102		103	THOMAS JOHNSON #2	LICKING	12.0	COLUMBIA GAS TRAN
8136426		3411925102		107-TF	THOMAS JOHNSON #2	LICKING	12.0	COLUMBIA GAS TRAN
8136421		3411925097		103	VIOLA MCCANN #2	LICKING	12.0	COLUMBIA GAS TRAN
8136421		3411925097		107-TF	VIOLA MCCANN #2	LICKING	12.0	COLUMBIA GAS TRAN
8136432		3411925147		103	WAYNE GRAHAM #C1	JACKSON	12.0	NATIONAL GAS & OI
8136432		3411925147		107-TF	WAYNE GRAHAM #C1	JACKSON	12.0	NATIONAL GAS & OI
8136427		3411925133		103	WAYNE GRAHAM #2C	JACKSON	12.0	NATIONAL GAS & OI
8136427		3411925133		107-TF	WAYNE GRAHAM #2C	JACKSON	12.0	NATIONAL GAS & OI
-JACOBSON EXPLORATION				RECEIVED: 06/08/81 JA: CH				
8136437A		3407522943		103	FIREBAUGH #2	PRAIRIE	0.0	COLUMBIA GAS T C
8136437		3407522943	D	107-TF	FIREBAUGH #2	PRAIRIE	0.0	COLUMBIA GAS T C
-JERRY MOORE INC				RECEIVED: 06/08/81 JA: OH				
8136501		3403123834		103	ABE A TROYER NO 1-13	NEW BEDFORD	4.0	COLUMBIA GAS TRAN
8136501		3403123834		107-TF	ABE A TROYER NO 1-13	NEW BEDFORD	4.0	COLUMBIA GAS TRAN
8136502		3403123835		103	ADEN N YODER UNIT NO 1-3	KEENE	3.0	COLUMBIA GAS TRAN
8136502		3403123835		107-TF	ADEN N YODER UNIT NO 1-3	KEENE	3.0	COLUMBIA GAS TRAN
8136507		3403124041		103	ANDREW J YODER NO 2-6	KEENE	4.0	COLUMBIA GAS TRAN
8136507		3403124041		107-TF	ANDREW J YODER NO 2-6	KEENE	4.0	COLUMBIA GAS TRAN
8136489		3403123653		103	ANDREW W MCCOY UNIT NO 1	KEENE	10.0	COLUMBIA GAS TRAN
8136489		3403123653		107-TF	ANDREW W MCCOY UNIT NO 1	KEENE	10.0	COLUMBIA GAS TRAN
8136476		3403123268		103	BEN V BEACHY UNIT NO 1-A	NEW BEDFORD	6.0	COLUMBIA GAS TRAN
8136476		3403123268		107-TF	BEN V BEACHY UNIT NO 1-A	NEW BEDFORD	6.0	COLUMBIA GAS TRAN
8136488		3403123652		103	CAMERON D WILLS NO 1	KEENE	4.0	COLUMBIA GAS TRAN
8136488		3403123652		107-TF	CAMERON D WILLS NO 1	KEENE	4.0	COLUMBIA GAS TRAN
8136482		3403123556		103	CARL D LAWRENCE NO 1	COSHOCTON	4.0	COLUMBIA GAS TRAN
8136482		3403123556		107-TF	CARL D LAWRENCE NO 1	COSHOCTON	4.0	COLUMBIA GAS TRAN
8136498		3403123782		103	DALE B EBERWINE UNIT NO 1	COSHOCTON	4.0	COLUMBIA GAS TRAN
8136498		3403123782		107-TF	DALE B EBERWINE UNIT NO 1	COSHOCTON	4.0	COLUMBIA GAS TRAN
8136496		3403123780		103	DALE W AMES UNIT NO 1	MILL CREEK	4.0	COLUMBIA GAS TRAN
8136496		3403123780		107-TF	DALE W AMES UNIT NO 1	MILL CREEK	4.0	COLUMBIA GAS TRAN
8136486		3403123650		103	DAN R TROYER NO 1	NEW BEDFORD	4.0	COLUMBIA GAS TRAN
8136486		3403123650		107-TF	DAN R TROYER NO 1	NEW BEDFORD	4.0	COLUMBIA GAS TRAN
8136481		3403123555		103	DANIEL L HOTHEM NO 2	NEW BEDFORD	5.0	COLUMBIA GAS TRAN
8136481		3403123555		107-TF	DANIEL L HOTHEM NO 2	NEW BEDFORD	5.0	COLUMBIA GAS TRAN
8136483		3403123588		103	DANIEL L HOTHEM NO 3	NEW BEDFORD	10.0	COLUMBIA GAS TRAN
8136483		3403123588		107-TF	DANIEL L HOTHEM NO 3	NEW BEDFORD	10.0	COLUMBIA GAS TRAN
8136495		3403123777		103	DAVID L DREHER UNIT NO 1	COSHOCTON	6.0	COLUMBIA GAS TRAN
8136495		3403123777		107-TF	DAVID L DREHER UNIT NO 1	COSHOCTON	6.0	COLUMBIA GAS TRAN
8136475		3400922049		103	DAVID TAULBEE UNIT NO 1	NELSONVILLE	2.0	COLUMBIA GAS TRAN
8136475		3400922049		107-TF	DAVID TAULBEE UNIT NO 1	NELSONVILLE	2.0	COLUMBIA GAS TRAN
8136479		3403123522		103	EDWIN HOTHEM UNIT NO 1	NEW BEDFORD	8.0	COLUMBIA GAS TRAN
8136479		3403123522		107-TF	EDWIN HOTHEM UNIT NO 1	NEW BEDFORD	8.0	COLUMBIA GAS TRAN
8136505		3403123859		103	EMANUEL A YODER UNIT NO 1-5	NEW BEDFORD	3.0	COLUMBIA GAS TRAN
8136505		3403123859		107-TF	EMANUEL A YODER UNIT NO 1-5	NEW BEDFORD	3.0	COLUMBIA GAS TRAN
8136473		3400922045		103	ERIC BROOKS UNIT NO 1	ATHENS	1.0	COLUMBIA GAS TRAN
8136473		3400922045		107-TF	ERIC BROOKS UNIT NO 1	ATHENS	1.0	COLUMBIA GAS TRAN
8136478		3403123521		103	ERVIN SCHLABACH NO 1	KEENE	4.0	COLUMBIA GAS TRAN
8136478		3403123521		107-TF	ERVIN SCHLABACH NO 1	KEENE	4.0	COLUMBIA GAS TRAN
8136500		3403123817		103	ETHEL METZ UNIT NO 1	TUNNEL HILL	6.0	COLUMBIA GAS TRAN
8136500		3403123817		107-TF	ETHEL METZ UNIT NO 1	TUNNEL HILL	6.0	COLUMBIA GAS TRAN
8136494		3403123774		103	GEORGE HARTSOCK NO 4	WARSAW	2.0	COLUMBIA GAS TRAN
8136494		3403123774		107-TF	GEORGE HARTSOCK NO 4	WARSAW	2.0	COLUMBIA GAS TRAN
8136497		3403123781		103	GEORGE KARR UNIT NO 1	COSHOCTON	5.0	COLUMBIA GAS TRAN
8136497		3403123781		107-TF	GEORGE KARR UNIT NO 1	COSHOCTON	5.0	COLUMBIA GAS TRAN

8136484		3403123647	103	GIDEON B YODER NO 1-11	KEENE	4.0	COLUMBIA GAS TRAN
8136484		3403123647	107-TF	GIDEON B YODER NO 1-11	KEENE	4.0	COLUMBIA GAS TRAN
8136506		3403123929	103	GIDEON B YODER NO 2-11	KEENE	3.0	COLUMBIA GAS TRAN
8136506		3403123929	107-TF	GIDEON B YODER NO 2-11	KEENE	3.0	COLUMBIA GAS TRAN
8136471		3400922043	103	GUY ADAMS UNIT NO 1	MINERAL	1.0	COLUMBIA GAS TRAN
8136471		3400922043	107-TF	GUY ADAMS UNIT NO 1	MINERAL	1.0	COLUMBIA GAS TRAN
8136495		3403123798	103	HENRY M TROYER UNIT NO 1-8	NEW BEDFORD	4.0	COLUMBIA GAS TRAN
8136499		3403123798	107-TF	HENRY M TROYER UNIT NO 1-8	NEW BEDFORD	4.0	COLUMBIA GAS TRAN
8136508		3403124057	103	JACOB M MAST NO 1-4	NEW BEDFORD	4.0	COLUMBIA GAS TRAN
8136508		3403124057	107-TF	JACOB M MAST NO 1-4	NEW BEDFORD	4.0	COLUMBIA GAS TRAN
8136487		3403123651	103	JACOB N YODER NO 1-7	NEW BEDFORD	4.0	COLUMBIA GAS TRAN
8136487		3403123651	107-TF	JACOB N YODER NO 1-7	NEW BEDFORD	4.0	COLUMBIA GAS TRAN
8136485		3403123648	103	JAMES HAMMOND NO 1	NEW BEDFORD	10.0	COLUMBIA GAS TRAN
8136485		3403123648	107-TF	JAMES HAMMOND NO 1	NEW BEDFORD	10.0	COLUMBIA GAS TRAN
8136503		3403123839	103	JAMES M HAMMOND NO 2	NEW BEDFORD	4.0	COLUMBIA GAS TRAN
8136503		3403123839	107-TF	JAMES M HAMMOND NO 2	NEW BEDFORD	4.0	COLUMBIA GAS TRAN
8136480		3403123524	103	JOHN C EBERLY NO 2	KEENE	8.0	COLUMBIA GAS TRAN
8136480		3403123524	107-TF	JOHN C EBERLY NO 2	KEENE	8.0	COLUMBIA GAS TRAN
8136474		3400922046	103	JOHN D LEE UNIT NO 1	NELSONVILLE	2.0	COLUMBIA GAS TRAN
8136474		3400922046	107-TF	JOHN D LEE UNIT NO 1	NELSONVILLE	2.0	COLUMBIA GAS TRAN
8136492		3403123676	103	LEVON E SHUMAKER NO 1-A	KEENE	6.0	COLUMBIA GAS TRAN
8136492		3403123676	107-TF	LEVON E SHUMAKER NO 1-A	KEENE	6.0	COLUMBIA GAS TRAN
8136490		3403123654	103	LEZETTA A LAUVRAY UNIT NO 1	KEENE	4.0	COLUMBIA GAS TRAN
8136490		3403123654	107-TF	LEZETTA A LAUVRAY UNIT NO 1	KEENE	4.0	COLUMBIA GAS TRAN
8136477		3403123472	103	LINA CALL NO 1	COSHOCTON	4.0	COLUMBIA GAS TRAN
8136477		3403123472	107-TF	LINA CALL NO 1	COSHOCTON	4.0	COLUMBIA GAS TRAN
8136470		3400922013	103	MARY YOUNG UNIT NO 1	WATERLOO	2.0	COLUMBIA GAS TRAN
8136470		3400922013	107-TF	MARY YOUNG UNIT NO 1	WATERLOO	2.0	COLUMBIA GAS TRAN
8136493		3403123771	103	NORA ZIMMER NO 3	WEST LAFAYETTE	3.0	COLUMBIA GAS TRAN
8136493		3403123771	107-TF	NORA ZIMMER NO 3	WEST LAFAYETTE	3.0	COLUMBIA GAS TRAN
8136491		3403123674	103	ROGER W AMES NO 2	KEENE	4.0	COLUMBIA GAS TRAN
8136491		3403123674	107-TF	ROGER W AMES NO 2	KEENE	4.0	COLUMBIA GAS TRAN
8136504		3403123958	103	SHARROCK-POLLOCK UNIT NO 1-A	NEWCOMERSTOWN	3.0	COLUMBIA GAS TRAN
8136504		3403123958	107-TF	SHARROCK-POLLOCK UNIT NO 1-A	NEWCOMERSTOWN	3.0	COLUMBIA GAS TRAN
8136472		3400922044	103	WALTER KUHRE UNIT NO 1	WATERLOO	2.0	COLUMBIA GAS TRAN
8136472		3400922044	107-TF	WALTER KUHRE UNIT NO 1	WATERLOO	2.0	COLUMBIA GAS TRAN
-JOE L SCHRIMSHER		RECEIVED: 06/08/81 JA: GH					
8136541		3403123725	103	ARCHIE WILLIAMSON #5	CLARK	30.0	COLUMBIA GAS TRAN
8136541		3403123725	107-TF	ARCHIE WILLIAMSON #5	CLARK	30.0	COLUMBIA GAS TRAN
8136542		3403123826	103	ARCHIE WILLIAMSON #6	CLARK	30.0	COLUMBIA GAS TRAN
8136542		3403123826	107-TF	ARCHIE WILLIAMSON #6	CLARK	30.0	COLUMBIA GAS TRAN
8136543		3403123829	103	FRED WILLIAMSON #1	CLARK	30.0	COLUMBIA GAS TRAN
8136543		3403123829	107-TF	FRED WILLIAMSON #1	CLARK	30.0	COLUMBIA GAS TRAN
-KING DRILLING CO		RECEIVED: 06/08/81 JA: GH					
8136441		3410321864	108	CHARLES POEDICKER NO 1		2.0	COLUMBIA GAS TRAN
8136450		3410321903	108	CHRISTOPHER T KREIDER NO 1		3.0	COLUMBIA GAS TRAN
8136440		3410321837	108	DALE LITMAN NO 1		1.0	COLUMBIA GAS TRAN
8136444		3410321875	108	DAVID BITTAKER NO 1		1.5	COLUMBIA GAS TRAN
8136448		3410319002	108	DON SIMPSON 1A		1.0	COLUMBIA GAS TRAN
8136458		3410321954	108	ELMER LILLEY NO 1		5.5	COLUMBIA GAS TRAN
8136455		3410321918	108	ELSIE GOOD NO 1		5.0	COLUMBIA GAS TRAN
8136452		3410321914	108	ERNEST R FEILER NO 1		11.0	COLUMBIA GAS TRAN
8136445		3410321876	108	GLEN MORRISON NO 1		7.0	COLUMBIA GAS TRAN

8136439		3410321821	108	HARVEY A MARKLEY NO 2		0.8	COLUMBIA GAS TRAN	
8136447		3410321882	108	HARVEY A MARKLEY NO 3		1.0	COLUMBIA GAS TRAN	
8136446		3410321877	108	HELEN DEMITER NO 2		3.0	COLUMBIA GAS TRAN	
8136442		3410321867	108	JAMES G ROBERTSON NO 6		3.4	COLUMBIA GAS TRAN	
8136459		3410321958	108	JOHN E GEHMAN NO 1		1.0	COLUMBIA GAS TRAN	
8136461		3410321961	108	MARGARET GERBERICH NO 1		3.0	COLUMBIA GAS TRAN	
8136460		3410321960	108	MARY SLANOVEC UNIT NO 1		6.0	COLUMBIA GAS TRAN	
8136457		3410321930	108	MORRIS WENGER NO 1		4.0	COLUMBIA GAS TRAN	
8136454		3410321917	108	PAUL S ROHRER NO 1		4.0	COLUMBIA GAS TRAN	
8136443		3410321874	108	RELAND MARTIN NO 2		4.0	COLUMBIA GAS TRAN	
8136462		3410321963	108	RICHARD STEFANKO UNIT NO 1		2.0	COLUMBIA GAS TRAN	
8136449		3410321901	108	ROSE SALADNA NO 1		15.0	COLUMBIA GAS TRAN	
8136453		3410321915	108	S F ARMBRUSTER JR NO 1		5.0	COLUMBIA GAS TRAN	
8136438		3410321750	108	VIRGIL MORRISON NO 2 - HEIN		2.0	COLUMBIA GAS TRAN	
8136451		3410321904	108	VIRGIL MURRAY NO 1		2.0	COLUMBIA GAS TRAN	
8136456		3410321924	108	WESLEY F STRAUB NO 1		4.0	COLUMBIA GAS TRAN	
-MID-ATLANTIC OIL CO			RECEIVED: 06/08/81 JA: CH					
8136463		3411522001	102-2	R SCOTT #1	MEIGSVILLE	0.0	COLUMBIA GAS TRAN	
8136463		3411522001	107-TF	R SCOTT #1	MEIGSVILLE	0.0	COLUMBIA GAS TRAN	
-MITCHELL ENERGY CORPORATION			RECEIVED: 06/08/81 JA: CH					
8136464A		3405320480	103	CENNAMO-BLANKENSHIP #1-10	UNNAMED - SALT SAND	10.0		
8136464F		3405320480 D	107-TF	CENNAMO-BLANKENSHIP #1-10	UNNAMED - SALT SAND	10.0		
8136465		3405324760	103	STOUT-BALLMAN #1-12	UNNAMED CLINTON SAND	25.0		
8136465		3405324760	107-TF	STOUT-BALLMAN #1-12	UNNAMED CLINTON SAND	25.0		
-MONROE & KEUSINK INC			RECEIVED: 06/08/81 JA: CH					
8136466A		3403123228	103	CLYDE AND RUBY WOLF #2	TIVERTON CENTER NORTH	12.0	COLUMBIA GAS TRAN	
8136466F		3403123228 D	107-TF	CLYDE AND RUBY WOLF #2	TIVERTON CENTER NORTH	12.0	COLUMBIA GAS TRAN	
8136468A		3408322762	103	DONALD AND JOHN BLANCHARD #1	HOWARD	12.0	COLUMBIA GAS TRAN	
8136468F		3408322762 D	107-TF	DONALD AND JOHN BLANCHARD #1	HOWARD	12.0	COLUMBIA GAS TRAN	
8136469A		3408322803	103	HIPP #1	GREER SOUTH	12.0		
8136469F		3408322803 D	107-TF	HIPP #1	GREER SOUTH	12.0		
8136467A		3408322749	103	JAMES AND MARY BLANCHARD #1	HOWARD	12.0	COLUMBIA GAS TRAN	
8136467F		3408322749 D	107-TF	JAMES AND MARY BLANCHARD #1	HOWARD	12.0	COLUMBIA GAS TRAN	
-NATIONAL PETROLEUM CORP			RECEIVED: 06/08/81 JA: CH					
8136509		3411122204	107-DV	PAUL HINDERLONG #2		15.0	TEXAS EASTERN TRA	
-NEW FRONTIER EXPLORATION INC			RECEIVED: 06/08/81 JA: CH					
8136510		3402920741	103	A FESSLER UNIT #1	WEST	22.0		
8136510		3402920741	107-TF	A FESSLER UNIT #1	WEST	22.0		
8136511		3402920828	103	GEISELMAN #1	WEST	22.0		
8136511		3402920828	107-TF	GEISELMAN #1	WEST	22.0		
-OHIO PARTNERS OIL CO			RECEIVED: 06/08/81 JA: CH					
8136513		3413322473	103	ALDERMAN #1		20.0		
8136513		3413322473	107-TF	ALDERMAN #1		20.0		
8136512		3413322461	103	RUBINO UNIT #1	WINDHAM	20.0		
8136512		3413322461	107-TF	RUBINO UNIT #1	WINDHAM	20.0		
-OHIO PIPE & SUPPLY CO INC			RECEIVED: 06/08/81 JA: CH					
8136514		3403520005	108	BURRINGTON #1		0.0	EAST OHIO GAS CO	
8136516		3403520007	108	GREGORY #1		0.0	EAST OHIO GAS CO	
8136515		3403520006	108	HARRISON #1		0.0	EAST OHIO GAS CO	
-PAROCO-80A			RECEIVED: 06/08/81 JA: CH					
8136527		3400921982	102-2	4-80A BLACK DIAMOND COAL COMPANY	BERA	20.0	OHIO PARTNERS OIL	
8136527		3400921982	107-TF	4-80A BLACK DIAMOND COAL COMPANY	BERA	20.0	OHIO PARTNERS OIL	
8136531		3400922048	102-2	6-80A BLACK DIAMOND COAL COMPANY	BERA	20.0	OHIO PARTNERS OIL	
8136531		3400922048	107-TF	6-80A BLACK DIAMOND COAL COMPANY	BERA	20.0	OHIO PARTNERS OIL	

VOLUME 465 PAGE 008

[illegible]	API NO	SEC CAT WELL NAME	FIELD NAME	PROD	PURCHASER
-PAROCO-79A		RECEIVED: 06/08/81 JA: CH			
8136526	3400921973	102-2 3-79A FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
8136526	3400921973	107-TF 3-79A FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
-PAROCO-79B		RECEIVED: 06/08/81 JA: CH			
8136528	3400921986	102-2 1-79B BLACK DIAMOND-FEDERAL VALLEY	BERN	20.0	OHIO PARTNERS OIL
8136528	3400921986	107-TF 1-79B BLACK DIAMOND-FEDERAL VALLEY	BERN	20.0	OHIO PARTNERS OIL
8136525	3400921970	102-2 2-79B FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
8136525	3400921970	107-TF 2-79B FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
8136530	3400921988	102-2 4-79B FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
8136530	3400921988	107-TF 4-79B FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
8136529	3400921987	102-2 5-79B FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
8136529	3400921987	107-TF 5-79B FEDERAL VALLEY COAL COMPANY	BERN	20.0	OHIO PARTNERS OIL
-PENN-OHIO ENERGY CORP		RECEIVED: 06/08/81 JA: CH			
8136532	3403124021	103 OLLIE A LOWE #2	CLARK	50.0	COLUMBIA GAS TRAN
8136532	3403124021	107-TF OLLIE A LOWE #2	CLARK	50.0	COLUMBIA GAS TRAN
-POI ENERGY INC		RECEIVED: 06/08/81 JA: CH			
8136521	3400721545	103 CROSBY #1	ORWELL	15.0	
8136521	3400721545	107-TF CROSBY #1	ORWELL	15.0	
8136520	3400721543	103 CROSBY #2	ORWELL	15.0	
8136520	3400721543	107-TF CROSBY #2	ORWELL	15.0	
8136522	3400721573	103 GAAG #2	COLEBROOK	12.0	
8136522	3400721573	107-TF GAAG #2	COLEBROOK	12.0	
8136524	3400721673	107-TF H PERRY #1	NEW LYME	47.0	EAST OHIO GAS CO
8136523	3400721591	103 KAMPF #6	NEW LYME	25.0	
8136523	3400721551	107-TF KAMPF #6	NEW LYME	25.0	
8136518	3400721490	103 LUKASIK #1	NEW LYME	10.0	
8136518	3400721490	107-TF LUKASIK #1	NEW LYME	10.0	
8136519	3400721504	103 PECK #3	NEW LYME	25.0	
8136519	3400721504	107-TF PECK #3	NEW LYME	25.0	
8136517	3400721435	103 PECK-STOKES #1	NEW LYME	25.0	
8136517	3400721435	107-TF PECK-STOKES #1	NEW LYME	25.0	
-QUAKER STATE OIL REFINING CORP		RECEIVED: 06/08/81 JA: CH			
8136535	3400922115	103 DRY DOCK COAL #2	YORK	36.5	COLUMBIA GAS TRAN
8136535	3400922115	107-TF DRY DOCK COAL #2	YORK	36.5	COLUMBIA GAS TRAN
8136533	3400921972	103 OAKLEY #1	YORK	144.5	COLUMBIA GAS TRAN
8136533	3400921972	107-TF OAKLEY #1	YORK	144.5	COLUMBIA GAS TRAN
8136534	3400921977	103 R M JONES #1	TRIMBLE	109.5	COLUMBIA GAS TRAN
8136534	3400921977	107-TF R M JONES #1	TRIMBLE	109.5	COLUMBIA GAS TRAN
-RELIANCE ENERGY		RECEIVED: 06/08/81 JA: CH			
8136536	3408924103	107-DV WILLIAM FRAZIER #1	NEWTON	4.0	COLUMBIA GAS TRAN
-REPUBLIC MINERAL CORP		RECEIVED: 06/08/81 JA: CH			
8136537	3416725721	107-DV RUSSELL MARTIN #3	SIMMONS FIELD	46.2	COLUMBIA GAS OF O
-RIMCO OPERATING INC		RECEIVED: 06/08/81 JA: CH			
8136539	3416922650	103 CORBETT #1	CHESTER	12.0	COLUMBIA GAS
8136539	3416922650	107-TF CORBETT #1	CHESTER	12.0	COLUMBIA GAS
8136538	3416922521	103 RICHARDS #3	CHESTER	12.0	COLUMBIA GAS
8136538	3416922521	107-TF RICHARDS #3	CHESTER	12.0	COLUMBIA GAS
-RYCOL EXPLORATION INC		RECEIVED: 06/08/81 JA: CH			
8136540	3411122302	107-DV DALLAS R BOLEN NO 1	LEE	146.0	COLUMBIA GAS TRAN
-SENECA ENERGY CORP		RECEIVED: 06/08/81 JA: CH			
8136544	3403124186	103 AMES #3	MILLCREEK	33.0	COLUMBIA GAS TRAN
8136544	3403124186	107-TF AMES #3	MILLCREEK	33.0	COLUMBIA GAS TRAN
-SMITH SHAFER SMITH (A PARTNERSHIP)		RECEIVED: 06/08/81 JA: CH			

J.	-- -1	I -	S SEC PRT WELL NAME	FIELD NAME	PROD	PURCHASER
8136556		3416922364	103 CHERRY UNIT #1	CONGRESS	25.0	COLUMBIA GAS TRAN
R136556		3416922364	107-TF CHERRY UNIT #1	CONGRESS	25.0	COLUMBIA GAS TRAN
R136555		3416922332	103 DARLE DAVID REED #1	CONGRESS	23.0	COLUMBIA GAS TRAN
R136555		3416922332	107-TF DARLE DAVID REED #1	CONGRESS	23.0	COLUMBIA GAS TRAN
R136557		3416922427	103 J G EWING #1	CONGRESS	25.0	COLUMBIA GAS TRAN
R136557		3416922427	107-TF J G EWING #1	CONGRESS	25.0	COLUMBIA GAS TRAN
-VALENTINE OIL PROPERTIES			RECEIVED: 06/08/81 JA: CH			
8136558		3416723132	107-DV PINGER #1	NEW METAMORAS	0.0	COLUMBIA GAS TRAN
-VIKING RESOURCES CORP			RECEIVED: 06/08/81 JA: CH			
R136559		3415123265	103 GARAUX #2	OSNABURG	30.0	COLUMBIA GAS TRAN
R136559		3415123265	107-TF GARAUX #2	OSNABURG	30.0	COLUMBIA GAS TRAN
-WAYNE HAMMOND			RECEIVED: 06/08/81 JA: CH			
R136410		3415723539	103 ACKERMAN NO 1	LAWRENCE	5.0	COLUMBIA GAS TRAN
R136410		3415723539	107-TF ACKERMAN NO 1	LAWRENCE	5.0	COLUMBIA GAS TRAN
-WORTHINGTON OIL COMPANY INC			RECEIVED: 06/08/81 JA: OH			
8136560		3411522229	103 FREL MUMMEY ET AL #1A	BRISTOL	110.0	COLUMBIA GAS TRAN
8136560		3411522229	107-TF FRED MUMMEY ET AL #1A	BRISTOL	110.0	COLUMBIA GAS TRAN

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 27, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–20154 Filed 7–9–81: 8:45 am]
BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: July 2, 1981.

JD	DOCKET	API NO	SEC TAT	WELL NAME	FIELD NAME	PRICE	PURCHASER
LOUISIANA OFFICE OF CONSERVATION							
-BRYANT OIL AND GAS CORPORATION		RECEIVED: 06/12/81 JA: LA					
8136844	81-1283	1707320722	108	EXXON ARCO 17-1	MONROE GAS	6.4	IMC PIPELINE CO I
8136843	81-1282	1707320893	108	EXXON ARCO 17-3	MONROE GAS	6.4	IMC PIPELINE CO I
8136840	81-1276	1707320792	108	EXXON ARCO 20-1	MONROE GAS	5.5	IMC PIPELINE CO I
8136822	81-1281	1707320865	108	EXXON ARCO 20-2	MONROE GAS	5.5	IMC PIPELINE CO I
8136834	81-1280	1707320894	108	EXXON ARCO 20-3	MONROE GAS	5.5	IMC PIPELINE CO I
8136833	81-1279	1707320855	108	EXXON ARCO 20A-1	MONROE GAS	5.5	IMC PIPELINE CO I
8136825	81-1272	1711120957	108	EXXON ARCO 7-1	MONROE GAS	6.5	IMC PIPELINE CO I
8136824	81-1271	1711121054	108	EXXON ARCO 7-2	MONROE GAS	6.4	IMC PIPELINE CO I
8136823	81-1270	1711121187	108	EXXON ARCO 7-3	MONROE GAS	6.4	IMC PIPELINE CO I
8136818	81-1275	1711121188	108	EXXON ARCO 7-4	MONROE GAS	6.4	IMC PIPELINE CO I
8136827	81-1274	1711121104	108	EXXON ARCO 7A-1	MONROE GAS	6.4	IMC PIPELINE CO I
8136826	81-1273	1711121195	108	EXXON ARCO 7A-2	MONROE GAS	6.4	IMC PIPELINE
8136842	81-1278	1711121252	108	EXXON ARCO 7A-3	MONROE GAS	6.4	IMC PIPELINE CO I
8136841	81-1277	1711121286	108	EXXON ARCO 7A-4	MONROE GAS	6.4	IMC PIPELINE CO I
-EDWIN L COX		RECEIVED: 06/12/81 JA: LA					
8136778	81-1249	1709920814	102-4	WILBERTS & SON LUMBER & SHINGLE #1	BAYOU BOUILLON	50.0	
8136791	81-1248	1709920814	102-4	WILBERTS & SON LUMBER & SHINGLE #1-	BAYOU BOUILLON	100.0	
-ERGON INC		RECEIVED: 06/12/81 JA: LA					
8136777	81-1253	1711123075	103	JOHNSTON ESTATE NO 1	MONROE (6824)	10.9	TEXAS GAS TRANSMI
8136777	81-1253	1711123075	107-IF	JOHNSTON ESTATE NO 1	MONROE (6824)	10.9	TEXAS GAS TRANSMI
8136797	81-1254	1711123028	103	KIRBY MORRIS NO 1	MONROE (6824)	8.7	TEXAS GAS TRANSMI
8136797	81-1254	1711123028	107-IF	KIRBY MORRIS NO 1	MONROE (6824)	8.7	TEXAS GAS TRANSMI
-GLENDA PETROLEUM CORP		RECEIVED: 06/12/81 JA: LA					
8136851	81-1294	1711122296	108	D ARBONNE CO 22 #3 S/N 167811	MONROE	12.6	MID LOUISIANA GAS
8136852	81-1293	1711122297	108	D ARBONNE CO 22 #4 S/N 167812	MONROE	12.6	MID LOUISIANA GAS
8136848	81-1300	1711122374	108	MANNING ACREE #1 S/N 168265	MONROE	12.6	MID LOUISIANA GAS
8136803	81-1292	1711122654	108	MANNING ACREE #3 S/N 169998	MONROE	12.6	MID LOUISIANA GAS
8136835	81-1268	1707321110	108	PERRY HEIRS #23 S/N 160921	MONROE	10.1	MID LOUISIANA GAS
8136820	81-1290	1706721156	108	PERRY HEIRS A #1 S/N 160436	MONROE	9.0	MID LOUISIANA GAS
8136821	81-1291	1706721298	108	PERRY HEIRS A #2 S/N 161839	MONROE	9.0	MID LOUISIANA GAS
8136800	81-1295	1711122364	108	RABUN 1 #10 S/N 168195	MONROE	16.4	MID LOUISIANA GAS
8136853	81-1301	1711122360	108	RABUN 1 #6 S/N 168191	MONROE	16.2	MID LOUISIANA GAS
8136859	81-1297	1711122361	108	RABUN 1 #7 S/N 168152	MONROE	14.3	MID LOUISIANA GAS
8136861	81-1299	1711122425	108	RABUN 34 #1 S/N 168512	MONROE	12.6	MID LOUISIANA GAS
8136799	81-1296	1711122426	108	RABUN 34 #2 S/N 168513	MONROE	12.6	MID LOUISIANA GAS
8136860	81-1298	1711122429	108	RABUN 34 #3 S/N 168536	MONROE	12.6	MID LA GAS CO
8136846	81-1285	1711122430	108	RABUN 34 #4 S/N 168537	MONROE	12.6	MID LA GAS CO
8136845	81-1284	1711122252	108	RIVER CITY #E S/N 167736	MONROE	14.6	MID LOUISIANA GAS
8136819	81-1289	1706721283	108	WHITAKER #13 S/N 163898	MONROE	8.0	MID LOUISIANA GAS
8136847	81-1286	1706721272	108	WHITAKER #7 S/N 161427	MONROE	10.4	MID LOUISIANA GAS

8136838	81-1287	1706721273	108	WHITAKER #8 S/N 161428	MONROE		9.0	MID LOUISIANA GAS
-JOE G STRAHAN			RECEIVED: 06/12/81 JA: LA					
8136786	81-1246	1707300525	108	WHITE NO 1	MONROE		7.2	IMC PIPELINE CO I
8136784	81-1247	1707300526	108	WHITE NO 2	MONROE		5.3	IMC PIPELINE CO I
-LUFFEY GAS CORP			RECEIVED: 06/12/81 JA: LA					
8136829	81-1235	1711121023	108	EXXON 11-A-1	MONROE GAS FIELD		7.7	IMC PIPELINE CO I
8136828	81-1236	1711121024	108	EXXON 11-A-2	MONROE GAS FIELD		7.7	IMC PIPELINE CO I
8136832	81-1231	1711121118	108	EXXON 11-B-1	MONROE GAS FIELD		7.1	IMC PIPELINE CO I
8136831	81-1232	1711121119	108	EXXON 11-B-2	MONROE GAS FIELD		7.1	IMC PIPELINE CO I
8136830	81-1234	1711121022	108	EXXON 11-2	MONROE GAS FIELD		6.3	IMC PIPELINE CO I
-PRIMOS PRODUCTION CO			RECEIVED: 06/12/81 JA: LA					
8136854	81-1302	1707321356	108	CULPEPPER ET AL #1	MONROE		5.3	MID LOUISIANA GAS
8136855	81-1303	1707321357	108	CULPEPPER ET AL #2	MONROE		5.1	MID LOUISIANA GAS
8136856	81-1304	1707321358	108	CULPEPPER ET AL #3	MONROE		10.8	MID LOUISIANA GAS
8136808	81-1305	1707321311	108	PETRO LEWIS - COOPER #1	MONROE GAS		15.1	PETRO-LEWIS FUNDS
8136816	81-1321	1711122556	108	PETRO LEWIS FROST LUMBER #15	MONROE GAS		11.9	PETRO-LEWIS FUNDS
8136815	81-1320	1711122557	108	PETRO LEWIS FROST LUMBER #16	MONROE GAS FIELD		5.6	PETRO-LEWIS FUNDS
8136814	81-1319	1711122558	108	PETRO LEWIS FROST LUMBER #17	MONROE GAS		7.6	PETRO-LEWIS FUNDS
8136810	81-1318	1711122559	108	PETRO LEWIS FROST LUMBER #18	MONROE GAS		7.6	PETRO-LEWIS FUNDS
8136811	81-1317	1711122605	108	PETRO LEWIS FROST LUMBER #19	MONROE GAS		7.6	PETRO-LEWIS FUNDS
8136817	81-1322	1711122552	108	PETRO LEWIS FROST LUMBER #8	MONROE GAS		8.2	PETRO-LEWIS FUNDS
8136809	81-1311	1707321372	108	PETRO LEWIS HATCHER EVANS #3	MONROE GAS		5.2	PETRO-LEWIS FUNDS
8136806	81-1307	1707321373	108	PETRO LEWIS HATCHER EVANS #4	MONROE GAS		5.2	PETRO LEWIS FUNDS
8136850	81-1314	1711122460	108	PETRO LEWIS NOLAN HEIRS #1	MONROE GAS FIELD		14.1	PETRO-LEWIS FUNDS
8136807	81-1306	1711122404	108	PETRO LEWIS NOLAN HEIRS #5	MONROE GAS		14.1	PETRO-LEWIS FUNDS
8136805	81-1308	1707321318	108	PETRO LEWIS REA GREEN #4	MONROE		9.4	PETRO-LEWIS FUNDS
8136812	81-1316	1711122466	108	PETRO LEWIS UNION POWER #3	MONROE GAS		11.9	PETRO-LEWIS FUNDS
8136813	81-1315	1711122467	108	PETRO LEWIS UNION POWER #4	MONROE GAS		11.9	PETRO-LEWIS FUNDS
8136858	81-1324	17111223P5	108	PETRO-LEWIS FROST LUMBER #2	MONROE GAS		13.7	PETRO-LEWIS FUNDS
8136857	81-1323	1711122462	108	PETRO-LEWIS FROST LUMBER #5	MONROE GAS		10.9	PETRO-LEWIS FUNDS
8136849	81-1310	1707321375	108	PETRO-LEWIS HATCHER EVANS #2	MONROE GAS		5.2	PETRO-LEWIS FUNDS
8136851	81-1313	1711122402	108	PETRO-LEWIS NOLAN HEIRS #3	MONROE GAS		14.1	PETRO-LEWIS FUNDS
8136852	81-1312	1711122403	108	PETRO-LEWIS NOLAN HEIRS #4	MONROE GAS		14.1	PETRO-LEWIS FUNDS
8136804	81-1309	1707321363	108	PETRO-LEWIS POLTS #2	MONROE GAS		6.7	PETRO LEWIS FUNDS
-PRIMOS-PENNZOIL JV			RECEIVED: 06/12/81 JA: LA					
8136867	81-1269	1711122100	108	BARR #1	MONROE		6.1	UNITED GAS PIPELI
8136866	81-1268	1711122101	108	DOWNEY #1	MONROE		1.4	UNITED GAS PIPELI
8136865	81-1267	1711122665	108	JORDON #1	MONROE		14.7	UNITED GAS PIPELI
8136863	81-1265	1711122106	108	NORSWORTHY #1	MONROE		11.7	UNITED GAS PIPELI
8136864	81-1266	1711122056	108	NORSWORTHY #2	MONROE		14.3	UNITED GAS PIPELI
8136862	81-1264	1711122694	108	STEELE #3	MONROE		13.4	UNITED GAS PIPELI
-QUINTANA PETROLEUM CORP			RECEIVED: 06/12/81 JA: LA					
8136775	81-1251	1710121193	107-TF	SHADYSIDE CO LTD NO 2	PATTERSON		0.0	MICHIGAN - WISCON
-RELIANCE & HOOTKINS-SMITH			RECEIVED: 06/12/81 JA: LA					
8136776	81-1252	1711121711	107-TF	BARRON #1	MONROE		46.0	TEXAS GAS TRANSMI
-SAND HILL LTD (LA)			RECEIVED: 06/12/81 JA: LA					
8136837	81-1263	1711122310	108	CLARK ET AL NO 1	MONROE		16.4	PETRO-LEWIS FUNDS
-STRAHAN OIL & GAS CO INC			RECEIVED: 06/12/81 JA: LA					
8136781	81-1241	1707320091	108	COLLIER NO 1	MONROE		1.5	UNITED GAS PIPE L
8136789	81-1243	1707320104	108	GOBER NO 1	MONROE		0.6	MID LOUISIANA GAS
8136785	81-1237	1707320108	108	HUDSON NO 1	MONROE		3.4	IMC PIPELINE CO I
8136790	81-1242	1707320111	108	HUDSON NO 2	MONROE		4.4	IMC PIPELINE CO I
8136779	81-1239	1707320059	108	MUSICK NO 1	MONROE		2.4	IMC PIPELINE CO I

8136783	81-1238	1707320102	108	MUSICK NO 2	MONROE	3.9	IMC PIPELINE CO I
8136787	81-1245	1707320109	108	PLATT NO 1	MONROE	2.2	IMC PIPELINE CO I
8136788	81-1241	1707320058	108	SIEVERS NO 1	MONROE	4.8	IMC PIPELINE CO I
8136788	81-1244	1707320101	108	TOWERY NO 1	MONROE	2.2	IMC PIPELINE CO I
-TEXACO INC		RECEIVED: 06/12/81 JA: LA					
8136782	81-1250	1709720442	103	BOTANY BAY LBR CO MIN FEE TR-2 167	PORT BARRE	5.0	CONSOLIDATED ALUM
-VIKING RESOURCES (LA)		RECEIVED: 06/12/81 JA: LA					
8136792	81-1260	1711122455	108	FROST D #2	MONROE	15.3	PETRO-LEWIS FUNDS
8136794	81-1259	1711122855	108	FROST D #3	MONROE	11.0	PETRO-LEWIS FUNDS
8136835	81-1261	1711122454	108	FROST D NO 1	MONROE	33.6	PETRO-LEWIS FUNDS
8136793	81-1258	1711122856	108	FROST D NO 4	MONROE	11.0	PETRO-LEWIS FUNDS
8136795	81-1257	1711122566	108	OLIN #4	MONROE	16.4	PETRO-LEWIS FUNDS
8136796	81-1256	1707321574	108	REA GREEN #1	MONROE	7.7	PETRO-LEWIS FUNDS
8136798	81-1255	1707321575	108	REA GREEN #2	MONROE	7.7	PETRO-LEWIS FUNDS
8136836	81-1262	1711122670	108	UNION PRODUCING B #1	MONROE	32.9	PETRO-LEWIS FUNDS
**********							
WEST VIRGINIA DEPARTMENT OF MINES							
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-ALLEGHENY LAND & MINERAL COMPANY		RECEIVED: 06/10/81 JA: WV					
8136633		4704102975	103	A- P11	HACKERS CREEK DISTRICT	0.0	EQUITABLE GAS CO
-ALLEGHENY LAND & MINERAL COMPANY		RECEIVED: 06/15/81 JA: WV					
8136762		4708300306	103	A - 852	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8136764		4708300344	103	A - 897	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8136765		4709702153	103	A - 528	WASHINGTON DISTRCT	0.0	COLUMBIA GAS TRAN
8136763		4708300348	103	A - 933	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
-ASHLAND EXPLORATION INC		RECEIVED: 06/15/81 JA: WV					
8136650		4704300872	108	LINCOLN MINERAL FEE #3 - 015610	MACCORKLE	4.0	INDUSTRIAL GAS CO
8136655		4704300903	108	LINCOLN MINERAL FEE #4 - 016180	MACCORKLE	4.0	INDUSTRIAL GAS CO
8136656		4704300914	108	LINCOLN MINERAL FEE #5 - 016270	MACCORKLE	4.0	INDUSTRIAL GAS CO
-C W RIGGS INC		RECEIVED: 06/15/81 JA: WV					
8136765		4707300744	103	COLVIN A-132	MEADE	13.0	COLUMBIA GAS TRAN
8136757		4709506930	107-DV	MOORE #2	MEADE	16.4	COLUMBIA GAS
-CABOT OIL & GAS CORP		RECEIVED: 06/10/81 JA: WV					
8136576		4707900990	107-DV	PUTNAM COMPANY B-12	UNION	19.0	TENNESSEE GAS PIP
-CABOT OIL & GAS CORP		RECEIVED: 06/15/81 JA: WV					
8136751		4707900961	107-DV	J L MCLEAN A-12	UNION	15.0	TENNESSEE GAS PIP
8136750		4707900962	107-DV	J L MCLEAN A-24	UNION	28.0	TENNESSEE GAS PIP
8136753		4707900964	107-DV	J L MCLEAN A-27	UNION	5.3	TENNESSEE GAS PIP
8136747		4703903591	107-DV	JOHN TURLEY #1	WASHINGTON	20.0	TENNESSEE GAS PIP
8136745		4707900960	107-DV	PUTNAM COMPANY B-11	UNION	17.3	TENNESSEE GAS PIP
8136754		4707900973	107-DV	PUTNAM COMPANY B-13	UNION	37.0	TENNESSEE GAS PIP
8136752		4707900985	107-DV	PUTNAM COMPANY B-20	UNION	16.3	TENNESSEE GAS PIP
8136710		4703903517	107-DV	SILER COAL & LAND A-5	WASHINGTON	10.0	TENNESSEE GAS PIP
8136748		4703903614	107-DV	SILER COAL & LAND A-6	WASHINGTON	5.0	TENNESSEE GAS PIP
-CARBONIT EXPLORATION INC		RECEIVED: 06/15/81 JA: WV					
8136724		4707300959	107-DV	NO 7 DAVID WEEKLEY	ST MARYS FIELD	0.0	COLUMBIA GAS
-CHASE PETROLEUM		RECEIVED: 06/15/81 JA: WV					
8136677		4708504876	102-3	BRITTON - LEGGET #3	CLAY DISTRICT	90.0	
8136711		4701702768	102-3	BRITTON - LEGGETT #2	CENTRAL DISTRICT	121.5	
8136653		4704102887	103	CRUFFEY #3	VANDALIA	40.0	
8136712		4701702795	102-3	BURGESS #1	CENTRAL DISTRICT	112.5	
8136713		4701702796	102-3	BURGESS #2	CENTRAL DISTRICT	145.8	
8136714		4701702797	102-3	BURGESS #3	CENTRAL DISTRICT	198.0	

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	FIELD NAME	PRICE	PURCHASER
8136715		4701702758	102-3	BURGESS #4	CENTRAL DISTRICT	121.5	
8136657		4708504838	102-3	COOL #1	UNION DISTRICT	1.0	
8136709		4708504569	102-3	WILSON #1	UNION DISTRICT	44.1	
-CHESTERFIELD CORP			RECEIVED: 06/10/81 JA: WV				
8136596		4709702129	103	CAYNOR #1 - 47-097-2129	WASHINGTON	0.0	PARTNERSHIP PROPE
8136594		4709702149	103	HANIFAN #1 - 47-097-2145	WASHINGTON	0.0	COLUMBIA GAS TRAN
8136604		4709702173	103	KELLEY #1 - 47-097-2173	WASHINGTON	0.0	COLUMBIA GAS CORP
8136593		4700101418	103	LOMPERT #1 - 47-001-1418	BARKER	0.0	COLUMBIA GAS OF W
-CLAY COUNTY PRODUCTION CO INC			RECEIVED: 06/15/81 JA: WV				
8136767		4707300803	103	DAVIS/WAGNER # 2	UNION	10.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED: 06/15/81 JA: WV				
8136673		4700101427	103	DEWEY STALNAKER W12666	GLADE	25.0	GENERAL SYSTEM PU
-D C MALCOLM INC			RECEIVED: 06/15/81 JA: WV				
8136665		4707900924	108	A A JOYCE #1	BURDETTE - ST ALBANS	12.0	COLUMBIA GAS TRAN
-DEVON CORPORATION			RECEIVED: 06/10/81 JA: WV				
8136595		4705300225	103	#954 ARDEN CASTO	PARCHMENT	31.0	KAISER ALUMINUM &
-DEVON CORPORATION			RECEIVED: 06/15/81 JA: WV				
8136668		4704500963	108	DINGESS RUM COAL CO #864	STOLLINGS	20.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC			RECEIVED: 06/15/81 JA: WV				
8136742		4703332235	103	E STROTHER #1 K-L-269	SARDIS	30.0	CONSOLDIATED GAS
8136735		4703322193	103	M HARBERT #1 K-L-274	SARDIS	30.0	CONSOLIDATED GAS
8136736		4703322220	103	M HARBERT #2 K-L-261	SARDIS	30.0	CONSOLIDATED GAS
8136734		4703322151	103	M HARBERT #2 K-L-270	SARDIS	30.0	CONSOLIDATED GAS
8136726		4700121198	103	T BENNETT #1 K-L-278	PLEASANT	30.0	CONSOLIDATED GAS
-EASTERN AMERICAN ENERGY CORPORATION			RECEIVED: 06/10/81 JA: WV				
8136563		4702103680	107-DV	COBERLY #3	GLENVILLE	0.0	COLUMBIA GAS TRAN
-ENERGY UNLIMITED INC			RECEIVED: 06/15/81 JA: WV				
8136661		4710720874	108	JOHNSON - PHILLIPS #1	UNION	1.0	CONSOLIDATED GAS
8136660		4710720873	108	W H WILKINSON #1	UNION	1.0	CONSOLIDATED GAS
-FIVE STAR GAS CO			RECEIVED: 06/15/81 JA: WV				
8136759		4708703339	103	J THOMASSON WELL #1		0.0	COLUMBIA GAS TRAN
-FLETCHER & CO			RECEIVED: 06/10/81 JA: WV				
8136577		4708504033	108	ALBERT CARPENTER #2	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136585		4708503953	108	ALBERT CARPENTER #3	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136586		4708503636	108	HELENA ANDREWS #2	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136587		4708503591	108	HELENA ANDREWS #3	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136597		4708504044	108	HELENA ANDREWS #4	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136584		4708503954	108	HILL-CARPENTER #1	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136581		4708503957	108	PAYTON TINGLER #1	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136589		4708503214	108	PAYTON TINGLER #10	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136588		4708503514	108	PAYTON TINGLER #11	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136580		4708503958	108	PAYTON TINGLER #3	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136579		4708503959	108	PAYTON TINGLER #4	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136591		4708500347	108	PAYTON TINGLER #5	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136590		4708500361	108	PAYTON TINGLER #6	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136578		4708503960	108	PAYTON TINGLER #8	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136592		4708500323	108	PAYTON TINGLER #9	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136582		4708503956	108	SILAS CARPENTER #1	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
8136583		4708503955	108	SILAS CARPENTER #2	MURPHY DISTRICT	0.4	CONSOLIDATED GAS
-FRANKLIN ADKINS			RECEIVED: 06/10/81 JA: WV				
8136603		4709921710	107-DV	FERGUSON #1	LINCOLN	5.1	COLUMBIA GAS TRAN
-FRANKLIN ADKINS			RECEIVED: 06/15/81 JA: WV				
8136731		4701120555	107-DV	ADKINS #1	MCCOMAS DISTRICT	5.4	COLUMBIA GAS TRAN

8136718		4709921606	107-DV	ASBURY 1 A	LINCOLN	7.2	COLUMBIA GAS TRAN
8136727		4701120549	107-DV	CHILDERS #1	MCCOMAS DISTRICT	5.4	COLUMBIA GAS TRAN
8136700		4709921588	107-DV	CRUM #1	LINCOLN	1.4	COLUMBIA GAS TRAN
8136702		4709921589	107-DV	CRUM #2	LINCOLN	1.4	COLUMBIA GAS TRAN
8136721		4709921668	107-DV	CRUM #3	LINCOLN	8.4	COLUMBIA GAS TRAN
8136663		4704321720	107-DV	GORDON PARSONS #1	SHERIDAN DISTRICT	5.4	COLUMBIA GAS TRAN
8136729		4701120553	107-DV	HARLESS #1	MCCOMAS DISTRICT	5.4	COLUMBIA GAS TRAN
8136728		4701120550	107-DV	HATFIELD #1	MCCOMAS DISTRICT	5.4	COLUMBIA GAS TRAN
8136716		4709921686	107-DV	HUNDLEY #1	LINCOLN	0.0	COLUMBIA GAS TRAN
8136723		4709921674	107-DV	MARCUM #1	LINCOLN	1.2	COLUMBIA GAS TRAN
8136717		4709921652	107-DV	MCMILLION #1	LINCOLN	7.2	COLUMBIA GAS TRAN
8136720		4709921622	107-DV	MEADE 1 B	LINCOLN	7.2	COLUMBIA GAS TRAN
8136722		4709921672	107-DV	MEADE 2 B	LINCOLN	0.0	COLUMBIA GAS TRAN
8136701		4709921590	107-DV	ROMANS #1	LINCOLN	2.4	COLUMBIA GAS TRAN
8136730		4701120554	107-DV	THOMPSON #1	MCCOMAS DISTRICT	5.4	COLUMBIA GAS TRAN
-GAROLD FOX			RECEIVED: 06/10/81 JA: WV				
8136565		4701301972	108	VELMA LAUDEN #1 WELL	SHERIDAN DISTRICT	6.7	CABOT CORP
-H D WELLS OIL & GAS			RECEIVED: 06/15/81 JA: WV				
8136676		4700501081	108	T J FOSTER HEIRS #3	SHERMAN DISTRICT	3.9	CABOT CORP
-HAUGHT INC			RECEIVED: 06/15/81 JA: WV				
8136658		4709520740	103	E G REEM H-824	CENTERVILLE DISTRICT	15.0	COLUMBIA GAS TRAN
-HAYS & CO			RECEIVED: 06/15/81 JA: WV				
8136667		4707300536	108	GALE EVERETT #1	JEFFERSON	0.0	CONSOLIDATED GAS
-INTERSTATE DRILLING INC			RECEIVED: 06/15/81 JA: WV				
8136652		4704102469	108	CASLY #1	CAMDEN	10.0	CONSOLIDATED GAS
8136733		4702102711	108	HARDIN #2	BURNT HOUSE	12.0	CONSOLIDATED GAS
8136732		4702102701	108	HARDIN NO 1 47-021-2701		5.3	CONSOLIDATED GAS
8136651		4704102080	108	MERTZ #1	CAMDEN	7.2	CONSOLIDATED GAS
-J & J ENTERPRISES INC			RECEIVED: 06/10/81 JA: WV				
8136599		4701702480	107-DV	J-61 (K-512-#1)	COVE	200.0	COLUMBIA GAS TRAN
8136598		4701702515	107-DV	J-64 (K-19-#1)	WEST UNION	200.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC			RECEIVED: 06/15/81 JA: WV				
8136740		4703302333	103	D-239	UNION	200.0	CONSOLIDATED GAS
8136654		4704102894	103	H-254	HACKERS CREEK	200.0	CONSOLIDATED GAS
8136746		4703302485	103	H-282	EAGLE	200.0	CONSOLIDATED GAS
8136725		4703302166	103	H-293	UNION	200.0	CONSOLIDATED GAS
8136659		4709702047	103	H-302	UNION	200.0	CONSOLIDATED GAS
8136738		4703302274	103	H-324	UNION	200.0	CONSOLIDATED GAS
8136737		4703302264	103	H-326	TENMILE	200.0	CONSOLIDATED GAS
8136741		4703302347	103	H-331	ELK	200.0	CONSOLIDATED GAS
8136739		4703302329	103	H-342	CLARK	200.0	CONSOLIDATED GAS
8136743		4703302400	103	J-194	SARDIS	200.0	CONSOLIDATED GAS
8136744		4703302430	103	J-195	SARDIS	200.0	CONSOLIDATED GAS
8136745		4703302465	103	J-246	SARDIS	200.0	CONSOLIDATED GAS
8136719		4701702470	107-DV	J-67 (K-881-#1)	WEST UNION	200.0	COLUMBIA GAS TRAN
-JAMES F SCOTT			RECEIVED: 06/15/81 JA: WV				
8136672		4701702857	103	JOE DAVIS S-328	GREENBRIER	65.0	CONSOLIDATED GAS
8136766		4703302486	103	ROBERT DOUGLASS S-324	UNION	25.0	CONSOLIDATED GAS
-KENNETH DAVIS			RECEIVED: 06/15/81 JA: WV				
8136758		4709921721	103	NANCY CAPEHART #1	CENTRAL DIVISION	15.0	COLUMBIA GAS TRAN
-L E MOSSOR			RECEIVED: 06/10/81 JA: WV				
8136564		4708522153	108	PIERCE	PIERCE (MEASTER LEASE)	3.1	EQUITABLE GAS CO
-MERT DEVELOPMENT INC			RECEIVED: 06/15/81 JA: WV				

8136682		4701501712	102-2	#1 RHODES	OTTER DISTRICT	0.0	COLUMBIA GAS TRAN
-MITCHELL GAS CO			RECEIVED: 06/15/81 JA: WV				
8136670		4704321665	108	GEORGE MITCHELL HEIRS #1	HARTS CREEK DISTRICT	10.0	INDUSTRIAL GAS CO
8136669		4704321717	108	GEORGE MITCHELL HEIRS #2	HARTS CREEK DISTRICT	10.0	INDUSTRIAL GAS CO
-ORVILLE EBERLY			RECEIVED: 06/15/81 JA: WV				
8136675		4700100093	108	WARE #1	UNION	5.8	CONSOLIDATED GAS
-P P GUNN ESTATE			RECEIVED: 06/15/81 JA: WV				
8136705		4701321717	108	L J SMITH #1	CENTER DISTRICT	2.5	CONSOLIDATED GAS
8136703		4701321633	108	WITHERS WELL #2	SHERMAN DISTRICT	5.0	CONSOLIDATED GAS
8136704		4701321683	108	WITHERS WELL #3	CENTER DISTRICT	3.8	CONSOLIDATED GAS
-PENNZOIL COMPANY			RECEIVED: 06/10/81 JA: WV				
8136572		4704302201	108	A A WOODRUM #1	DUVAL	0.0	CONSOLIDATED GAS
8136573		4704302209	108	A C BELCHER #1	DUVAL	0.0	CONSOLIDATED GAS
8136619		4703903305	108	BLUE CREEK TRACT #37	ELK	0.0	CONSOLIDATED GAS
8136620		4703903306	108	BLUE CREEK TRACT #44	ELK	0.0	CONSOLIDATED GAS
8136574		4704302218	108	C T ESCUE #1	DUVAL	0.0	CONSOLIDATED GAS
8136602		4704302173	108	E G PAULEY #1	DUVAL	0.0	CONSOLIDATED GAS
8136600		4704302174	108	E G PAULEY #2	DUVAL	0.0	CONSOLIDATED GAS
8136624		4703903324	108	E J GATCHELL #2	ELK	0.0	CONSOLIDATED GAS
8136567		4704302184	108	E T SPURLOCK #1	DUVAL	0.0	CONSOLIDATED GAS
8136568		4704302185	108	E T SPURLOCK #2	DUVAL	0.0	CONSOLIDATED GAS
8136569		4704302186	108	E T SPURLOCK #3	DUVAL	0.0	CONSOLIDATED GAS
8136631		4703903716	108	F G WOODY #2	ELK	0.0	CONSOLIDATED GAS
8136632		4703903717	108	F G WOODY #3	ELK	0.0	CONSOLIDATED GAS
8136611		4704301852	108	G T ESCUE #2	DUVAL	0.0	CONSOLIDATED GAS
8136613		4704302172	108	HANNAH PAUL #1	DUVAL	0.0	CONSOLIDATED GAS
8136637		4704301554	108	HERBERT ADKINS #1	DUVAL	0.0	CONSOLIDATED GAS
8136638		4704301568	108	HERBERT ADKINS #4	DUVAL	0.0	CONSOLIDATED GAS
8136639		4704301578	108	HERBERT ADKINS #6	DUVAL	0.0	CONSOLIDATED GAS
8136640		4704301580	108	HERBERT ADKINS #7	DUVAL	0.0	CONSOLIDATED GAS
8136621		4703903308	108	J A BOGGS #1	ELK	0.0	CONSOLIDATED GAS
8136622		4703903309	108	J A BOGGS #2	ELK	0.0	CONSOLIDATED GAS
8136623		4703903312	108	J A BOGGS #5	ELK	0.0	CONSOLIDATED GAS
8136614		4704302130	108	J E KEELING #1	DUVAL	0.0	CONSOLIDATED GAS
8136618		4703903292	108	J F CORK #1	ELK	0.0	CONSOLIDATED GAS
8136615		47039032E7	108	JVR SKINNER 15	ELK	0.0	CONSOLIDATED GAS
8136625		4703903478	108	M VICKERS #1	ELK	0.0	CONSOLIDATED GAS
8136608		4704302250	108	MITCHELL HRS #1	DUVAL	0.0	CONSOLIDATED GAS
8136616		4703903268	108	R P SKINNER #1	ELK	0.0	CONSOLIDATED GAS
8136617		4703903269	108	R P SKINNER #4	ELK	0.0	CONSOLIDATED GAS
8136601		4704302178	108	ROXIE PAULEY #1	DUVAL	0.0	CONSOLIDATED GAS
8136566		4704302179	108	S R PAULEY #1	DUVAL	0.0	CONSOLIDATED GAS
8136609		4704301721	108	S W GUNN #1	DUVAL	0.0	CONSOLIDATED GAS
8136570		4704302194	108	STOWERS HRS #1	DUVAL	0.0	CONSOLIDATED GAS
8136571		4704302200	108	W E WILLIAMS #1	DUVAL	0.0	CONSOLIDATED GAS
8136575		4704302278	108	W T HARRIS #1	DUVAL	0.0	CONSOLIDATED GAS
8136612		4704302279	108	W T HARRIS #2	DUVAL	0.0	CONSOLIDATED GAS
8136634		4704301522	108	XENIL CAMPBELL #3	DUVAL	0.0	CONSOLIDATED GAS
8136635		4704301551	108	ZONA HUGHES #4	DUVAL	0.0	CONSOLIDATED GAS
8136636		4704301552	108	ZONA HUGHES #5	DUVAL	0.0	CONSOLIDATED GAS
8136610		4704301738	108	ZONA HUGHES #7	DUVAL	0.0	CONSOLIDATED GAS
-PENNZOIL COMPANY			RECEIVED: 06/15/81 JA: WV				
8136698		4701500321	108	J R CASTO #1330	HENRY	5.0	CONSOLIDATED GAS

-QUAKER STATE OIL REFINING CORP			RECEIVED: 06/10/81 JA: WV					
8136630		4703923606	103	CARNES-SALISBURY #2				
8136629		4703923605	103	CLARA G SALISBURY #1				
-QUAKER STATE OIL REFINING CORP			RECEIVED: 06/15/81 JA: WV					
8136756		4703923604	103	J C LARCH #1				
-RAY RESOURCES CORP			RECEIVED: 06/10/81 JA: WV					
8136626		4703903500	103	COLUMBIA GAS #850				
8136627		4703903501	103	COLUMBIA GAS #851				
8136628		4703903592	103	GOSHORN HRS #854				
8136606		4704700795	103	POCA LAND #820				
8136607		4704700788	103	POCA LAND #821				
-RAY RESOURCES CORP			RECEIVED: 06/15/81 JA: WV					
8136678		4703903553	103	GOSHORN HRS #855				
-ROBERT FOX			RECEIVED: 06/10/81 JA: WV					
8136562		4708523512	108	WAGGONER				
-ROBERT VARIAN			RECEIVED: 06/15/81 JA: WV					
8136761		4708504851	103	ROYAL D COX NO 2-A				
-ROCKEY DRILLING CO			RECEIVED: 06/15/81 JA: WV					
8136671		4703300605	108	CLYDE L HALL #1				
-RUSSELL V JOHNSON JR			RECEIVED: 06/15/81 JA: WV					
8136707		4708504177	108	#1 SWADLEY				
8136706		4708504176	108	#2 OLDAKER				
8136708		4708504178	108	#2 SWADLEY				
8136681		4701702847	103	O J HERROD #2				
-SECURITY GAS & OIL INC			RECEIVED: 06/10/81 JA: WV					
8136561		4709500735	102-3	C S DILLON #2				
-SENECA-UPSHUR PETROLEUM CO			RECEIVED: 06/10/81 JA: WV					
8136605		4708300366	102-4	J M HUBER #67				
-SENECA-UPSHUR PETROLEUM CO			RECEIVED: 06/15/81 JA: WV					
8136699		4705920953	107-DV	C-1				
8136664		4708320324	102-4	J M HUBER #61				
8136662		4708320365	102-4	J M HUBER #66				
-SOUTHEASTERN GAS COMPANY			RECEIVED: 06/15/81 JA: WV					
8136645		4701303262	108	ALZA HUFFMAN #639				
8136649		4701303266	108	ARTHUR G MILLER #664				
8136774		4703903715	108	H G WATSON #P-3				
8136643		4701303260	108	CABOT CORPORATION #655				
8136646		4701303263	108	CLYDE MARSHALL #640				
8136692		4701300023	108	D W WILSON #698				
8136644		4701303261	108	G W HARDMAN #637				
8136686		4703903707	108	H S FRIDLEY #C-14				
8136685		4703903706	108	HENRY CLATWORTHY #P-9				
8136691		4701300007	108	IDA MCCOY #686				
8136683		4701303269	108	IDA SMITH #644				
8136647		4701303264	108	J H MARTIN #642				
8136648		4701303265	108	J H MARTIN #643				
8136641		4701303267	108	J M SHANKS #660				
8136642		4701303268	108	J M SHANKS #661				
8136693		4701320026	108	J M SHANKS #687				
8136687		4703903708	108	SMITHERS HEIRS #P-4				
8136688		4703937050	108	SOUTHEASTERN GAS #C-6				
8136773		4703903714	108	W H TOMPKINS #C-15				
8136689		4703903719	108	W H TOMPKINS #C-7				

FIELD NAME	PROD	PURCHASER
ELK	5.5	COLUMBIA GAS TRAN
ELK DISTRICT	11.7	COLUMBIA GAS TRAN
BIG SANDY	11.0	COLUMBIA GAS TRAN
ELK	10.0	COLUMBIA GAS TRAN
ELK	10.0	COLUMBIA GAS TRAN
ELK	8.0	COLUMBIA GAS TRAN
ELKHORN	20.0	CONSOLIDATED GAS
ELKHORN	20.0	CONSOLIDATED GAS
ELK	8.0	COLUMBIA GAS TRAN
WAGGONER	1.5	CONSOLIDATED GAS
BEREA	0.0	COLUMBIA GAS TRAN
ELK DISTRICT	6.5	CONSOLIDATED GAS
(MURPHY DISTRICT)	7.5	CONSOLIDATED GAS
(MURPHY DISTRICT)	16.9	CONSOLIDATED GAS
(MURPHY DISTRICT)	6.5	CONSOLIDATED GAS
ROBERTS FORK	0.0	COLUMBIA GAS TRAN
MCKIM - PLUM RUN	36.0	COLUMBIA GAS TRAN
MIDDLE FORK	12.0	EQUITABLE GAS CO
HARDEE	0.0	COLUMBIA GAS
MIDDLE FORK	12.0	EQUITABLE GAS CO
MIDDLE FORK	15.0	EQUITABLE GAS CO
CENTER	0.7	CABOT CORP
SHERMAN	2.2	CABOT CORP
CABIN CREEK	2.3	CABOT CORP
CENTER - SHERIDAN	7.4	CABOT CORP
CENTER	2.3	CABOT CORP
CENTER	0.3	CABOT CORP
CENTER	0.3	CABOT CORP
CABIN CREEK	1.2	CABOT CORP
CABIN CREEK	1.5	CABOT CORP
LEE	0.8	CABOT CORP
CENTER SHERMAN	1.2	CABOT CORP
CENTER	2.2	CABOT CORP
CENTER	1.5	CABOT CORP
CENTER	9.0	CABOT CORP
CENTER	9.0	CABOT CORP
CENTER	0.4	CABOT CORP
CABIN CREEK	2.5	CABOT CORP
CABIN CREEK	1.9	CABOT CORP
CABIN CREEK	0.1	CABOT CORP
CABIN CREEK	0.1	CABOT CORP

JD NO	JD DET	API NO	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8136770		4703903711	108	W H TOMPKINS #C-3	CABIN CREEK	0.1	CABOT CORP
8136771		4703903712	108	W H TOMPKINS #C-7	CABIN CREEK	0.1	CABOT CORP
8136772		4703903713	108	W H TOMPKINS #C-9	CABIN CREEK	0.1	CABOT CORP
8136694		4701303255	108	WARD H BETTS #646	CENTER	0.8	CABOT CORP
8136695		4701303256	108	WARD H BETTS #647	CENTER	0.3	CABOT CORP
8136690		4701303257	108	WARD H BETTS #650	CENTER	0.4	CABOT CORP
8136696		4701303258	108	WARD H BETTS #651	CENTER	0.9	CABOT CORP
8136697		4701303259	108	WARD H BETTS #652	CENTER	0.8	CABOT CORP
8136684		4701303270	108	WOLVERTON HEIRS #636	SHERIDAN	1.8	CABOT CORP
-TAY RIVER MINES LTD				RECEIVED: 06/15/81 JA: WV			
8136760		4708504829	103	KIRKPATRICK NO 1	BEREA	0.0	CONSOLIDATED GAS
-UNITED PETRO LTD				RECEIVED: 06/15/81 JA: WV			
8136674		4701303187	103	POE HAMBURG #1-A	ORMA-MINNORA	3.6	CONSOLIDATED GAS
-UNITED STATES ENERGY CORP				RECEIVED: 06/15/81 JA: WV			
8136680		4702102437	108	JOHN B VARNER D-1	GLENNVILLE	1.0	CONSOLIDATED GAS
8136679		4702122358	108	JOHN B VARNER 1-A	GLENNVILLE	12.0	CONSOLIDATED GAS
-W J LYDIC INC				RECEIVED: 06/15/81 JA: WV			
8136768		4709500750	107-DV	WARAER - TINKER # 2	MEADE	10.0	COLUMBIA GAS
8136769		4709500746	107-DV	WARAER - TINKER #3	MEADE	10.0	COLUMBIA GAS
-ZELLER GAS CO				RECEIVED: 06/15/81 JA: WV			
8136666		4707920360	108	C LUCAS #1	CURRY DISTRIST	0.0	PENNZOIL CO
**********							
** DEPARTMENT OF ENERGY							
**********							
-NAVAL PETROLEUM RESERVES IN CALIFOR				RECEIVED: 06/15/81 JA: CA 9			
8136868		0402900000	102-2	27R - 384	NAVAL PETROLEUM RESERVES	913.0	CHEVRON USA INC
8136870		0402900000	103	32R - #346	NAVAL PETROLEUM RESERVES	0.0	CHEVRON USA INC
8136869		0402900000	102-2	35R - #371	NAVAL PETROLEUM RESERVES	1095.0	CHEVRON USA INC

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before July 27, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–20155 Filed 7–9–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. E–8851]

Alabama Power Co.; Filing

June 25, 1981.

Take notice that on June 12, 1981, Alabama Power Company (Alabama) tendered its Refund Compliance Report in Docket No. E–8851 showing the details of refunds made as the result of a revised cost-of-service and revised rate schedules filed by Alabama on January 8, 1981, pursuant to the requirements of the Commission's Opinion No. 54 issued August 1, 1979, as clarified by order dated September 28, 1979.

Alabama's refund compliance report shows the refund and interest calculations for each delivery point, and states that refunds to each of the municipalities and distribution cooperatives were made by Company checks mailed May 28, 1981, with interest calculated through May 29, 1981. Additional refund and interest calculations are included for the Tombigbee Electric Cooperative delivery points, attributable to the tax imposed with respect to these particular delivery points by Marion County, Alabama.

Any person desiring to be heard or to protest this Refund Compliance Report should file a petition to intervene or a protest with this Commission at 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with § 1.8 or 1.10) on or before July 17, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestant 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. 81–20250 Filed 7–9–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–548–000]

Arizona Public Service Co.; Filing

June 25, 1981.

The filing Company submits the following:

Take notice that on June 12, 1981, Arizona Public Service Company (APS) tendered for filing proposed Supplement to APS–FPC Rate Schedule No. 33 for sale of non-firm energy to United States—Western Area Power Administration.

The parties request waiver under the provisions of Section 35.11 so that service could be commenced on June 5, 1981.

A copy of the filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory 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 or protests should be filed on or before July 13, 1981. 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. 81–20291 Filed 7–9–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–549–000]

Duke Power Co.; Filing

June 25, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on June 12, 1981 a supplement to the Company's Electric Power Contract with Pee Dee Electric Membership Corporation. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 137.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for a new Delivery Point No. 5.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of June 2, 1981.

According to Duke Power copies of this filing were mailed to Pee Dee Electric Membership Corporation and the North Carolina utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory 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 or protests should be filed on or before July 13, 1981. 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. 81–20292 Filed 7–9–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81-550-000]

Duke Power Co.; Filing

June 25, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke) on June 16, 1981, tendered for filing proposed changes in its electric resale rate schedules presently on file with the Commission which are applicable to Electric Cooperatives, Municipalities and Public Utility Companies. Based on the test period 12 months ending September 30, 1982 conditions, Duke estimates that the proposed changes in resale base rates will increase annual revenues from Cooperative customers by $23.3 million, and from Municipal customers and Public Utility companies by $36.3 million. Duke proposes an effective date of August 15, 1981.

Duke states that the increase in wholesale rates is needed to compensate the Company for the increased cost of doing business, to cover the cost of commercial operation of McGuire Unit No. 1, and to achieve a reasonable overall rate of return of 12 percent.

Copies of this filing were served upon all of Duke's jurisdictional wholesale customers, the North Carolina Utilities Commission, the South Carolina Public Service Commission, and the Southeastern Power Administration.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory 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 or protests should be filed on or before July 13, 1981. 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. 81-20290 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-553-000]

Kansas City Power & Light Co.; Filing

June 25, 1981.

The filing Company submits the following:

Take notice that on June 15, 1981, Kansas City Power & Light Company (KCPL) tendered for filing a Transmission Service Agreement dated May 18, 1981, between KCPL and the City of Higginsville, Missouri (City). KCPL requests an effective date of June 1, 1981. The City has requested that KCPL provide Transmission and Subtransmission Service from The Empire District Electric Company to meet a portion of the requirements of the City of Higginsville for service which began June 1, 1981.

In its filing, KCPL states that the rates included in the above-mentioned Transmission Service Agreement are KCPL's rate and charges for similar service under schedules previously accepted for filing by the Federal Energy Regulatory Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Regulatory 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 or protests should be filed on or before July 13, 1981. 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. 81-20294 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-547-000]

Public Service Company of Oklahoma; Filing

June 25, 1981.

The filing company submits the following:

Take notice that on June 12, 1981, the Public Service Company of Oklahoma (PSO) tendered for filing a letter agreement dated May 12, 1981 between PSO and West Texas Utilities Company (WTU).

This Agreement provides for the sale to WTU by PSO of five (5) megawatts of capacity, without reserves, from the system of PSO for the period of June 1, to May 31, 1982.

PSO requests that the Commission waive the sixty-day notice requirement and accept this agreement for filing with an effective date of June 1, 1981.

Copies of this filing were served upon the Oklahoma Corporation Commission and the Public Utility Commission of Texas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory 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 or protests should be filed on or before July 13, 1981. 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. 81-20295 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-55-000]

Union Electric Co.; Application

June 25, 1981.

Take notice that on June 15, 1981, Union Electric Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act seeking an order authorizing the issuance of short-term, unsecured promissory notes in the amount of $300,000,000, of which up to $150,000,000 may be in the form of commercial paper, that will reach maturity not later than December 31, 1983.

Any person desiring to be heard or to make any protest with reference to the application should on or before July 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-20296 Filed 7-9-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL 1879-2]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EISs) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of June 29, 1981 to July 3, 1981.

REVIEW PERIODS: The 45-day review period for draft EISS' listed in this notice is calculated from July 10, 1981 and will end on August 24, 1981. The 30-day review period for final EISS' as calculated from July 10, 1981 will end on August 10, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the office of Federal activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 245-3006.

Dated: July 7, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

REA: Draft—Rifle-San Juan 345 kV Transmission Line, Colorado and New Mexico (EIS Order No. 810530)

SCS: Final—Wheeling Creek Watershed Project, Greene and Washington Counties, Pennsylvania and Ohio and Marshall Counties, West Virginia (EIS Order No. 810521)

Army Corps of Engineers

Draft—Atchafalaya Basin Floodway System, Louisiana (EIS Order No. 810528)

Draft—Wyoming Valley Local Flood Protection, Luzerne County, Pennsylvania; the review period for this EIS has been extended until August 31, 1981 (EIS Order No. 810524)

Final—Tittabawassee River Flood Control, Midland County, Michigan (EIS Order No. 810523)

Final—Ellicott Creek Flood Management Plan, Erie County, New York (EIS Order No. 810519)

Department of the Air Force

Final—Bergstrom AFB Increased Flight Activity, Travis County, Texas (EIS Order No. 810522)

Draft Supplement—Over-The-Horizon Backscatter Radar System, Penobscot County, Maine (EIS Order No. 810529)

Department of Housing and Urban Development

104H: Draft—San Antonio Plaza Redevelopment Plan, Santa Clara County, California (EIS Order No. 810527)

104H: Draft—Deep River School Waterline Project, Lee County, North Carolina (EIS Order No. 810516)

Department of Transportation

FHWA: Draft—I-35E Completion, TH 110 to I-94, Dakota and Ramsey Counties, Minnesota; the review period for this EIS has been extended until September 1, 1981 (EIS Order No. 810517)

FHWA: Draft—Missouri River Bridges, Construction and Upgrading, North Dakota and Montana; the review period for this EIS has been extended until September 1, 1981 (EIS Order No. 810518)

FHWA: Draft—PR-2 Reconstruction and Widening, Mayaquez, Puerto Rico (EIS Order No. 810515)

FHWA: Final—I-75 and I-85/Downtown Connector Improvement, Fulton County, Georgia (EIS Order No. 810525)

FRA: Final—Boston South Station Improvement Project, Suffolk County, Massachusetts (EIS Order No. 810526).

Correction

FHWA: Final—Richardson Highway/AK-4 Construction, Copper Center Village, Alaska—published **Federal Register** July 2, 1981—Published with erroneous extension to October 13, 1981—the review period will terminate on August 3, 1981 (EIS Order No. 810505)

Federal Energy Regulatory Commission

Draft—Rocky Mountain Pipeline Project, Lincoln County, Wyoming and Clark County, Nevada (EIS Order No. 810520)

[FR Doc. 81-20309 Filed 7-9-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1878-8]

Dolet Hills Power Plant Project, Mansfield, La.; Intent To Prepare an Environmental Impact Statement; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Dolet Hills Power Plant Project near Mansfield, Louisiana.

PURPOSE: To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act. EPA is preparing an EIS and, therefore, publishes this Notice of Intent in accordance with 40 CFR 1501.7

FOR FURTHER INFORMATION CONTACT: Mr. Clinton B. Spotts, Regional EIS Coordinator, U.S. EPA, Region 6, 1201 Elm Street, Suite 2800, Dallas, Texas 75270, Telephone: (214) 767-2716 or (FTS) 729-2716.

Summary

The EPA, Region 6, has distributed to the public a detailed Notice of Intent, dated June 2, 1981, on EPA's action regarding its New Source National Pollutant Discharge Elimination System (NPDES) permit. Copies of the detailed Notice are available from the Regional EIS Coordinator identified above.

Scoping

EPA will hold a meeting to determine the scope of the Draft EIS on July 14, 1981 at 7:30 p.m. at the DeSoto Parish Instructional Material Center, located on Oxford Road in Mansfield, Louisiana. EPA invites full participation by individuals, private organizations, local, State and Federal agencies. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

EPA estimates the Draft EIS will be available for public reiew in approximately three (3) months. All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the mailing list.

Dated: July 6, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

[FR Doc. 81-20310 Filed 7-9-81; 8:45 am]

BILLING CODE 6510-37-M

[ER-FRL-1879-1]

Twin Oak Steam Electric Station, Robertson County, Tex.; Intent To Prepare an Environmental Impact Statement; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (EIS) for the Twin Oak Steam Electric Station, Robertson County, Texas.

PURPOSE: In accordance with Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and publishes this Notice of Intent in accordance with 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT:
Clinton B. Spotts, Regional EIS Coordinator, EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270, Telephone: (214) 767-2716 or (FTS) 729-2716.

Summary

EPA, Region 6 has distributed to the public a detailed Notice of Intent concerning issuance of a new source NPDES permit to Texas Utilities Generating Company for wastewater discharge from their Twin Oak Steam Electric Station in Robertson County, Texas. Copies of the detailed Notice are available from the EIS Coordinator identified above.

Scoping

EPA will hold a meeting to determine the scope of the Draft EIS on August 18, 1981 at 7:30 p.m. at the Robertson County Courthouse, District Courtroom, Franklin, Texas. EPA invites full participation by individuals, private organizations, local, State and Federal agencies. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

EPA estimates the Draft EIS will be available for public review around January 1982. All interested persons are encouraged to submit their name and address to the person indicated above for inclusion on the project mailing list.

Dated: July 7, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

[FR Doc. 81-20311 Filed 7-9-81; 8:45 am]

BILLING CODE 6560-37-M

[A-4-FRL-1841-3]

Prevention of Significant Deterioration; Full Delegation of Authority to the State of Mississippi

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 301, in conjunction with Sections 101 and 110 of the Clean Air Act, authorizes the Administrator to delegate his authority to implement and enforce the Prevention of Significant Deterioration of Air Quality (PSD) regulations to any State which has submitted adequate implementation and enforcement procedures. The Mississippi Department of Natural Resources submitted to the EPA Region IV office a request to relinquish to them its responsibility for implementing and enforcing the PSD program. After a thorough review of the request and information submitted, the Regional Administrator determined that such delegation was appropriate for the source categories and with the conditions set forth in the letter referenced below.

EFFECTIVE DATE: June 18, 1981.

FOR FURTHER INFORMATION CONTACT:
Denise W. Pack, Air Programs Branch, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30365, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION:
Mississippi was granted delegation on June 10, 1979, for the administrative and technical portions of the PSD program. On March 12, 1981, EPA Region IV office received a letter from the Mississippi Department of Natural Resources requesting full delegation of authority for the implementation and enforcement of the PSD program. After a thorough review of the request and information submitted, the Regional Administrator determined that for the source categories detailed on the official letter of delegation, delegation was appropriate, subject to the conditions set forth therein. Therefore, pursuant to the authority delegated to her by the administrator, the Regional Administrator formally notified the Executive Director of the Mississippi Department of Natural Resources in a letter dated June 18, 1981, that his request for full delegation of PSD was granted.

Copies of the request letter and the official letter of delegation of authority are available for public inspection at the Environmental Protection Agency, Region IV office, Air Programs Branch, 345 Courtland St. NE., Atlanta, Ga. 30365.

Effective immediately, all reports required pursuant to PSD regulations should not be submitted to the EPA Region IV office but instead should be submitted to the State agency at the following address: Mississippi Department of Natural Resources, Bureau of Pollution Control, P.O. Box 10385, Jackson, Mississippi 39208.

This notice is issued under the authority of Sections 101, 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7410, and 7601).

Dated: June 26, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-20226 Filed 7-9-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-43]

Independent Freight Forwarder License No. 1483, Tokyo Express Co., Inc., and Kozo and Kathleen Kimura d.b.a. Cosmos Trading Company; Order of Investigation and Hearing

Tokyo Express Co., Inc. (Tokyo Express), located at 70 Charter Oak Street, San Francisco California, is an independent ocean freight forwarder operating under FMC license number 1483, issued July 18, 1973. Information has been developed by the Commission's staff indicating that Tokyo Express may have violated section 16, Initial Paragraph, of the Shipping Act, 1916 (46 U.S.C. 815), and §§ 510.23(d), 510.23(e), 510.23(j) and 510.23(k) of the Commission's General Order 4 (46 C.F.R. 510). Tokyo Express's actions may have rendered it unfit to carry on the business of forwarding, pursuant to section 44(b) of the Shipping Act, 1916 (46 U.S.C. 841(b)).

Tokyo Express is a California corporation of which Kozo Kimura is president and Kathleen Kimura is secretary and jointly they hold 80% of the stock. Toshinori Saiki, the vice-president, owns the other 20% of the stock. The Commission has received information that the Kimuras were also the co-owners of Cosmos Trading Company (Cosmos) which operated as a purchaser, seller and shipper of goods to Okinawa, Japan.[1] The purchase of goods and payment for transportation and other services were made by Mr. Kimura from checking accounts established under the names of both Cosmos and Tokyo Express. Inspection of Tokyo Express records showed that Letters of Credit issued by the consignees in Okinawa for these transactions named Cosmos as the beneficiary for the purchase of goods and payment of transportation and other services. Mr. Kimura apparently operated in this manner on 28 shipments during the period November 29, 1977 to June 15, 1979. On these shipments Tokyo Express acted as the ocean freight forwarder with Cosmos appearing as the shipper on the bills of lading. Freight forwarder compensation was collected in the

[1] This information indicates that the connection between the Kimuras and Cosmos was terminated on approximately July 5, 1979. In view of this, the issue of whether Tokyo Express meets the definition of an independent ocean freight forwarder has not been raised in this Order. However, should any evidence of a current connection between Tokyo Express and Cosmos (or any other shipper) be brought to light during the course of this proceeding, the Commission would be receptive to a motion to amend this Order accordingly.

amount of $276.21 on 23 of the shipments.

Tokyo Express's relationship with an export shipper, Cosmos, may have been of such a nature that Tokyo Express's receipt of any "forwarder compensation" on the related exporter's shipments may have resulted in violations of section 16, Initial Paragraph, in that both Tokyo Express and the Kimuras, through their ownership of Cosmos, obtained transportation by water at less than the applicable rate or charges.

Tokyo Express also appears to have violated section 16, Initial Paragraph, by falsely declaring the cargo measurements to ocean common carriers on at least ten bills of lading covering consolidated personal effects shipments during the period May 5, 1979 through January 24, 1980. The difference in ocean freight charges determined from the bills of lading measurement declared by Tokyo Express to the carriers and those contained in Tokyo Express's shipment files showed an under affreightment of $7,916.58, all of which accured to Tokyo Express.

On these same ten consolidated shipments, Tokyo Express's invoices to thirty-one shippers apparently reflected overcharges in the amount of $17,264.68 for ocean freight, drayage and accessorial services. The shippers apparently were charged incorrect amounts for these services and did not receive an invoice which separately stated these charges. This would be a violation of sections 510.23(d), 510.23(e) and 510.23(j) of General Order 4. Section 510.23(d) prohibits a licensee from knowingly imparting false information to a shipper and section 510.23(e) prohibits a licensee from withholding information from a principal regarding a forwarding transaction. Section 510.23(j) requires that a licensee use invoices that state separately for each shipment the actual charges for ocean freight, insurance and accessorial services.

The commission's staff was unable to determine what documents supported various shipments made by Tokyo Express. Section 510.23(k) requires that each licensee maintain records in an orderly, systematic, and convenient manner. The staff was only able to inspect a sampling of shipments because of this problem. This does not preclude the possibility that other violations would have been found had the shipping files been organized as required.

Now, therefore, it is ordered, That pursuant to sections 1, 16, 22, 32, and 44 (46 U.S.C. 801, 815, 821, 831 and 841(b)) of the Shipping Act, 1916, and section 510.9 of General Order 4 (46 C.F.R. 510.9), a proceeding is hereby instituted to determine:

1. Whether Tokyo Express's relation with Cosmos was of such a nature that Tokyo Express and Kozo and Kathleen Kimura, through their ownership of Cosmos, violated section 16, Initial Paragraph, by obtaining transportation by water for property at less than the rates and charges which would otherwise be applicable through the device of collecting "compensation" on shipments on which Tokyo Express was the forwarder and Cosmos was the shipper.

2. Whether Tokyo Express violated section 16, Initial Paragraph, by obtaining transportation by water for property at less than the rates and charges which would otherwise be applicable through the device of falsely declaring the cargo measurements to ocean common carriers.

3. Whether Tokyo Express violated section 510.23(d) of General Order 4 by charging shipper clients other than actual ocean freight, drayage and accessorial service.

4. Whether Tokyo Express violated section 510.23(e) of General Order 4 by withholding information relative to a forwarding transaction from clients in regard to charges.

5. Whether Tokyo Express violated section 510.23(j) of General Order 4 by not using invoices that stated separately as to each shipment actual charges for ocean freight, insurance and accessorial service.

6. Whether Tokyo Express violated section 510.23(k) of General Order 4 by failing to maintain records and books of account in the required manner.

7. Whether civil penalties should be assessed against Tokyo Express and Kozo and Kathleen Kimura pursuant to section 32(e) of the Shipping Act, 1916 for violations of section 16 of the Shipping Act, 1916 and/or the Commission's rules and regulations and, if so, the amount of any such penalty which should be imposed.

8. Whether Tokyo Express's independent ocean freight forwarder license should be suspended or revoked pursuant to section 44(d) of the Shipping Act, 1916, for:

a. willful violations of section 16, Initial Paragraph, of the Shipping Act, 1916 and/or sections 510.23(d), (e), (j) or (k) of the Commission's Rules and Regulations; or

b. such conduct as the Commission finds renders Tokyo Express unfit to carry on the business of forwarding in accordance with section 510.9(e) of General Order 4.

It is further ordered, That Tokyo Express Co., Inc. and Kozo and Kathleen Kimura d/b/a Cosmos Trading Company be named Respondents in this proceeding.

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge, but no later than 180 days after service of this order.

The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Investigation and Enforcement shall be a party to this proceeding;

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served upon all parties of record.

It is further ordered, That any person other than parties of record having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That, all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-20233 Filed 7-9-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than August 1, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Citicorp, New York, New York (real estate lending activities; Florida): to expand the activities of an existing office of its indirect subsidiary, Citicorp Homeowners, Inc., and to relocate this office from Bay Harbor, Florida to a new location approximately 10 miles away in Miami, Florida. The proposed activities of the office are the making, acquiring and servicing, for its own account and for the account of others, extensions of credit secured by liens on residential real estate. The previously approved activities of this office include the originating of 1–4 family residential mortgage loans. The previously approved service area, comprised of the entire State of Florida, would remain the same for the new activities.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: Imperial Bancorp, Ingelwood, California (leasing, finance, and finance advisory services; United States): to engage, through its subsidiary, Imperial Municipal Services Corporation, in making or acquiring, for its own account or the account of others, loans and other extensions of credit related to the financing of capital improvements and equipment acquisitions by state, county, and municipal government subdivisions; servicing such loans and other extensions of credit; leasing of personal or real property and acting as agent broker, or advisor in leasing such property to such entities in accordance with the Board's Regulation Y; acting as an investment or financing advisor for state and local governments. These activities would be conducted from an office in Inglewood, California, serving the entire United States. Comments on this application must be received not later than July 24, 1981.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, July 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20210 Filed 7-9-81; 8:45 am]

BILLING CODE 6210-01-M

Citizens Financial Services, Inc.; Formation of Bank Holding Company

Citizens Financial Services, Inc., Aurora, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank of Aurora, Aurora, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20200 Filed 7-9-81; 8:45 am]

BILLING CODE 6210-01-M

Consumer Advisory Council; Meeting of Consumer Advisory Council

The Consumer Advisory Council will meet on Wednesday, July 29, and Thursday, July 30. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The July 29 session is expected to begin at 1 p.m. and to continue until 5 p.m. The July 30 session is expected to begin at 9 a.m. and to conclude at 1 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsbilities with regard to consumer credit legislation and regulation. Time permitting, the Council will consider the following topics:

1. *Alternative Mortgages and Variable Rate Loans:* A discussion of (1) how alternative mortgages, as well as variable rate consumer loans are disclosed under the Truth in Lending Act and Regulation Z, and (2) the types of information consumers would need to know about various indexes in order to comparison shop among variable rate transactions.

2. *Preemption of Usury Ceilings:* A discussion of state usury ceilings and whether they should be preempted by federal law.

3. *Delayed Funds Availability:* A discussion of the policies of financial institutions with respect to access to funds deposited by check.

4. *Proposed Truth in Lending Official Staff Commentary:* A general discussion of whether the proposed official staff commentary that will accompany Regulation Z provides creditors with an adequate degree of guidance for complying with the regulation.

5. *Federal Consumer Compliance Examination Procedures:* A discussion of a January 1981 report by the U.S. General Accounting Office on its 1979 audit of the consumer compliance examination procedures of the federal financial regulatory agencies.

Other matters previously considered by the Council or initiated by Council members also may be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending

written statements to Ms. Kay Oliver, Secretary, Consumer Advisory Council, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Comments must be received no later than close of business Friday, July 24, and must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452–3204.

Board of Governors of the Federal Reserve System, July 2, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-20211 Filed 7-9-81; 8:45 am]

BILLING CODE 6210-01-M

Michigan National Corp.; Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Bank of Lenawee County, Adrian, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20207 Filed 7-9-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancshares Inc.; Acquisition of Bank

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Mansfield State Bank, Mansfield, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20208 Filed 7-9-81; 8:45 am]

BILLING CODE 6210-01-M

York Bancorp; Formation of Bank Holding Company

York Bancorp, York, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The York Bank and Trust Company, York, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 2, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-20209 Filed 7-9-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81D-0061]

Androgens; Class Labeling Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a class labeling guideline for the professional labeling of androgens. Class labeling is appropriate for these products because they are all closely related in chemical structure, pharmacology, therapeutic activity, and adverse reactions. The guideline is intended to promote the use of identical professional labeling for each member of the androgen drug class.

DATE: Effective July 10, 1981, a person may adopt the class labeling guideline for androgen drug products and rely on it to meet FDA's professional labeling requirements for prescription drugs.

ADDRESSES: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Persons interested in obtaining copies of the guideline should contact Benjamin P. Lewis, Bureau of Drugs (HFD–177), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Benjamin P. Lewis, Jr., Bureau of Drugs (HFD–177), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6004.

SUPPLEMENTARY INFORMATION: FDA has prepared a guideline for the professional labeling of androgen drug products. The guideline labeling can be used for each product within the drug class because all drugs in the class are closely related in chemical structure, pharmacology, therapeutic activity, and adverse reactions. Use of the guideline constitutes compliance with §§ 201.56, 201.57, and 201.100 (21 CFR 201.56, 201.57, and 201.100) of the agency's regulations for the content and format of professional labeling for human prescription drugs.

The professional labeling of prescription drugs is required to contain the information and be in the format specified by §§ 201.56 and 201.57. The application of these regulations to drug products is proceeding under the schedule established in § 201.59 (21 CFR 201.59) (published in the **Federal**

Register of May 16, 1980; 45 FR 32550). As described more fully in § 201.59, the regulations apply to androgens as follows: (1) on April 10, 1981, to androgen drug products that are not subject to section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355), (2) on February 1, 1983, to androgen drug products that on December 26, 1979, were subject to an approved new drug application under section 505 of the act, and duplicates of those products, and (3) as of December 26, 1979, to any other androgen drug products for which marketing approval under section 505 of the act is sought from FDA. The agency recognizes that some manufacturers and distributors of drugs in the first category may have already revised their drugs labeling to comply with the regulations. The agency nonetheless encourages those persons to adopt the agency's guideline class labeling for androgens when practicable.

Class labeling guidelines should enhance the agency's regulatory program for prescription drugs. The guidelines will promote consistency in labeling among various drugs of the same drug class and help the agency review proposed labeling for new drugs and antibiotics. They will also help drug manufacturers prepare labeling for drugs they propose to market that is in compliance with legal requirements. Finally, class labeling will be most helpful to health care professionals who prescribe and dispense prescription drug products. Prescribers and dispensers must now compare the labeling for members of a drug class to determine the similarities and differences among the products in the class. Class labeling, which contains information about each member of the drug class, will eliminate the need for such comparisons.

The guideline that is the subject of this notice is intended to provide class labeling for the androgen drug class. The androgen guideline has been developed by the FDA, with the assistance of the agency's Endocrinologic and Metabolic Drugs Advisory Committee. At the time the guideline was being developed, the advisory committee consisted of the following members: Chairman, Mortimer B. Lipsett, M.D., Director, Clinical Center, National Institutes of Health, Bethesda, MD; Executive Secretary, A. T. Gregoire Ph.D., FDA; Richard Brand, Ph.D., Department of Biomedical and Enviromental Sciences, School of Public Health, University of California, Berkeley, CA; Walter Henry, M. D., Howard University College of Medicine, Washington, DC; Margaret MacGillivray, M.D., Professor of Pediatrics, SUNYAB School of Medicine, Children's Hospital of Buffalo, NY; Robert Neer, M.D., Associate Professor, Massachusetts General Hospital, Boston, MA; Lillian Recant, M.D. Professor of Medicine, Veterans Administration Hospital, Washington, DC; Simeon Margolis, M.D., Professor of Medicine, Johns Hopkins School of Medicine, Baltimore, MD; William H. Daughaday, M.D., Director, Metabolism Division, Department of Medicine, Washington University, St. Louis, MO. This guideline is appropriate as the basis for labeling for the following drugs in the androgen drug class in the route of administration identified in parentheses.

Fluoxymesterone (oral)
Methyltestosterone (oral) (buccal)
Testosterone (subcutaneous implant)
Testosterone cypionate (intramuscular)
Testosterone enanthate (intramuscular)
Testosterone propionate (intramuscular) (buccal)

This guideline is the second FDA has prepared as part of a larger effort to develop guideline professional labeling for 32 classes of prescription drug products. The first to be published as part of this effort was the class labeling guideline for single-entity barbiturates, which appeared in the Federal Register of November 18, 1980 (45 FR 76356). The agency's justification and rationale for developing class labeling guidelines as well as a description of the procedures followed in developing the text of the labeling was described in the November 18, 1980 notice. In the future FDA intends to develop and make available guideline class labeling for the following drug classes:

Aminoglycosides
Anesthetics—local
Anorectics-nonamphetamines
Anticoagulants—oral
Anticholinergics—centrally active
Anticholinergics—synthetic
Antidepressants
Antihistamines
Antipsychotics
Benzodiazepines
Cardiac glycosides
Cephalosporins
Corticosteroids—topical
Diagnostic intravenous radiopaques
Diagnostic oral radiopaques
Erythromycins
Glucocorticoids
Insulins
Narcotic analgesics
Neuromuscular blocking drugs
Penicillins—G & V
Penicillins—penicillinase-resistant
Penicillin—semisynthetic
Potassium preparations
Quinidine salts
Rauwolfia alkaloids
Sulfonamides
Tetracyclines
Thiazides
Thyroids

This notice is issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to establish procedures of general applicability that are not legal requirements, but are acceptable to the agency. A person who follows this guideline is assured that his or her conduct is acceptable to the agency. The agency advises that the class labeling guideline for androgen drug products complies with the prescription drug labeling regulations in §§ 201.56, 201.57, and 201.100 and can be relied upon by any person to meet these requirements. Under the provisions of § 314.8(d) (21 CFR 314.8(d)), the guideline labeling may be used before approval of a supplement to a new drug application. A person may choose to use alternative labeling statements that are not provided for in the guideline. If a person chooses to depart from the guideline, he or she may discuss the matter further with the agency to prevent expenditure of money and effort for labeling that the agency may later determine to be unacceptable.

Effective July 10, 1981, a person may adopt the class labeling guideline for androgen prescription drug labeling requirements. Interested persons may submit written comments on the guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Comments will be considered in determining whether future amendments to or revisions of the guideline are warranted. Comments should be in four copies except that individuals may submit single copies, identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Persons interested in obtaining copies of the guideline should contact Benjamin P. Lewis, Jr., Bureau of Drugs (HFD-177), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Dated: July 2, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-20050 Filed 7-9-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 75N-0185; DESI 3265]

Isometheptene Mucate Tablets and Isometheptene Hydrochloride Solution Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application (NDA 6-420) for Octin Tablets containing isometheptene mucate and Octin Solution for Injection containing isometheptene hydrochloride, formerly marketed by Knoll Pharmaceutical Co. The basis of the withdrawal is that the drug lacks substantial evidence of effectiveness. The drug products have been used as antispasmodics and for the treatment of migraine headache.

EFFECTIVE DATE: July 20, 1981.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product should be identified with the number DESI 3265 and directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Douglas I. Ellsworth, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In notices published in the **Federal Register** of June 18, 1971 (36 FR 11754), November 11, 1975 (40 FR 52649), and August 19, 1977 (42 FR 41917), FDA classified the various indications claimed for the following drug products as lacking substantial evidence of effectiveness:

NDA 6-420; Octin Tablets containing isometheptene mucate and Octin Solution for Injection containing isometheptene hydrochloride; Knoll Pharmaceutical Co., 30 North Jefferson Rd., Whippany, NJ 07981.

In each notice, the Director of the Bureau of Drugs proposed to withdraw approval of those parts of NDA 6-420 that provide for the indications classified as lacking substantial evidence of effectiveness, and offered an opportunity for a hearing on the proposals. In response to the opportunity for hearing offered in the November 11, 1975 notice, Knoll filed a written notice of appearance and request for a hearing concerning the use of Octin in the treatment of migraine headache. Knoll did not avail itself of the opportunity for a hearing on any other indications and such indications were no longer allowed in labeling. On March 12, 1981, Knoll withdrew its request for a hearing.

Accordingly, because the migraine headache indication is the only remaining indication for Octin, approval of the new drug application for these products is now being withdrawn.

Any drug product that is identical, related, or similar to the drug products named above and is not the subject of an approved new drug application is covered by the new drug application reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance at the address given above.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053 as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82), finds that, on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Therefore, pursuant to the foregoing findings, approval of NDA 6-420 and all its amendments and supplements is withdrawn effective July 20, 1981.

Shipment in interstate commerce of the products for which approval is withdrawn or of any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: May 26, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-20062 Filed 7-9-81; 8:45 am]

BILLING CODE 4110-03-M

[FDA 225-81-2000]

Research Programs for Fishery Products; Memorandum of Understanding with the National Marine Fisheries Service

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the National Marine Fisheries Service. The purpose of the memorandum is to make more efficient use of Federal resources supporting research programs for fishery products.

DATE: The memorandum of understanding became effective May 22, 1981.

FOR FURTHER INFORMATION CONTACT: Walter J. Kustka, Intergovernment and Industry Affairs Staff (HFC-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1583.

SUPPLEMENTARY INFORMATION: FDA's policy is to publish in the **Federal Register** all agreements and memoranda of understanding between FDS and others (21 CFR 20.108(c)). Therefore, the agency is publishing the following memorandum of understanding:

Memorandum of Understanding Between National Marine Fisheries Service and the Food and Drug Administration Relative to Research Programs for Fishery Products

I. Purpose

The purpose of this Memorandum of Understanding is to improve and increase the cooperation/coordination of research efforts, avoid duplication, and make more efficient use of Federal resources supporting research programs for fishery products that are of joint interest to the National Marine Fisheries Service and the Food and Drug Administration. It sets forth the working arrangements which are to be followed or adopted to enable each agency to discharge, as effectively as possible, its responsibilities related to research activities for fishery products.

II. Background

The Food and Drug Administration (FDA) of the Department of Health and Human Services is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act and Fair Packaging and Labeling Act. In fulfilling its responsibilities under these Acts, FDA directs its activities toward the protection of the public health and welfare of the Nation by ensuring that foods, including fish, are safe, wholesome and properly labeled. This is accomplished by: promulgating regulations dealing with the safety, quality and identity of seafood; establishing tolerances and guidelines for contaminants; inspecting the processing and distribution of foods; examining samples thereof to assure compliance with the Acts, and conducting research in the furtherance and improvement of the foregoing activities.

The National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, under

authorities established by the Agricultural Marketing Act, the Fish and Wildlife Act, the National Ocean Pollution Research and Development and Monitoring Act of 1978 and the Marine Protection, Research and Sanctuaries Act of 1972, is responsible for the development and maintenance of a comprehensive information base necessary to assure the safety, quality and identity of the supply of seafood to U.S. consumers. The two agencies have certain common or related objectives in conducting their respective research activities necessary to fulfill their responsibilities.

III. Substance of Agreement

A. *Areas of Research.* The areas of research included in this Memorandum of Understanding cover those activities of mutual concern related to the safety, quality, nutrition and labeling requirements for fish and shellfish products.

B. *Mechanisms for Cooperative/Coordinated Research.* Each agency will designate a central contact to whom communications dealing with this agreement or matters affected thereby, may first be referred to for attention. These persons will maintain continuing liaison with the other agency for the purpose of coordinating research programs of mutual concern, and shall establish a procedure for appropriate coordination of these programs. When either agency is unable to carry out any or all of its responsibilities under this Memorandum of Understanding, immediate notification should be provided to the other agency.

Both agencies will cooperate, where deemed appropriate, in planning and conducting research necessary to (1) assess the nature, level and significance of natural, environmental, and process-induced deleterious materials in fish and fishery products, (2) develop information concerning the quality and nutritional value of these products; and (3) provide the basis for their improved labeling. For these purposes, a research committee composed of four scientists from each agency will be established and will meet at six-month intervals to: determine extramural research needs of interest to both agencies; recommend joint research projects; recommend project assignments to the appropriate agency; recommend development of appropriate interagency agreements for transfer of funds for support of in-house or extramural research of interest to both agencies; develop joint analytical quality assurance programs; and review progress of in-house and extramural research of interest to both agencies. Chairperson responsibilities will rotate between the two agencies at yearly intervals.

Meetings, as necessary, will also be held by appropriate laboratory and staff personnel in the furtherance of these activities of mutual interest. Each agency will keep its customary records and make those related to the operation of this Memorandum of Understanding available to the other agency as mutually agreed upon.

C. *Supplemental Agreements.* Nothing in this Memorandum of Understanding modifies other existing agreements or Memorandum of Understanding, nor does it preclude entering into separate agreements setting forth procedures for special programs which can be handled more efficiently and expeditiously by such other arrangements.

IV. Name and Address of Participating Agencies

A. National Marine Fisheries Service, Page Building 2, 3300 Whitehaven St. NW, Washington, DC 20235

B. Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857

V. Liaison Officers

A. For the National Marine Fisheries Service: Chief, Seafood Research, Inspection and Consumer Services Division (Currently Mr. Thomas J. Billy), Page Building 2, 3300 Whitehaven St. NW, Washington, DC 20235, Telephone: (202) 634–7458.

B. For the Food and Drug Administration: Deputy Associate Director for Physical Sciences, HFF–401 (Currently Charles F. Jelinek, Ph.D.), Bureau of Foods, Food and Drug Administration, 200 C St. SW, Washington, DC 20204, Telephone: (202) 245–1307.

VI. Period of Agreement

This agreement, when accepted by both parties, will be effective from the date of the last signature and will continue indefinitely. It may be modified by mutual consent or may be terminated by either party upon a 30 day advance written notice to the other.

Approved and accepted for the National Marine Fisheries Service:

Terry L. Leitzell,

Assistant Administrator for Fisheries.

Dated: May 8, 1981.

Approved and accepted for the Food and Drug Administration:

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

Dated: May 22, 1981.

Effective date. This memorandum of understanding became effective May 22, 1981.

Dated: July 2, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-20061 Filed 7-9-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0182]

The Diversey Corp; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Diversey Wyandotte Division of the Diversey Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of elemental iodine, potassium iodide, and isopropanol as components of a sanitizing solution to be used on food contact surfaces.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP OH3484) has been filed by Diversey Wyandotte Division of the Diversey Corp., 1532 Biddle Ave., Wyandotte, MI 48192, proposing that § 178.1010 *Sanitizing solutions* (21 CFR 178.1010) be amended to provide for the safe use of elemental iodine, potassium iodide, and isopropanol as components of a sanitizing solution for use on food contact surfaces.

The agency has carefully considered the potential environmental effects of this proposed action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)) may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 26, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-19913 Filed 7-9-81; 8:45 am]

BILLING CODE 4110-03-M

Health Resources Administration

Delegations of Authority

Notice is hereby given that the Acting Administrator, Health Resources Administration, has made the following delegations of authority under Title VII of the Public Health Service Act (42 U.S.C. 292 *et seq.*), Section 332 of the Public Health Service Act (42 U.S.C. 254e), and Pub. L. 94-484, the Health Professions Educational Assistance Act of 1976:

1. Delegation from the Acting Administrator, Health Resources Administration, to the following HRA officials of authorities delegated to the Administrator, Health Resources Administration, by the Acting Assistant Secretary for Health on March 27, 1981 (46 FR 21699-21700), under Title VII of the Public Health Service Act, as amended:

(a) The Director, Bureau of Health Professions, Health Resources Administration, has been delegated the below listed authorities under Title VII of the Public Health Service Act, as amended:

(1) Part A, Title VII of the Public Health Service Act, concerning the administration of the general provisions under Title VII, excluding certain authorities under Section 708 which are to be coordinated with the National Center for Health Statistics, Office of the Assistant Secretary for Health, and certain authorities under Section 711 which pertain to the administration of Title VII programs assigned to the Health Services Administration;

(2) Part C, Subpart III, Title VII of the Public Health Service Act, providing for traineeships for students in schools of public health and other graduate programs;

(3) Section 751(j) of the Public Health Service Act, providing for participation and consultation regarding the administration of scholarships and grants with respect to the National Health Service Corps Scholarship Program;

(4) Part D, Title VII of the Public Health Service Act, providing for grants to provide professional and technical training in the field of family medicine;

(5) Part E, Title VII of the Public Health Service Act, providing for grants to improve the quality of schools of medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy, and podiatry;

(6) Part F, Title VII of the Public Health Service Act, providing for grants and contracts for programs and projects, excluding the authority under Section 785, certain authorities under Section 790 which pertain to the administration of Title VII programs assigned to the Centers for Disease Control, and Section 787; and

(7) Part G, Title VII of the Public Health Service act, providing for programs for personnel in health administration and in allied health, excluding the responsibilities under Section 793 which are to be coordinated with the National Center for Health Statistics, Office of the Assistant Secretary for Health, and Section 798.

(b) The Director, Bureau of Health Facilities, Health Resources Administration, has been delegated the authority under Part B, Title VII of the Public Health Service Act, providing for grants and loan guarantees and interest subsidies for construction of teaching facilities for medical, dental, and other health personnel.

(c) The Associate Administrator, Office of Health Resources Opportunity Program, Health Resources Administration, has been delegated the authority under Section 787 of the Public Health Service Act, providing for grants and contracts for educational assistance to individuals from disadvantaged backgrounds, and the authority under Section 798 of the Public Health Service Act, providing for educational assistance to disadvantaged individuals in allied health training.

The above listed authorities may be redelegated to HRA Central Office personnel only, with further redelegation prohibited.

This delegation has superseded the portion of HRA Delegation No. 43, dated March 5, 1977, made by the Administrator, Health Resources Administration, to the Director, Bureau of Health Manpower, the Director, Bureau of Health Facilities Financing, Compliance, and Conversion, and the Director, Office of Health Resources Opportunity, as it pertains to authorities under Title VII of the Public Health Service Act. Provision has been made for previous delegations and redelegations of authority under Title VII of the Public Health Service Act to officials within the Health Resources Administration to continue in effect for no more than 60 days from the effective date of this delegation, provided they are consistent with this delegation.

The Title VII delegation was effective on May 13, 1981.

2. Delegation from the Acting Administrator, Health Resources Administration, to the Director, Bureau of Health Professions, Health Resources Administration, of authority under Section 332 of the Public Health Service Act, as amended, providing for the designation of health manpower shortage areas, excluding the authority under Section 332(h). The Section 332 authority was delegated to the Administrator, Health Resources Administration, by the Assistant Secretary for Health on June 20, 1977 (42 FR 36311-36312).

This authority may be redelegated to HRA Central Office personnel only, with further redelegation prohibited.

This delegation has superseded the portion of HRA Delegation No. 43, dated March 5, 1979, made by the Administrator, Health Resources Administration, to the Director, Bureau of Health Manpower, as it pertains to the authority under Section 332 of the Public Health Service Act. Provision has been made for previous redelegations of authority under Section 332 to officials within the Health Resources Administration to continue in effect, provided they are consistent with the delegation.

The Section 332 delegation was effective on May 13, 1981.

3. Delegation from the Acting Administrator, Health Resources Administration, to the Director, Bureau of Health Professions, Health Resources Administration, of the following authorities under Pub. L. 94-484, the Health Professions Education Assistance Act of 1976. These Pub. L. 94-484 authorities were delegated to the Administrator, Health Resources Administration, by the Assistant Secretary for Health on June 20, 1977 (42 FR 36311-36312):

(a) Authority under Section 702 (42 U.S.C. 295h-4) of Title VII of Pub. L. 94-484, providing for studies and statistical reports on allied health personnel. Authority under this Section is to be coordinated with the National Center for Health Statistics, Office of the Assistant Secretary for Health.

(b) Authority under Section 802 (42 U.S.C. 295g-1) of Title VIII of Pub. L. 94-484, providing for a report on area health education centers.

(c) Authority under Section 903 (42 U.S.C. 292h) of Title IX of Pub. L. 94-484, providing for a study relating to chiropractic health professions.

(d) Authority under Section 904 (42 U.S.C. 292h) of Title IX of Pub. L. 94-484, providing for studies in bilingual and bicultural awareness.

(e) Authority under Section 906 (8 U.S.C. 29) of Title IX of Pub. L. 94–484, providing for the development of data to make determinations for labor certification of foreign medical students.

(f) Authorities under Section 212(a)(32) and 212(j) (8 U.S.C. 1182(a)), Immigration and Nationality Act, as amended by Pub. L. 94–484, providing for limitation on immigration of foreign medical graduates.

These authorities may be redelegated to HRA Central Office personnel only, with further redelegation prohibited.

This delegation has superseded the portion of HRA Delegation No. 43, dated March 5, 1979, made by the Administrator, Health Resources Administration, to the Director, Bureau of Health Manpower, as it pertains to the authorities under Pub. L. 94–484. Provision has been made for previous redelegations of authority under Pub. L. 94–484 to officials within the Health Resources Administration to continue in effect, provided they are consistent with this delegation.

The Pub. L. 94–484 delegation was effective on May 13, 1981.

Dated: June 24, 1981.

Robert Graham,

Acting Administrator, Health Resources Administration.

[FR Doc. 81-20190 Filed 7-9-81; 8:45 am]

BILLING CODE 4110-83-M

Public Health Service

National Toxicology Program; Chemicals (13) Nominated for Toxicological Testing; Request for Comments

SUMMARY: On April 8, 1981, the Chemical Evaluation Committee of the National Toxicology Program (NTP) reviewed 13 chemicals nominated for toxicological testing and made recommendations as to types of testing to be performed. The evaluation of nominated chemicals by the Committee constitutes an integral part of the NTP chemical nomination and selection process. This notice lists the 13 chemicals evaluated by the Committee and requests public comment on these chemicals.

FOR FURTHER INFORMATION AND SUBMISSION OF COMMENTS CONTACT: Dr. Dorothy Canter, Assistant to the Director, National Toxicology Program, Room 2B–55, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–3511.

SUPPLEMENTARY INFORMATION: As part of the chemical selection process of the National Toxicology Program (NTP), nominated chemicals which have been reviewed by the NTP Chemical Evaluation Committee (CEC) are published with request for comment in the **Federal Register** and *NTP Technical Bulletin*. This enables outside individuals and groups to participate in the NTP evaluation process thereby helping the NTP to make better informed decisions as to whether to select, reject, or defer chemicals for testing.

The comments and data supplied as a result of this request for information are reviewed and summarized by NTP technical staff and made available to both the NTP Board of Scientific Counselors for its evaluation of nominated chemicals and to the NTP Executive Committee for decision making. The NTP chemical selection process is summarized in the **Federal Register**, April 14, 1981 (46 FR 21828).

On April 8, 1981, the CEC met to evaluate thirteen chemicals nominated to the NTP for testing. The following table lists the chemicals, their Chemical Abstracts Service (CAS) registry numbers, and the types of testing recommended by the CEC at the April 8 meeting.

Chemical	CAS No.	Committee recommendation
1. Benzethonium chloride.	121-54-0	Battery of short term mutagenicity tests; Reproductive effects; Carcinogenicity.
2. Benzotrichloride	98-07-7	Carcinogenicity.
3. Benzoyl chloride	98-88-4	In vitro cytogenetics; *Drosophila* studies; Sister chromatid exchange; Carcinogenicity (including other chronic effects).
4. t-Butyl perbenzoate.	614-45-9	Battery of short term mutagenicity tests; Reproductive effects; Carcinogenicity.
5. Butyric anhydride	106-31-0	No testing recommended.
6. m-Chloroaniline	108-42-9	Battery of short term mutagenicity tests; Reproductive effects; Carcinogenicity.
7. Methyltrifluoromethane sulfonate.	333-27-7	*Salmonella* assay; Mammalian cell mutagenesis; Strain A mouse lung adenoma assay.
8. Ninhydrin	485-47-2	*Salmonella* assay.
9. o-Phenanthroline	66-71-7	Battery of mutagenicity tests.
10. Tetrachlorophthalic anhydride.	117-08-8	In vitro cytogenetics; *Drosophila* studies; Carcinogenicity.
11. Triethanolamine	102-71-6	Battery of short term mutagenicity assays (excluding *Salmonella* assay); Metabolism; Reproductive effects; Carcinogenicity.
12. 2,4,5-Trimethoxybenzaldehyde.	4460-86-0	Battery of short term mutagenicity tests; Reproductive effects; Carcinogenicity.
13. Turmeric	458-37-7	*Salmonella* assay (performed in conjunction with same assay on curcumin and on water-alcohol extract of turmeric).

Interested parties are requested to submit pertinent information. Of particular relevance are the following types of data:

(1) Completed, ongoing and/or planned toxicological testing in the private sector including detailed protocols and, in the case of completed studies resultant data.

(2) Modes of production; present production levels and potential for occupational exposure.

(3) Uses and resulting exposure levels, where known.

(4) Results from toxicological studies of structurally related compounds.

Kindly submit such information in writing by August 10, 1981. Submissions received after this date, however, will be accepted and utilized where possible.

Dated: July 2, 1981.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 81-20204 Filed 7-9-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-27283]

Alaska Native Claims Selection; Cook Inlet Region, Inc.

The document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Public Law (P.L.) 94–204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of P.L. 95–178 (91 Stat. 1369) authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance and to issue immediately thereafter a revised conveyance reflecting such reservation.

On July 24, 1979, Patent No. 50–79–0123 and Interim Conveyance No. 215 were issued to Cook Inlet Region, Inc.,

for 1,876.42 acres and 62.34 acres, respectively, of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Sec. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(e), 1621(j)) (ANCSA), and Sec. 12(c) of P.L. 94–204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of P.L. 95–178 (91 Stat. 1369) and are described as follows:

PATENT NO. 50–79–0123 OF JULY 24, 1979

Seward Meridian, Alaska

T. 19 N., R. 3 E.,
Sec. 15, S½NE¼, N½NW¼, SE¼NW¼, S½;
Sec. 19, Lots 5, 16, and 20, SE¼SW¼;
Sec. 20, Lots 3, 4, 7, and 9, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 22, W½NE¼;
Sec. 29, E½NW¼;
Sec. 30, Lot 6;
Sec. 31, Lots 3 and 4.
Containing 1,286.65 acres.

T. 19 N., R. 5 E.,
Sec. 4, Lots 4, 13, 14, 15, 17, 18, 19, 20, 31, 32, 33, 34, 35, 36, 37, and 38, NE¼NW¼ NW¼, E½NW¼ NW¼NW¼, E½W½NW¼NW¼NW¼, S½NW¼NW¼, SW¼NW¼, N½N½SW¼.
Containing 183.09 acres.

T. 20 N., R. 6 E.,
Sec. 13, Lots 2 and 3;
Sec. 16, Lots 1, 2, 3, 4, and 5;
Sec. 27, Lots 1 and 2.
Containing 326.97 acres.

T. 20 N., R. 7 E.,
Sec. 16, Lots 2 and 3.
Containing 79.71 acres.

Aggregating 1,876.42 acres.

INTERIM CONVEYANCE NO. 215 OF JULY 24, 1979

Seward Meridian, Alaska (Surveyed)

T. 19 N., R. 3 E.,
Sec. 15, Tracts B, C, and D of ASLS 78–97.
Containing approximately 25.65 acres.

T. 20 N., R. 6 E.,
Sec. 13, W½ of Lot 1.
Containing approximately 15 acres.

T. 20 N., R. 7 E.,
Sec. 16, W½ and W½E½ of Lot 1.
Containing approximately 21.69 acres.
Aggregating approximately 62.34 acres.

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–27993, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 3 c5) An easement for an existing road, sixty (60) feet in width, beginning at the old mining community of Eska in section 16, T. 19 N., R. 3 E., Seward Meridian, and proceeding northwesterly through the Native conveyance area to State lands. The uses allowed are those listed above for a sixty (60) foot wide road easement.

b. (EIN 4 L) An easement for an existing powerline right-of-way, thirty (30) feet in width, paralleling and crossing the Glenn Highway in section 4, T. 19 N., R. 5 E., Seward Meridian. This easement shall afford the right-of-way holder, Matanuska Electric Association, Inc., the authority to maintain and operate the existing powerline facility where said facility traverses Native lands. No other uses shall be allowed.

c. (EIN 12b D9, L) An easement for an existing trail, twenty-five (25) feet in width, which traverses the Native conveyance in section 16, T. 20 N., R. 6 E., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

When this decision becomes final, revised conveyance documents will be issued to Cook Inlet Region, Inc., for the above-described lands reflecting the easements identified above. The revised conveyance documents will remain subject to all other rights, terms, conditions, and covenants contained in Patent No. 50–79–0123 and Interim Conveyance No. 215, respectively.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the *Anchorage Times*. Any party known or unknown who is adversely affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until August 10, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81–20223 Filed 7–9–81; 8:45 am]
BILLING CODE 4310–84–M

[INT DEIS 81–29]

Draft Westside Salem Timber Management Environmental Impact Statement; Notice of Public Hearings and DEIS Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Public hearings on Westside Salem Timber Management DEIS.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a draft environmental impact statement for the Westside Salem EIS area. The proposal involves implementing a 10-year timber management plan on public lands on the Columbia and Alsea-Rickreall Sustained Yield Units of the Salem District in western Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW., Washington, D.C. 20240

Bureau of Land Management, Office of Public Affairs, 729 N.E. Oregon Street, Portland, OR 97208

Bureau of Land Management, Salem District Office, 1717 Fabry Road SE., Salem, OR 97302

Oregon State Library, State Library Building, Salem, OR 97310
Oregon State University Library, Government Document Section, Corvallis, OR 97331
Portland State University Library, 724 SW. Morrison, Portland, Oregon 97201
University of Oregon Library, Government Document Section, Eugene, OR 97403
Corvallis Public Library, 645 NW. Monroe, Corvallis, Oregon 97330
Linn-Benton, Community College Library, Albany, OR 97321
Corvallis Public Library, 645 N.W. Monroe, Corvallis, OR 97330
Dallas Public Library, 187 SW Court, Dallas, OR 97338
Hillsboro Public Library, 775 SE. 10th, Hillsboro, OR 97123
St. Helens Public Library, The Plaza, St. Helens, OR 97051
Tillamook County Library, 210 Ivy, Tillamook, OR 97141
McMinnville Public Library, 230 W. 2nd, McMinnville, OR 97218
Multnomah County Library, 801 SW. 10th Portland, OR 97205
Newport Public Library, 251 W. Olive, Newport, OR 97365
Salem Public Library, 585 Liberty SE., Salem, OR 97302

A limited number of copies are available upon request from the Bureau of Land Management, Oregon State Office, or the Salem District Office, at the above addresses.

Oral and/or written testimony will be accepted at a public hearing held at 1:00 and 7:00 p.m., August 25, 1981 at the BLM District Office, 1717 Fabry Road in Salem, Oregon.

Written comments on the Draft EIS may be sent to: Salem District Manager, c/o EIS Team (922), Bureau of Land Management, Portland, P.O. Box 2965, Portland, OR 97208.

For further information contact: Richard Bonn, Team Leader, Oregon State Office, Telephone (503) 231–6953.

Dated: July 2, 1981.

Philip C. Hamilton,

Chief, Division of Planning and Environmental Coordination.

[FR Doc. 81–20142 Filed 7–9–81; 8:45 am]

BILLING CODE 4310–84–M

[N–27612]

Nevada; Proposed Withdrawal and Opportunity for Public Hearing

Correction

In FR DOC. 81–17146 appearing at page 30704 in the issue of Wednesday, June 10, 1981, please make the following changes:

(1) On page 30704, third column, in the land description, first line, "T. 17S., R. 60E." should be changed to read, "T. 17S., R. 50E."

(2) On page 30704, third column, in the land description, ninth line, "Sec. 2, Lots 1 and 2, S¼NE½" should be corrected to read, "Sec. 2, Lots 1 and 2, S½NE¼".

(3) On page 30704, third column, last paragraph, third line, "2764" should be changed to read "2754".

BILLING CODE 1505–01–M

[OR 20169]

Oregon; Termination of Proposed Withdrawal and Reservation of Lands

Notice of a Bureau of Land Management, U.S. Department of the Interior application, OR 20169, for withdrawal and reservation of lands was published in FR Doc. 79–15400 on Page 28886 of the issue of May 17, 1979. The purpose of the proposed withdrawal was to protect the lands involved for land exchange. The applicant agency has cancelled the application in its entirety. The lands involved are described as follows:

Willamette Meridian

T. 36 S., R. 36 E.,
Sec. 5, Lots 3 and 4, S½NW¼, and N½SW¼;
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8;
Sec. 18, Lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 20;
Sec. 30, Lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 32.
T. 37 S., R. 36 E.,
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8;
Sec. 17, NW¼SW¼ and S½S½;
Sec. 18, Lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 19, Lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 20;
Sec. 21, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 22;
Sec. 24, SW¼NW¼, W½SW¼;
Sec. 25, SE¼NE¼, S½NW¼, SW¼, and SW¼SE¼;
Secs. 26 and 35.
T. 35 S., R. 37 E.,
Sec. 17, N½, E½SW¼, and SE¼;
Sec. 18, Lots 1, 2, 3, and 4, NE¼, E½W½, and W½SE¼;
Sec. 19, Lots 1, 2, 3, and 4, E½W½, and W½E½;
Sec. 30, Lots 1, 2, 3, and 4 and E½NW¼;
Sec. 31, Lots 1 and 2 and E½E½;
Sec. 32;
Sec. 33, W½NW¼;
Sec. 34.
T. 36 S., R. 37 E.,
Sec. 5, Lots 2, 3, and 4, SW¼NW¼, and NW¼SW¼;
Sec. 7, Lots 1, 2, 3, and 4, NW¼NE¼, and NE¼NW¼;
Sec. 8;
Sec. 18, Lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 20;
Sec. 30, Lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 32.
T. 27 S., R. 37 E.,
Sec. 30, Lots 18, 20, and 21;
Sec. 31, Lots 2, 3, 4, 7, 10, 11, and 14 to 23 incl.
T. 38 S., R. 38 E.,
Sec. 13, Lot 1 and NE¼SE¼.
T. 38 S., R. 39 E.,
Sec. 18, Lots 4 and 5, E½SW¼, and SW¼SE¼;
Sec. 19, W½NE¼ and NE¼NW¼.

The areas described aggregate 18,459.79 acres in Harney and Malheur Counties, Oregon.

By Notice of Realty Action, OR 18773, which was published as FR Doc. 81–13053 on Page 24311 of the issue of April 30, 1981, the above described lands remain segregated from operation of the public land laws generally, including the United States mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

Dated: June 26, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–20191 Filed 7–9–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 6353 (WASH)]

Washington; Termination of Disposal Classification

1. By Order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on October 8, 1970 (35 FR 15858), the following described public land was classified for disposal through exchange pursuant to Section 2 of the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1412):

Willamette Meridian

T. 10 N., R. 31 E.,
Sec. 4, Lots 1, 2, S½NE¼.
T. 11 N., R. 31 E.,
Sec. 20, E½;
Sec. 22, SW¼;
Sec. 28.

The areas described aggregate 1,274.29 acres in Franklin County, Washington.

2. The above-described public land has been eliminated from any exchange proposal; accordingly, pursuant to 43 CFR 2461.5(c)(2), the classification is terminated upon publication of this notice in the **Federal Register.**

3. At 10:00 a.m., on August 10, 1981, the above-described public land will be

relieved of the segregative effect of the above mentioned classification order.

Dated: June 26, 1981.

Paul M. Vetterick,

Associate State Director.

[FR Doc. 81-20192 Filed 7-9-81; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Reality Action; Sales of Public Land

July 2, 1981.

Pub. L. 96-586, enacted December 23, 1981, authorizes and directs the sale of certain public lands in and around Las Vegas, Nevada. The following described parcels of land, lying within the area defined by the act, have been nominated for sale in 1981:

T. 20 S., R. 60 E., Mount Diablo Meridian

	Acres
Section 4	
1. NE¼NE¼SW¼SW¼	2.5
2. NW¼NW¼SW¼SW¼	2.5
3. SE¼NW¼SW¼SW¼	2.5
4. SE¼SW¼SW¼SW¼	2.5
5. NW¼NE¼SE¼SW¼	2.5
Section 9	
6. NE¼NE¼NE¼NE¼	2.5
7. N½NW¼NE¼NE¼	5
8. SW¼NE¼NE¼NE¼, SE¼NW¼NE¼NE¼	2.5
9. E½SE¼NE¼NE¼	5
10. E½SW¼NE¼NE¼	5
11. SE¼SE¼NW¼NE¼	2.5
12. SW¼NE¼NW¼NE¼	2.5
13. E½NW¼NW¼NE¼	5
14. NE¼NE¼NE¼NW¼	2.5
15. SW¼NW¼NE¼, W½SE¼NW¼NE¼, E½SE¼NE¼NW¼	20
16. SW¼SE¼NE¼NW¼	2.5
17. N½SW¼NE¼NW¼	5
18. SW¼NW¼NE¼NW¼, SE¼NE¼NW¼NW¼	5
19. N½NE¼NW¼NW¼	5
20. NW¼SE¼NE¼NE¼	2.5
21. NW¼NW¼NW¼, N½SW¼NW¼NW¼	15
22. S½SE¼NW¼NW¼	5
23. NW¼NE¼SW¼NW¼	2.5
24. W½NW¼SW¼NW¼	5
25. N½SW¼SW¼NW¼	5
26. S½NE¼SW¼NW¼, SE¼SW¼NW¼	15
27. W½NW¼SE¼NW¼	5
28. SE¼NW¼SE¼NW¼, NE¼SW¼SE¼NW¼	5
29. S½NE¼SE¼NW¼	5
30. NE¼SE¼SE¼NW¼	2.5
31. NW¼NW¼SW¼NE¼	2.5
32. SW¼NE¼SW¼NE¼	2.5
33. N½SW¼SW¼NE¼	5
34. NE¼SE¼SW¼NE¼	2.5
35. SE¼NE¼SE¼NE¼, NE¼SE¼SE¼NE¼	5
36. S½SE¼SE¼NE¼	5
37. E½NE¼NE¼SE¼, N½NE¼SE¼NE¼SE¼, SW¼NE¼SE¼NE¼SE¼, SW¼NE¼NE¼SE¼, NW¼SE¼NE¼SE¼	11.875
39. SE¼SW¼SW¼NE¼, SW¼SE¼SW¼NE¼	5
40. NE¼NW¼SE¼, W½SE¼NW¼SE¼, E½W½NW¼SE¼	25
41. SW¼NW¼NW¼SE¼, NW¼SW¼NW¼SE¼	5
42. NE¼NE¼SW¼, N½SE¼NE¼SW¼	15
43. S½SW¼SE¼NW¼	5
44. NE¼NE¼NW¼SW¼	2.5
45. S½NW¼NE¼SW¼, SE¼NE¼NW¼SW¼, SW¼NE¼SW¼, E½SE¼NW¼SW¼	22.5
46. NW¼SE¼NW¼SW¼	2.5
47. S½NW¼NW¼SW¼, N½SW¼NW¼SW¼	10
48. SW¼SW¼NW¼SW¼	2.5
49. NW¼NE¼SW¼SW¼, NE¼NW¼SW¼SW¼	5
50. NW¼NW¼SE¼SW¼	2.5
51. S½NW¼SW¼SW¼, SW¼SW¼SW¼	15
52. NW¼SE¼SW¼SW¼	2.5
53. SE¼NE¼SW¼SW¼, NE¼SE¼SW¼SW¼, S½NW¼SE¼SW¼, N½SW¼SE¼SW¼	15
54. SE¼SE¼SW¼SW¼	2.5
55. NE¼SE¼SW¼, N½SE¼SE¼SW¼, W½NW¼SW¼SE¼, NW¼SW¼SW¼SE¼	22.5
56. SW¼SE¼SE¼SW¼	2.5
57. E½SW¼SW¼SE¼	5
58. S½NE¼SW¼SE¼, N½SE¼SW¼SE¼	10
59. NE¼NE¼SW¼SE¼, NW¼NW¼SE¼SE¼	5
60. SE¼SW¼NE¼SE¼, SW¼SE¼NE¼SE¼	5
61. S½NE¼SE¼SE¼, SE¼NW¼SE¼SE¼, E½SW¼SE¼SE¼, N½SE¼SE¼SE¼, SW¼SE¼SE¼SE¼, W½SE¼SE¼SE¼SE¼, SE¼SE¼SE¼SE¼SE¼	21.875
62. NW¼SW¼SE¼SE¼	2.5
63. SE¼SE¼SW¼SE¼	2.5
Section 10	
64. NE¼NE¼NW¼NW¼	2.5
65. W½NE¼NW¼NW¼, E½NW¼NW¼NW¼	10
66. SW¼NW¼NW¼NW¼	2.5
67. S½SW¼NW¼NW¼	5
68. S½SE¼NW¼NW¼, N½NE¼SW¼NW¼	10
69. SE¼NE¼SW¼NW¼	2.5
70. SW¼NW¼SW¼NW¼, NW½SW¼SW¼NW¼	5
71. SE¼SW¼NW¼	10
72. NE¼NE¼NW¼SW¼	2.5
73. SW¼NW¼NW¼SW¼	2.5
74. NW¼SE¼NW¼SW¼	2.5
Section 26	
75. W½NE¼NE¼NE¼, E½NW¼NE¼NE¼	10
76. SE¼NE¼NE¼	10
77. W½SW¼NE¼NE¼	5
78. E½NW¼NE¼	20
79. NW¼NW¼NE¼	10
80. E½NE¼NW¼	20
81. E½NW¼NE¼NW¼	5
82. W½W½NE¼NW¼, E½NW¼NW¼, E½W½NW¼NW¼	40
84. W½SW¼NW¼NW¼	5
85. W½NW¼SW¼NW¼	5
86. NE¼SW¼NW¼, NW¼SE¼NW¼	20
88. E½NE¼SE¼NW¼	5
89. SE¼SE¼NW¼	10
91. SW¼SW¼NW¼, W½SE¼SW¼NW¼	15
T. 21 S., R. 60 E., Mount Diablo Meridian	
Section 3	
100. Lots 25, 46, 47, 48, 49, 57, 58, 59, and 78	48.43
101. Lot 114	5.35
Section 10	
102. W½NE¼NW¼NW¼	5
103. W½NE¼SW¼SW¼	5
104. W½NW¼SE¼SE¼	5

Parcel numbers coincide with the last digit(s) of Bureau-assigned serial numbers N-33501 through N-33604; Parcel 1 is N-33501, Parcel 104 is N-33604. Eleven numbers are missing from the sequence. This results from the reconfiguration of various parcels.

The land, situated in the northwest quadrant of the Las Vegas Valley, has potential for residential development. Transfer of the land from Federal ownership will facilitate local land use planning and enhance its compatibility with adjoining private land uses. At least 400 acres, but not more than 697.50 acres, of the land herein described will be offered for sale initially at a public auction to be held in September, 1981, in Las Vegas.

General terms and conditions of the sale are:

1. The land will be sold subject to all valid existing rights such as power transmission line and telephone line easements and federally issued oil and gas leases.

2. The land will be sold subject to reservations for streets and roads both existing and proposed, in accordance with the Clark County road plan.

3. All land that is sold will be subject to applicable Clark County ordinances.

The land will be offered on the day of the sale utilizing oral bidding procedures. The highest oral bid will establish the purchaser. Adjoining landowners have no preference rights. The high bidder will be required to submit payment of at least 20 percent of the bid at the sale. The remainder shall be due within 30 days of the sale. Personal or certified checks, money orders, and cash will all be acceptable forms of payment. Only U.S. citizens and legally chartered U.S. corporations are eligible to purchase land offered at this sale. Specific information regarding the time and site of the auction, minimum acceptable bid for each parcel, and bidding procedures will be published in a sale brochure and made available to the public at least three weeks prior to the sale.

For a period of 45 days from the date of this notice, interested persons may submit comments regarding this sale to the Secretary of the Interior (LLM 320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary who may issue a final determination which vacates or modifies the sale. In the absence of any action by the Secretary, this notice will become the final determination of the Department of the Interior.

Dated: July 2, 1981.

William C. Calkins,

Acting District Manager.

[FR Doc. 81-20139 Filed 7-9-81; 8:45 am]

BILLING CODE 4310-84-M

[W-3889]

Wyoming; Proposed Continuation of Withdrawal

Correction

In FR Doc. 81-18643 appearing on page 32675 in the issue of Wednesday, June 24, 1981 the docket number in the heading which reads "[W-889]" should be changed to read "[3889]".

BILLING CODE 1505-01-M

National Park Service

Grizzly Bear Management Program for Yellowstone National Park; Notice of Intent To Prepare a Supplemental Draft Environmental Statement

AGENCY: National Park Service, Interior.

ACTION: Notice of Intent to Prepare a Supplement Draft Environmental Statement.

SUMMARY: In 1974 the National Park Service issued a draft environmental impact statement (DEIS) for a proposed grizzly bear management program at Yellowstone National Park. Comments were received on that draft. At about the same time, the Interagency Grizzly Bear Study Team began intensive research into grizzly bear habits, ecological relationships, habitat and similar interests that would aid in long-term management and perpetuation of a grizzly bear population. These investigations led first to identifying grizzly bears as a threatened species, and second to development of interagency guidelines for management involving grizzly bears in the greater Yellowstone area. Preparation of a final environmental statement was delayed pending the outcome of the most intensive part of this research. Such a long time has now elapsed since the DEIS was commented on that the National Park Service has decided to prepare a supplemental DEIS before preparing a final statement. The supplemental DEIS will incorporate the comments received on the original DEIS. Alternatives to be considered will include continuing the present management program, no action, eliminating grizzly bears from the Yellowstone ecosystem, further restrictions of visitor use, and maintaining grizzly bear populations by artificial feeding. The supplemental DEIS will discuss potential impacts of control actions on bears, the effects of natural food sources *versus* artificial sources, influences of management actions on bear populations, impacts on other natural resources in the park, influences on people including visitor safety, cultural resources, and effects on environmental pollution. The public is invited to suggest other issues, alternatives or impacts that it believes should be addressed in the supplemental DEIS. Such suggestions and comments will be received for 30 days following the publication of this notice, at the addresses given below. Because the above mentioned interagency guidelines incorporate present Yellowstone bear management policies, the National Park Service does not consider it necessary to hold a scoping meeting on the issues to be discussed.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Kasparek, Compliance Officer, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver Colorado 80225, telephone 303/234-4942.

Dated: June 26, 1981.

James B. Thompson,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 81-20216 Filed 7-9-81; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

Contract Negotiations With the Casper-Alcova Irrigation District and the City of Casper; Notice of Availability of a Proposed Water Service Contract and an Amendatory Contract for Public Review and Comment

The Department of the Interior, through the Bureau of Reclamation, has completed negotiation of the proposed water service contract with the Casper-Alcova Irrigation District and the city of Casper, Wyoming, for municipal water service to the city of Casper from the Kendrick Project, Wyoming, and the proposed amendment to contract Nos. 6-07-70-W0017 and 7-07-70-W0094, between the United States and the Casper-Alcova Irrigation District. The proposed water service contract and amendatory contract were prepared pursuant to the Act of June 19, 1902 (32 Stat. 388), and particularly section 9(c)(2) of the Reclamation Project Act of 1939 (53 Stat. 1187).

The proposed water service contract will provide the city of Casper with up to 7,000 acre-feet of water per year. The water is needed by the city of Casper as an additional supply of municipal water to supplement its existing water supply to meet its growing water demands due to increases in population.

The Kendrick Project, located in central Wyoming, was authorized by a finding of feasibility approved by the President on August 30, 1935, as an addition under the Reclamation Act of 1902. Major project features includes Seminoe Dam, Reservoir, and Powerplant; Alcova Dam, Reservoir, and Powerplant; the Casper Canal, laterals, and drainage works; and a power transmission system.

The Casper-Alcova Irrigation District is located along the northwesterly side of the North Platte River between the cities of Alcova and Casper in central Wyoming. The city of Casper is located in central Wyoming and is adjacent to the general service area of the district. The city's population is approximately 58,400 and is expected to increase to over 112,000 by the year 2000.

The 7,000 acre-feet of Kendrick Project water the district proposes to make available to the city will not reduce the district's irrigation water supply nor place additional demands upon the Kendrick Project. The water supply will be developed through proposed water conservation measures by the district. The district proposes to initiate a system improvement program which should yield more than the 7,000 acre-feet of water needed by the city annually.

The proposed water service rate to the city of Casper is $23 per acre-foot plus an operation and maintenance charge associated with the storage and delivery of water.

The proposed amendatory contract amends the district's contracts Nos. 6-07-70-W0017 and 7-07-70-W0094. District payments to the United States under contract No. 6-07-70-W0017, as amended, were to begin in 1983 and continue until their repayment obligation was repaid. The district's payments under contract No. 7-07-70-W0094 were to commence with the year following the last payment under contract No. 6-07-70-W0017. Under the proposed amendatory contract, the total repayment obligation under the district's existing contracts is to be made in three equal annual installments following execution of the proposed water service contract with the city of Casper.

For further information and copies of the proposed water service and amendatory contract, please contact Mr. David Wilde, Project Manager, Bureau of Reclamation, P.O. Box 1630, Mills, Wyoming 82644, telephone (307) 265-5550; Mr. Sam Hobbs, Utility Director, Casper Board of Public Utilities, 200 North David, Casper, Wyoming 82601, telephone (307) 235-8213; or Mr. Jack Miles, President, Casper-Alcova Irrigation District, Mills, Wyoming 82644, telephone (307) 234-8690.

Comments on the proposed contracts will be received up to 30 days from the date of this notice. All written correspondence concerning the proposed contracts is available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

Dated: July 6, 1981.

Clifford I. Barrett,

Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 81-20214 Filed 7-9-81; 8:45 am]

BILLING CODE 4310-09-M

Contract Negotiations With the Town of Taos, N. Mex.; Notice of Intent To Negotiate a Water Service Contract

The Department of Interior, through the Bureau of Reclamation (Bureau) intends to initiate negotiations with the town of Taos, New Mexico, in the San Juan-Chama Project for a long-term water service contract, pursuant to section 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1187). The San Juan-Chama Project, authorized as a participating project of the Colorado River Storage Project Acts of April 11, 1956 (70 Stat. 105) and June 13, 1962 (70 Stat. 96), provides an average annual yield of about 101,800 acre-feet of water from the upper tributaries of the San Juan River in Colorado for use in the Rio Grande Basin. Water is stored in the Heron Reservoir and released into the Chama River for down-stream municipal and industrial (M&I) purposes and irrigation. The original plan provided for furnishing a firm irrigation water supply to lands in the Cervo, Taos, Llano, and Pojoaque tributary units. Subsequently, it was determined that irrigation of some of the agricultural lands was not feasible and 13,330 acre-feet of water was reallocated to the following 13 entities, mostly for M&I use:

[In acre-feet]

Entity	Annual allocation
Santa Fe	5,605
Los Lunas	400
Espanola	1,000
Twining Water and Sanitation District	15
Los Alamos	1,200
Red River	60
Questa	200
Taos	400
Bernalillo	400
Belen	500
Northeastern New Mexico	3,000
Cuba	300
Llano Unit—San Juan Indian Extension	250
Total	13,330

The Bureau intends to offer a 40-year water contract to Taos to facilitate delivery of 400 acre-feet of supplemental water per year to the town. The proposed annual water charge and other terms and conditions of the contract will be in compliance with Reclamation law and Bureau policy.

All meetings scheduled by the Bureau with officials of the town of Taos for the purpose of discussing the terms and conditions for the proposed contract will be open to the general public as observers. Advance notice of meetings will be furnished to those parties who have submitted a written request for notification at least 1 week prior to a scheduled session. The public is invited to submit written comments on the form of the proposed contract for a 30-day period after the completed contract draft is made available to the public. However, unless significant public interest in the negotiations is generated by this notice and local news releases, the availability of the proposed form of contract for public review and comment may not be formally published through the **Federal Register** or other media.

Written comments and requests for information should be directed to Mr. William E. Berg, Jr., Repayment and Economics Branch, Bureau of Reclamation, 714 South Tyler, Suite 201, Amarillo, Texas 79101, or information may be requested by telephone, (806) 378-5430. All written correspondence concerning the proposed contract will be made available to the public pursuant to the Freedom of Information Act (80 Stat. 383), as amended.

Dated: July 6, 1981.

Clifford I. Barrett,

Assistant Commissioner of the Bureau of Reclamation.

[FR Doc. 81-20215 Filed 7-9-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-1 (Sub-102F)]

Chicago & North Western Transportation Co.—Abandonment—Near Wisconsin Rapids and Wausau, WI; Findings

June 26, 1981.

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided June 26, 1981, a finding, which is administratively final, was made by the Administrative Law Judge stating that, the public convenience and necessity permit (a) the abandonment by the Chicago and North Western Transportation Company (C&NW) of rail operations between Wisconsin Rapids, WI, and Marshfield, WI (milepost 142.5 near Wisconsin Rapids to milepost 166.6 at Marshfield), a distance of 25.1 miles, (b) the abandonment by C&NW of a line of railroad extending from milepost 142.5 near Wisconsin Rapids, WI, to milepost 11.0 at Arpin, WI, a distance of 11.2 miles, (c) the abandonment by C&NW of a line of railroad extending from milepost 37.5 at Marshfield, WI, to milepost 27.4 near Wausau, WI, a distance of 35.9 miles, and (d) the abandonment of 5.9 miles of other track (spur and switching), all of which are located in Wood and Marathon Counties, WI, subject to the conditions for the protection of employees discussed in *Oregon Short Line Railroad Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). C&NW shall keep intact all of the right-of-way, track, bridges, and drainage culverts on the Marshfield-Wausau line (milepost 37.5 at Marshfield to milepost 27.4 near Wausau), including the spurs and switching tracks at Marshfield, for a period of 120 days from the date the certificate is issued to permit any State or local government agency or other interested persons to negotiate acquisition for public use of all or any portion of this segment of the line. Because of the geological markers or survey markers on the rail line between Marshfield and Wausau (which serve as surveyor's basepoints) C&NW shall give the Wisconsin Department of Transportation at least 30 days notice before commencing the removal of any of the survey markers on the Marshfield-Wausau segment. The abandonment of the Wisconsin-Arpin line of railroad is further conditioned upon (a) the sale by C&NW of that segment of track to the Soo Line Railroad Company (Soo Line), upon terms agreeable to the parties, (b) the offer of sale by C&NW to either the Soo Line or to the shippers served, any spur track necessary to serve any shipper which C&NW presently serves on the Wisconsin Rapids-Arpin segment, including the spur serving the Sanna Division of Beatrice Foods, Inc., at Vesper, WI, and (c) the offer of sale by C&NW to the Sanna Division of Beatrice Foods, Inc., the land described in C&NW's lease No. 35088 (relating to the encroachment of Sanna Division's building upon C&NW's land at Vesper). If the Marshfield-Wausau segment of track is acquired by a successor short-line operator, the abandonment of the Marshfield-Wausau line of railroad is further conditioned upon (a) C&NW assigning all switching, interchange, and other trackage agreements it has with the Soo Line at Marshfield to the successor carrier, and (b) C&NW granting the successor carrier such trackage rights at Wausau as is necessary to allow a reasonable interchange of traffic between C&NW and the successor short-line operator, upon terms agreeable to the parties. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form

of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Mrs. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all of any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of any offer, and no request is made of the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 CFR Part 1121 as revised by Ex Parte No. 274 (Sub-No. 6), *Abandonment of Railroad Lines and Discontinuance of Service*, 45 FR 75144 (November 25, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20082 Filed 7-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-111F)]

Chicago & North Western Transportation Co., Abandonment in Oneida, Vilas, Iron, Ashland, and Bayfield Counties, WI and Gogebic County, MI; Findings

July 1, 1981.

Notice is hereby given pursuant to 49 U.S.C. 10903 that a decision decided July 1, 1981, a finding, which is administratively final, was made by the Administrative Law Judge stating that, the public convenience and necessity permit the abandonment by the Chicago & North Western Transportation Company of a line of railroad extending from milepost 256.0 near Rhinelander, WI, to milepost 166.0 near Washburn, WI, a distance of 127.6 miles, in Oneida, Vilas, Iron, Ashland, and Bayfield Counties, WI, and Gogebic County, MI. Abandonment is subject to the conditions for the protection of employees discussed in *Oregon Short Line Railroad Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), and further subject to conditions for removal of overhead highway bridges and pertinent abutments, and notification of the Wisconsin Department of Natural Resources prior to dismantling any portion of the line. A certificate of abandonment will be issued to the Chicago & North Western Transportation Company based on the above-described finding, 30 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continued payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Mrs. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all of any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of any offer, and no request is made of the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extension or modifications) is in effect. Information and procedure regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 CFR Part 1121 as revised by Ex Parte No. 274 (Sub-No. 6), *Abandonment of Railroad Lines and Discontinuance of Service*, 45 FR 75144 (November 25, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20083 Filed 7-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: July 7, 1981

In our recent decisions, an 18.5-percent surcharge was authorized on all owner-operators traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.3-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 6.8-percent surcharge for the bus carriers, or the 2.1-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m. July 10, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum,

and Gilliam. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

July 6, 1981.

Appendix-Fuel Surcharge

Base date and price per gallon (including tax)

Jan. 1, 1979 ..... 63.5 c

Date of current price measurement and price per gallon (including tax)

July 6, 1981 ..... 132.3 c

	Transportation performed by—			
	Owner-operator [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (ncluding taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.3	3.1	6.8	[3] 2.9
Percent surcharge allowed	18.5	3.1	6.8	[4] 2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-20297 Filed 7-9-81; 8:45 am]

BILLING CODE 7035-01-M

Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Abbott Laboratories, 14th & Sheridan Rd., North Chicago, IL 60064.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Abbott Hospitals, Inc.

(ii) Abbott Chemical, Inc.

(iii) Abbott Pharmaceutical, Inc. (The above subsidiaries are Puerto Rico Branches of Abbott incorporated in the State of Delaware.)

(iv) Sorenson Research Co., Inc., incorporated in the State of Utah.

(v) Abbott Laboratories Ltd.; Montreal, Canada, incorporated under the Federal Law of Canada and registered under the Canada Business Corporations Act.

1. *Parent Corporation:* Baker International Corporation, 500 City Parkway West, Orange, California 92668.

2. Wholly-Owned Subsidiaries:

Milchem Incorporated, Houston, Texas
Lynes, Inc., Houston, Texas
Exploration Logging, Inc., Sacramento, California
Totco, Norman, Oklahoma
Tri-State Oil Tool Industries, Inc., Bossier City, Louisiana
Reed American Products Company, Houston, Texas
Reed Rock Bit Company, Houston, Texas
Reed Tubular Products Company, Houston, Texas
Baker CAC, Inc., Belle Chasse, Louisiana
Bakerline, San Antonio, Texas
Baker Packers, Houston, Texas
Baker Production Service, Houston, Texas
Baker Sand Control, Houston, Texas
Baker Service Tools, Houston, Texas
Energy Service International, Inc., Houston, Texas
KOBE, Inc., Huntington Park, California
Baker Oil Treating, Houston, Texas
Galigher, Salt Lake City, Utah
Chas. S. Lewis & Co., Inc., St. Louis, Missouri
Ramsey Engineering Company, St Paul, Minnesota
Reedrill, Denison, Texas
Reed Mining Equipment, Houston, Texas
West Virginia Armature, Co., Glen Lyn, Virginia
Gradline, Inc., Woodinville, Washington
Pacific Concrete & Rock Company, Ltd., Honolulu, Hawaii
D. W. Zimmerman Mfg., Inc., Madison Heights, Michigan

1. Parent corporation and address of principal office: Bemis Company, Inc., 800 Northstar Center, Minneapolis, Minnesota 55402 (Incorporated in the State of Missouri)

2. Wholly-owned subsidiaries which will participate in the operations, and state of incorporation:

I. Curwood, Inc., 718 High Street, New London, Wisconsin 54961 (Incorporated in the State of Delaware)
II. Bemis Specialty Films Co., a Division of Bemis Company, Inc., P.O. Box 2968, Oshkosh, Wisconsin 54903
III. Custom Resins, a Division of Bemis Company, Inc., Henderson, Kentucky 42420
IV. Hayssen Manufacturing Company, Highway 42, North Sheboygan, Wisconsin 53081 (Incorporated in the State of Delaware)
V. Hayssen Manufacturing Company, Flex-Vac Division, 788 Bloomfield Ave., Clifton, New Jersey 07012 (Incorporated in the State of Delaware)
VI. Louisiana Plastics, Highway 54 West, Louisiana, Missouri 63353 (Incorporated in the State of Delaware)
VII. Lustour Corporation, 19th and Wall Streets, Murphysboro, Illinois 62966 (Incorporated in the State of Delaware)
VIII. MacKay Engraving Company, a Division of Bemis Company, Inc., 339 East Bloom Street, Louisville, Kentucky 40217
IX. Mankato Corporation, 1301 Third Avenue, Mankato, Minnesota 56001 (Incorporated in the State of Delaware)
X. Perry Industries, Inc., 121 New South Rd., Hicksville, New York 11802 (Incorporated in the State of Delaware)
XI. Pervel Industries, Inc., Plainfield, Connecticut 06374 (Incorporated in the State of Delaware)
XII. Ross & Roberts, Inc., 1299 West Broad Street, Stratford, Connecticut 06497 (Incorporated in the State of Delaware)
Sackner Products, Inc., 901 Ottawa Ave., N.W., Grand Rapids, Michigan 49503 (Incorporated in the State of Delaware)
XIV. Sackner Products, Inc., 2850 East 46th Street, Los Angeles, California 90058 (Incorporated in the State of Delaware)
XV. Sackner Products, Inc., Route 6, Box 178A, Statesville, North Carolina 28677 (Incorporated in the State of Delaware)
XVI. Sackner Products, Inc., 220 Midway Avenue, Verona, Mississippi 38779 (Incorporated in the State of Delaware)
XVII. Western Litho Plate & Supply Company, 3433 Tree Court Industrial Blvd., St. Louis, Mississippi 63122 (Incorporated in the State of Delaware)
XVIII. Western Litho Plate & Supply Company, U.S. 69 North, Jacksonville, Texas 75766 (Incorporated in the State of Delaware)
XIX. Western Litho Plate & Supply Company, Route 10, Springfield, Missouri 65803 (Incorporated in the State of Delaware)
XX. Arnoldware Rogers, Inc., 1200 Arnoldware Ave., Panama City, Florida 32401 (Incorporated in the State of Vermont)
XXI. American Packaging Machinery Company, a Division of Bemis Company, Inc., P.O. Box 4300, 1163 Glory St., Ashwaubenon, Wisconsin
XXII. Gravure Systems, a Division of Bemis Company, Inc., 7435 Empire Drive, Florence, Kentucky 41042

1. Parent Corporation and address of principal office: T. Brewer & Co., Inc.,

5465 Blair Rd., Suite 201 Dallas, Texas 75231.

2. Wholly-owned subsidiaries which will participate in the operations: (a) T. Brewer & Co., Inc., (Dallas) 5465 Blair Rd., Suite 201 Dallas, Texas 75231; (b) T. Brewer Transport Inc., 5465 Blair Rd., Suite 201 Dallas, Texas 75231.

(1) Parent Company and Address of Principal Office: Ronald D. Offutt Jr., sole proprietor of Ronald Offutt and Son and sole stockholder in R. D. Offutt, Inc., a North Dakota corporation, Ronald Offutt and Son, Inc. and Offutt Trucking Co., both Minnesota corporations. Address for Ronald D. Offutt, Jr. is: FM Center, Box 560, Moorhead, Minnesota, 56560.

(2) Wholly-Owned Business Which Will Participate in the Operations and Address of Their Respective Principal Offices:

(a) R. D. Offutt, Inc., Casselton, North Dakota, 58012.

(b) Offutt Trucking Co., P.O. Box 126, Glyndon, Minnesota, 56547.

(c) Ronald Offutt & Son, Inc., Box 560, Moorhead, Minnesota, 56560.

(d) Ronald Offutt & Son, a sole proprietorship.

1. Parent corporation and address of principal office. Trus Joist Corporation. P.O. Box 60, Boise, Idaho 83707.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation. T J Transport, Inc., P. O. Box 60, Boise, Idaho.

Agatha L. Mergenovich,

Secretary.

[FR. Doc. 81-20277 Filed 7-9-81; 8:45am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 25, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC F-14649F, filed June 12, 1981. THORNE TRUCK LINES, INC. (Thorne) (Highway 45 South, P.O. Box 439, Milan, TN 38358)—Purchase—SHILOH TRANSPORTATION, INC. (Shiloh) (143 Pickwick Road, Savannah, TN 38372. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137). Thorne seeks to purchase the operating rights of Shiloh. Lexington-Paris Motor Freight which controls Thorne, and in turn, Tommy W. Ross who controls Lexington-Paris Motor Freight, seek authority to acquire control of said rights through the transaction. Thorne is purchasing the interstate operating rights issued to Shiloh in MC-151594 and (Sub-No. 1), which authorize the transportation over regular routes of (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Tupelo, MS, and Nashville, TN; from Tupelo over U.S. Hwy 45 to junction U.S. Hwy 64, then over U.S. Hwy 64 to junction TN Hwy 22, then over TN Hwy 22 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Nashville, and return over the same route, serving all intermediate points, and serving points in Lee and Prentiss Counties, MS, and Davidson County, TN, as off-route points, and (b) between Tupelo, MS, and Memphis, TN, (1) over U.S. Hwy 78, serving all intermediate points, and serving points in Lee and DeSoto Counties, MS, Shelby County, TN, and Crittenden County, AR, as off-route points, and (2) from Tupelo over U.S. Hwy 72, then over U.S. Hwy 72 to Memphis, and return over the same route, serving all intermediate points, and serving points in DeSoto, Lee and Alcorn Counties, MS, Shelby County, TN, and Crittenden County, AR, as off-route points; (2) *general commodities* (except classes A and B explosives and household goods as defined by the Commission), (a) between Nashville, TN, and Savannah, TN; (1) from Nashville over U.S. Hwy 31 to junction U.S. Hwy 43, then over U.S. Hwy 43 to junction TN Hwy 20, then over TN Hwy 20 to junction unnumbered hwy known as the Summertown Pike, then over said Summertown Pile to junction U.S. Hwy 64, then over U.S. Hwy 64 to Savannah, and return over the same route, serving all intermediate points in Hardin and Wayne Counties, TN, and Deerfield, TN, as off-route points; (2) from Nashville

over Interstate Hwy 65 to junction TN Hwy 99, then over TN Hwy 99 to junction U.S. Hwy 31, then over U.S. Hwy 31 to junction U.S. Hwy 43, then over U.S. Hwy 43 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Savannah, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (3) from Nashville over TN Hwy 100 to junction TN Hwy 69, then over TN Hwy 69 to junction TN Hwy 114, then over TN Hwy 114 to junction TN Hwy 128, then over TN Hwy 128 to Savannah and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (4) from Nashville over Inerstate Hwy 40 to junction TN Hwy 22, then over TN Hwy 22 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Savannah, and return over the same route, as an alternate route for operating convenience only, serving no intemediate points; (b) between Memphis and Selmer, TN, over U.S. Hwy 64, serving all intermediate points in McNairy County, TN, and serving points in McNairy County as off-route points; (c) between Nashville, TN and Selmer, TN; (1) from Nashville over Interstate Hwy 40 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Selmer, and return over the same route, serving all intermediate points in McNairy County, TN, and serving all points in McNairy County as off-route points; and (2) from Nashville over TN Hwy 100 to junction U.S Hwy 45, then over U.S. Hwy 45 to Selmer, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (d) between Selmer and Savannah, TN; (1) over U.S. Hwy 64, serving all intermediate points, and serving all points in Hardin and McNairy Counties, TN, as off-route points; and (2) from Selmer over U.S. Hwy 45 to junction U.S. Hwy 72, then over U.S. Hwy 72 to junction MS Hwy 25, then over MS Hwy 25 to the MS-TN State line, then over TN Hwy 57 to junction TN Hwy 128, then over TN Hwy 128 to Savannah, and return over the same route, serving all intermediate points; (e) between Memphis and Savannah, TN; from Memphis over U.S. Hwy 72 to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction MS Hwy 2, then over MS Hwy 2 to the MS-TN State line, then over TN Hwy 22 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Savannah, and return over the same route, serving all intermediate points in Hardin and McNairy Counties, TN; (f) between Nashville and Waynesboro, TN; (1) from Nashville over TN Hwy 100 to junction TN Hwy 1 then over TN Hwy 13 to Waynesboro, and return over the same route, serving all intermediate points in Wayne County, TN, and serving all points in Wayne County, TN, as off-route points; and (2) from Nashville over Interstate Hwy 40 to junction TN Hwy 13, then over TN Hwy 13 to Waynesboro, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (g) between Savannah, TN, and the Yellow Creek State Inland Port Authority and Industrial Park, MS; from Savannah over TN Hwy 128 to junction TN Hwy 57, then over TN Hwy 57 to the TN-MS State line, then over MS Hwy 25 to the Yellow Creek State Inland Port Authority and Industrial Park, and return over the same route, serving all intermediate points, and serving the Yellow Creek Nuclear Plant as an off-route point. Thorne is authorized to transport *general commodities* in western TN pursuant to certificates issued in MC–87951 and sub-numbers thereunder. Lexington-Paris Motor Freight, Inc. is a general commodities carrier, over regular routes, pursuant to certificates issued in MC–134768. Tommy W. Ross controls Milan Express, a general commodities carrier, pursuant to certificates issued in MC–121649.

Note.—(1) An application for temporary authority has been filed.

[FR Doc. 81-20278 Filed 7-9-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 16956, at page 30585, in the issue of Tuesday, June 9, 1981, on page 30590, the first column, the first full paragraph beginning with "MC 2392 (Sub–141)", line eight, correct "TS" to read "TX".

BILLING CODE 1505-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR. 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted othewise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Note.—Please direct status inquiries to the Ombudsman's Office (202) 275-7326.

Volume No. OP1-196

Decided: July 2, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 106941 Sub 6, filed June 19, 1981. Applicant: WILLIAM H. OTT, INC., d.b.a. TEXAS HOT SHOT COMPANY, 3815 Irvington Blvd., Houston, TX 77009. Representative: Mike Cotton, P.O. Box 1148, Austin, TX 78767. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 146491 (Sub-1), filed June 17, 1981. Applicant: ABC TRANSFER & DELIVERY, INC., 700 NW 5th Ave., Portland, OR 97209. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY-5-98

Decided: July 2, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 127368 (Sub-2), filed June 24, 1981. Applicant: TRAVELER's OVERSEAS, INC., 25 James St., New Haven, CT 06513. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036. As a *broker of general commodites* (except household goods), between points in the U.S.

MC 140159 (Sub-19), filed June 24, 1981. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222, (412) 471-3300. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 142019 (Sub-2), filed June 19, 1981. Applicant: FORREST FREEZE TRUCKING, INC., 1498 E. Merced Ave., Merced, CA 95340. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, 714-738-3889. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, sensitive weapons and munitions), between points in the U.S.

MC 156729 filed June 18, 1981. Applicant: JAMES C. PARKER, JR., d.b.a. THE PARKER AGENCY, 2523 East Palmetto St., P.O. Box 12256, Florence, SC 29504. Representative: James C. Parker, Jr. (same address as applicant), 803-662-7788. As a broker of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-20270 Filed 7-9-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". Any status inquiries should be directed to (202-275-7326).

Volume No. OPY-4-238

Decided: July 6, 1981.

MC 37896 (Sub-48), filed June 25, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Building, 918 16th St. NW, Washington, DC 20006, (202) 833-1170. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electric Company, Schenectady Utilities Operation, of Schenectady, NY.

MC 94876 (Sub-20), filed June 26, 1981. Applicant: RICHARD ACERRA, INC., 38-09 Vernon Blvd., Long Island City, NY 11101. Representative: J. Aiden Connors, 325 E. 201 St., New, NY 10458, (212) 733-6965. Transporting (1) *apple*

products, and (2) *bottles and containers,* between points in the U.S., under continuing contracts(s) with Casal Distributors, Inc., of Long Island City, NY.

MC 117786 (Sub-139), filed June 25, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005 Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264–4891. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 154886, filed June 22, 1981. Applicant: NINTH, INC., 5217 W. 87th St., Oak Lawn, IL 60453. Representative: Leonard Wehrmeister (same address as applicant), (312) 422–6276. Transporting *general commodities,* between points in the U.S., under continuing contract(s) with Boyle Midway Company, Division of American Home Products, of Chicago, IL.

MC 156076, filed June 22, 1981. Applicant: ARTHUR A. ROLLER, d.b.a. ROLLER TRUCKING, P.O. Box 379, Beebe, AR 72012. Representative: James M. Duckett, 221 W. Second St., Suite 411, Little Rock, AR 72201. Transporting *lumber and wood products,* between points in Pulaski County, AR, CO, OK, MO NE, ND, SD, IA, and KS.

MC 156756, filed June 22, 1981. Applicant: BURKHARDT TRUCKING CORPORATION, d.b.a. B.T.S. TRANSPORTATION, 4000 Santa Fe Ave., Long Beach, CA 90810. Representative: Milton W. Flack, 8383 Wilshire Blvd. No. 900, Beverly Hills, CA 90211, (213) 655–3573. Transporting *general commodities* (except classes A and B explosives), between points in CA.

Volume No. OPY–4–239

Decided: July 6, 1981.

MC 146636 (Sub-8), filed June 25, 1981. Applicant: J. K. SMITH, P. SMITH AND M. R. SMITH, d.b.a. SMITH TRUCKING, Route 1, Box 43, Round Lake, MN 56167. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting (1) *food and related products,* and (2) *pulp, paper and related products,* between points in WI, on the one hand, and, on the other, points in the U.S.

MC 147866 (Sub-1), filed June 24, 1981. Applicant: INDUSTRIAL CONTRACT CARRIERS, INC., 14750 S.W. 72nd Ave., Tigard, OR 97223. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232, (503) 288–8141. Transporting (1) *food and related products, chemicals and related products, metal products, clay, concrete, glass or stone products, lumber and wood products, and petroleum, natural gas and their products,* between points in the U.S., under continuing contract(s) with Kelley-Clarke Company, of Portland, OR, (2) *food and related products,* between points in the U.S., under continuing contract(s) with Morehouse Foods, Inc., of Emeryville, CA, (3) *lumber and wood products,* between points in the U.S., under continuing contract(s) with R. C. Long Shake Co., of Gresham, OR, and (4) *food and related products,* between points in the U.S., under continuing contract(s) with American Strevell Wholesale Grocer, of Salt Lake City, UT.

Volume No. OPY–4–240

Decided: July 6, 1981.

MC 136996 (Sub-7), filed June 25, 1981. Applicant: IDEAL TRANSPORTATION COMPANY, 1623 W. Main St., Zanesville, OH 43701. Representative: E. H. van Deusen, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889–2531. Transporting (1) *machinery,* (2) *metal products* and (3) *mercer commodities,* between points in the U.S.

MC 143776 (Sub-26), filed June 25, 1981. Applicant: C.D.S., INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (616) 253–9527. Transporting *rubber and plastic products,* between the facilities of H. Muehlstein and Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146846 (Sub-3), filed June 25, 1981. Applicant: LOUIS J. LANE, P.O. Box 148, Trego, WI 54888. Representative: Nancy J. Johnson, 103 East Washington St., Box 218, Crandon, WI 54520, (715) 478–3341. Transporting *pulp, paper and related products,* between points in Oneida, Marathon, and Outagamie Counties, WI and Morrison County, MN, on the one hand, and, on the other, points in the U.S.

MC 150496 (Sub-18), filed June 22, 1981. Applicant: P. A. M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver (same address as applicant), (501) 361–2545. Transporting (1) *pulp, paper and related products,* (2) *plastics and related products,* (3) *metal and related products,* and (4) *lumber and wood products,* between points in the U.S.

MC 151256 (Sub-2), filed June 22, 1981. Applicant: ODYSSEY TRANSPORTATION, INC., 3826 Depot Rd., Hayward, CA 94544. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Specialty Polymers, Inc., of Woodburn, OR.

[FR Doc. 81–20208 Filed 7–9–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OPY–5–100]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: July 6, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each aplicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application

or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except were the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct all status telephone inquiries to the Ombudsman Office 202–275–7440.

MC–F–14653, filed June 23, 1981. FRED J. WINES, and Individual, (WINES) (2601 Broadway Rd. N.E., Minneapolis, MN 55413)—continuance in control—UNITED SHIPPING COMPANY (United) (P.O. Box 21186, St. Paul, MN 55121). Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Wines, an individual, seeks to continue in control of United upon the institution of operations by United, in interstate or foreign commerce as a motor common carrier. Wines also controls through majority stock ownership, Advance-United Expressways, Inc., a motor common carrier, operating pursuant to certificate No. MC 107605 and subs thereunder.

Note.—United has filed as a directly related application, its initial common carrier application, docketed MC 153829, published in the same **Federal Register** issue.

MC 153829, filed June 23, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, (612) 227–7731. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Note.—This application is directly related to MC–F–14653, published in this same **Federal Register** issue.

[FR Doc. 81-20274 Filed 7-9-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OPY–2–118]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 1, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems, (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating)

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Any status inquiries should be directed to 202–275–7326.

MC 2832 (Sub-14F), filed June 24, 1981. Applicant: THE KELLEY TRANSIT COMPANY, INC., 30 Railroad Square, Torrington, CT 06790. Representative: Thomas A. Kelley, Jr. (same address as applicant), (203) 489–9243. Transporting *passengers and their baggage*, in the same vehicle with passengers in round trip special operations beginning and ending at Waterbury, Southbury and Danbury, CT, and extending to (1) Shea Stadium, Yankee Stadium, and Madison Square Garden, at New York City, NY, (2) Meadowlands Stadium at East Rutherford, NJ, (3) Fenway Park, The Boston Garden and The Commonwealth Armory, at Boston, MA, and (4) Schaefer Stadium, at Foxboro, MA.

MC 72442 (Sub-51), filed June 23, 1981. Applicant: AKERS MOTOR LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Leonard A. Jaskiewicz, 1730 M St. NW., Washington, D.C. 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives), between points in Suffolk, Plymouth, Bristol, Essex, Middlesex, Norfolk, Worcester, Franklin, Hampshire, Hampden, and Berkshire Counties, MA, Fairfield, Hartford, Litchfield, Middlesex, New Haven, New London, Tolland, and Windham Counties, CT, Passaic, Bergen, Morris, Union, Hudson, Essex, Middlesex, Somerset, Monmouth, Mercer, Burlington, Camden, Gloucester, Cumberland, Salem, Hunterdon, and

Warren Counties, NJ, Nashua County, NH, Kent, Washington, Providence, Bristol, and Newport Counties, RI, Suffolk, Nassau, Brooklyn, Queens, Richmond, Bronx, Manhattan, New York, Westchester, Putnam, Rockland, Dutchess, Columbia, Rensselaer, Albany, Schenectady, and Montgomery Counties, NY, Baltimore, Frederick, Cecil, Carroll, Howard, Montgomery, Prince Georges, Charles, Anne Arundel, Wicomico, Somerset, Worcester, and Harford Counties, and Balitmore City, MD, Washington, DC, Northampton, Accomack, Southampton, Greenville, Brunswick, Mecklenburg, Halifax, Pittsylvania, King George, Caroline, Hanover, Chesterfield, Amelia, Nottaway, Prince Edward, Charlotte, Fairfax, Prince William, Fauquier, Culpeper, Madison, Keene, Albermarle, Nelson, Amherst, Campbell, and Loudon Counties, VA, and Portsmouth, Norfolk, Suffolk, and Richmond, VA, Sussex, Kent, and New Castle Counties, DE, Lycoming, Clinton, Union, Snyder, Perry, Cumberland, Juniuta, Northcumberland, Dauphin, Lebanon, York, Lancaster, Berks, Lehigh, Schuylkill, Columbia, Luzerne, Lackawanna, Northampton, Bucks, Montgomery, Chester, Delaware, Philadelphia, and Montour Counties, PA.

MC 105733 (Sub-87F), filed June 23, 1981. Applicant: RITTER TRANSPORTATION, INC., P.O. Box 1064–A, 928 East Hazelwood Avenue, Rahway, NJ 07065. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW., Washington, D.C. 20005, (202) 296–3555. Transporting *commodities in bulk*, between those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 107012 (Sub-727F), filed June 17, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, In 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *toilet preparations*, between the facilities of Max Factor & Co. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-728), filed June 23, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *general commodities* (except classes A and B explosives), between the facilities used by W. W. Grainger, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 108382 (Sub-43), filed June 22, 1981. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Bay City, MI 48706. Representative: Richard L. Poirier (same address as applicant), (517) 893–3505. Over regular routes, transporting *general commodities*, (except Classes A and B explosives), serving points in Antrim, Benzie, Charlevoix, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee and Wexford Counties, MI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 2, Room 2379.

Note.—Applicant intends to tack this authority to its existing regular and irregular route authority.

MC 110053 (Sub-2), filed June 22, 1981. Applicant: ILLINOIS STATE MOTOR SERVICE, INC., 1800 W. 31st St., Chicago, IL 60608. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, 312–726–6525. Transporting *metal products, machinery, and building materials*, between points in IL, IN, IA, WI, MI, and OH.

MC 121762 (Sub-1), filed June 22, 1981. Applicant: DRISKELL TRUCKING INC., 4739 Durfee Avenue, Pico Rivera, CA 90660. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, (714) 738–3889. Transporting *lumber and wood products, furniture and fixtures, pulp, paper and related products, chemicals and related products, rubber and plastic products, and machinery*, between points in CA, OR, WA, ID, UT, NV, AZ, NM, CO, TX OK, and WY.

Note.—Applicant seeks to convert in this application its Certificate of Registration in MC–121762 to a Certificate of Public Convenience and Necessity. Issuance of a Certificate is subject to the coincidental cancellation, at applicant's written request, of the outstanding Certificate of Registration in No. MC–121762, issued June 20, 1975.

MC 133562 (Sub-43), filed June 16, 1981. Applicant: HOLIDAY EXPRESS CORPORATION, P.O. Box 452, Estherville, IA 51334. Representative: Herbert W. Allen, P.O. Box 2733, Des Moines, IA 50315, (515) 287–1602. Transporting (1) *such commodities* as are dealt in by manufacturers and distributors of recreational vehicles and parts, between points in FL, CA, WA, IA and IL, on the one hand, and, on the other, points in IA, MN, and SD, and (2) *textile mill products and paper bags*, between points in GA, NC, NJ, NY, SD, and TX, on the one hand, and, on the other, points in IA, IL, IN, MN, MO, MI, NE, OH, ND, SD, and WI.

MC 133562 (Sub-44F), filed June 16, 1981. Applicant: HOLIDAY EXPRESS CORPORATION, P.O. Box 452, Iowa Highway No. 4, Estherville, IA 51334. Representative: Herbert W. Allen, P.O. Box 2733, Des Moines, IA 50315, (515) 287–1602. Transporting *such commodities* as are dealt in or used by retail drug, variety, and department stores, between points in the U.S.

MC 144542 (Sub-2), filed June 19, 1981. Applicant: CAR TRANSPORTERS CORPORATION, 2001 West 4th Plain, Vancouver, WA 98660. Representative: John R. Bagileo, 918 16th St. NW., Washington, DC 20006, 202–785–3700. Transporting *transportation equipment*, between Auburn and Vancouver, WA, on the one hand, and the other, Seattle, WA.

MC 144572 (Sub-54), filed June 9, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80601. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of lime and lime products, between points in Tooele County, UT, on the one hand, and, on the other, points in CO.

MC 150102 (Sub-7F), filed June 24, 1981. Applicant: MUSTANG TRANSPORTATION, INC., 150 Gause Blvd., Slidell, LA 70458. Representative: Albert T. Riddle, 1101 Rue Corton, Slidell, LA 70458, (504) 641–6545. Transporting *general commodities* (except classes A and B explosives), between points in LA, MS, and TX.

MC 153002 (Sub-2), filed June 18, 1981. Applicant: GETZINGER TRUCKING, INC., Morton Ave., Rosenhayn, NJ 08352. Representative: Larry R. McDowell, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107, 215–735–3090. Transporting *food and related products* (1) between points in NJ, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, NE, CO, OK, and TX, and (2) between St. Louis, MO, on the one hand, and, on the other, points in CT, DE, FL, GA, MA, MD, NJ, NY, PA, RI, WI, and DC.

MC 154622, filed June 18, 1981. Applicant: CLIFTON T. BARKER d.b.a. BARTCO, 2214 Cloverdale, Arlington, TX 76010. Representative: Clifton T. Barker (same address as applicant), 817–460–6817. Transporting *metal products*, between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in Harris County, TX.

MC 155512F filed June 18, 1981. Applicant: C. DEINUM, INC., 350 Kings Court, Houston, TX 77015. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting (1) *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with National Warehouse Services, Inc., of Houston, TX, and (2) *chemicals and related products,* between points in the U.S., under continuing contract(s) with (a) H. Muehlstein & Co., Inc., of Greenwich, CT, (b) Synthetic Materials Corporation, of Houston, TX, (c) Ribelin Sales, Inc., of Houston, TX, and (d) Plastican, Inc., of Dallas, TX.

MC 155962 (Sub-1), filed June 19, 1981. Applicant: SILVER STREAK TRANSPORT CO., INC., 222 Willow St., Yonkers, NY 10701. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, 212-941-9291. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Academy Auto Parts Co., Inc., of Yonkers, NY, (b) Elon, Inc., of Ardsley, NY, and (c) Stevens Paint Corp., of Yonkers, NY.

MC 156623, filed June 18, 1981. Applicant: LOYLEE CO., INC., E. 2223 Cleveland, Spokane, WA 99207. Representative: Michael J. Newell, 202 First Federal Savings Bldg., 401 Front St., Coeur d' Alene, ID 83814, (208) 667-0569. Transporting *lumber and wood products,* and *building materials* between points in the U.S., under continuing contract(s) with (1) J & M Lumber Company of Reno, NV, and (2) Hunters Timber, Inc., of Hunters, WA.

MC 156643, filed June 19, 1981. Applicant: DON COMPTON, d.b.a. DON COMPTON & SONS, Route 2, Box 2, Murfreesboro, AR 71958. Representative: Philip M. Clay, P.O. Box 1421, Glenwood, AR 71943, (501) 356-2330. Transporting *wooden ammunition boxes* between points in the U.S., under continuing contract(s) with Hall & Hall Enterprises, Inc., of Murfreesboro, AR.

MC 156673, filed June 19, 1981. Applicant: DELOY MEPPEN, R.R. #9, Box 152, Idaho Falls, ID 83401. Representative: Deloy Meppen (same as applicant), (208) 523-5878. Transporting *chemicals and related products* between points in the U.S., under continuing contract(s) with The Pillsbury Co., of Ucon, ID.

MC 156682, filed June 18, 1981. Applicant: AIR TRUCK, INC., 1310 South West St., Indianapolis, IN 46225. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317-846-6655. Transporting *chemicals and related products, rubber and plastic products,* and *food and related products,* between points in the U.S., under continuing contract(s) with Dow Chemical Company, USA, of Indianapolis, IN, and its wholly owned subsidiaries.

MC 156683F, filed June 22, 1981. Applicant: ONE-WAY TRANSPORTATION, INC., Route 1, Box 140, Concrete, WA 98237. Representative: Teresa Chambers (same address as applicant), (206) 826-3466. Transporting *clay, concrete, glass or stone products,* between points in the U.S., under continuing contract(s) with Centrecon, Inc. of Everett, WA.

MC 156753F, filed June 22, 1981. Applicant: TURNER BROS ENTERPRISES, INC., Tebbetts, MO 65080. Representative: Bruce C. Harrington, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233-9629. Transporting *chemicals and related products and petroleum or coal products,* between points in KS, NE, IA, MO, IL, and KY.

[FR Doc. 81-20278 Filed 7-9-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP1-197]

Motor Carriers; Permanent Authority Decisions, Decision-Notice

Decided: July 2, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problem (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 149440 (Sub-7), filed February 2, 1981, previously noticed in the **Federal Register** issued of March 2, 1981. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First Street, Fort Recovery, OH 45846. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Transporting *electric generators, internal combustion engines, and plumbing fixtures and supplies,* between point in Sheboygan County , WI, Brown County, TX, and Spartanburg County, SC, on the one hand, and, on the other, points in the U.S.

Note.—Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of Certificate No. MC–149440 Sub 7, issued May 6, 1981. This republication clarifies the commodity description.

[FR Doc. 81–20259 Filed 7–9–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. 117]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 7, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 60580 (Sub-44)X, filed June 18, 1981. Applicant: MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Blvd., LaSalle, Quebec, Canada H8N 1X4. Representative: Edward L. Nehez, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 26, 27, 29, 30, 32, 35, 36, and 37 (MIF) certificates to broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in all of the above authorities.

MC 64373 (Sub-17)X, filed June 25, 1981. Applicant: CLARKSON BROS. MACHINERY, INC., P.O. Box 788, Cowpens, SC 29330. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant seeks to remove restrictions in Sub-No. 4 certificate to broaden its commodity description from textile machinery, to "commodities which, because of size or weight, require the use of special equipment or special handling".

MC 76184 (Sub-4)X, filed June 5, 1981. Applicant: MID–CONTINENT VAN SERVICE, INC., 1601 Pennsylvania, St. Louis, MO 63133. Representative: Joseph E. Rebman, 314 North Broadway, Suite 1300, St. Louis, MO 63102. Applicant seeks to remove restrictions in its lead and Sub-No. 3 certificate to (1) broaden the commodity descriptions from paper to "paper and paper articles", in part (1) of the lead; from furniture, and office and restaurant furnishings and equipment, all crated (except household goods as defined by the Commission) to "furniture and fixtures, office and restaurant furnishings and equipment" in part (2) of the lead; and from new custom architectural interiors and components thereof, and related supplies when moving in mixed loads with new custom architectural interiors to "textile mill products", in part 3 of the lead and Sub-No. 3, (2) remove part (4) of the lead, (3) replace one-way with radial authority and (4) authorize county-wide authority in place of city-wide authority as follows: Madison County, IL (for Alton, IL) and St. Charles County, MO (for St. Charles, MO), in part (1) of the lead; Warren, St. Charles and Franklin Counties, MO (for Wright City, O'Fallon and Union, MO), in part (3) of the lead and Sub-No. 3.

MC 87113 (Sub-20)X, filed June 24, 1981. Applicant: WHEATON VAN LINES, INC., 8010 Castleton Road, Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-No. 10 and 12 certificates to broaden the commodity description from household goods, as defined by the Commission, to "household goods, as defined by the Commission, and furniture and fixtures" and remove the "Ak and HI" exceptions. Sub-No. 12 will be subsumed in Sub-No. 10.

MC 93147 (Sub-25)X, filed June 25, 1981. Applicant: DELTA TRANSPORT CORPORATION, 840 Union Street, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Applicant seeks to remove restrictions in its Sub-No. 20F certificate to (1) eliminate the restriction limiting service to the transportation of traffic originating at or destined to named facilities; (2) eliminate the "except commodities in bulk" restriction; and (3) replace cities with county-wide authority as follows: Cerritos, Pasadena, and San Francisco, CA with Los Angeles and San Francisco Counties, CA; Hartford, New Britain, Wallingford, Waterbury, and Oakville, CT with Hartford, New Haven, and Litchfield Counties, CT; Wilmington, DE with New Castle County, DE; Atlanta, GA with Dekalb and Fulton Counties, GA; Chicago, IL with Cook and DuPage Counties, IL; Red Oak, IA with Montgomery County, IA; Lawrence, Medford, Taunton, Wilmington, and Worcester, MA with Essex, Middlesex, Bristol, and Worcester Counties, MA; Marysville, MO with Nodaway County, MO; Berlin, Voohersville, and Manchester, NH with Coos and Hillsborough Counties, NH; Edison and Saddlebrook, NJ with Middlesex and Bergen Counties, NJ; Lockport, and Schenectady, NY with Niagara, Albany, and Schenectady Counties, NY; Asheboro, Asheville, Greensboro, and Greenville, NC with Randolph, Buncombe, Guilford, and Pitt Counties, NC; Cleveland, Edgewater, and Freemont, OH with Cayahoga and Sandusky Counties, OH; Portland, OR with clackamas and Multnomah Counties, OR; Kingsport and Memphis, TN with Hawkins, Sullivan, and Shelby Counties, TN; Dallas, TX with Dallas County, TX; and Burlington, St. Albans, and Bennington, VT with Chittenden, Franklin, and Bennington Counties, VT.

MC 107544 (Sub-160)X, filed June 18, 1981. Applicant: LEMMON TRANSPORT COMPANY, INC., P.O. Box 580 Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its lead certificate and Subs 20, 29, 31, 35, 37, 38, 41, 43, 47, 50, 55, 58, 71, 74, 76, 78, 86, 92, 95, 98, 102, 103, 104, 120, 122, 124, 127, 139, 141, 144, 146F, 147F, 150F, E–1, E–2 and E–7 to (A) broaden the commodity descriptions: to "commodities in bulk" from petroleum products, in bulk, in tank vehicles, petroleum and 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, petroleum products, in bulk, in tank vehicles, (except asphalt and asphalt products, and those

commodities, other than naptha), as defined in Appendix XIII which are duplicated in Appendix XV to Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, propane and butane, in bulk, in tank vehicles, anhydrous hydrazine, in bulk, in tank vehicles, unsymmetrical dimethylhydrazine, in bulk, in tank vehicles, unsymmetrical dimethylhydrazine and anhydrous hydrazine mixtures, in bulk, in tank vehicles, liquefied petroleum gas, in bulk, in tank vehicles, nitrogen tetroxide, in bulk, in tank vehicles, petroleum and petroleum products (except liquid chemicals), in bulk, in tank vehicles, lubricating oil, in bulk, in tank vehicles, petroleum products (except petro acids and chemicals, and asphalt and asphalt products), in bulk, in tank vehicles, nitrogen fertilizer solutions, in bulk, in tank vehicles, plastic materials and synthetic latex, in bulk, carbon black, in bulk, in tank or hopper-type vehicles, natural latex, in bulk, in tank vehicles, dry carbon, in bulk, carbon, dry and spent carbon, in bulk, petroleum and petroleum products, except petrochemicals, acids, and asphalt, in bulk, in tank vehicles, fuel oil, in bulk, salt cake, in bulk, petroleum products (except petrochemicals), in bulk, in tank vehicles, sodium sulfate, in bulk, in tank vehicles, prophyllite, in bulk, in tank vehicles, and liquid coal treating compounds and liquid industrial water treating compounds, in bulk, in tank vehicles, in the lead certificate and in Subs 20, 29, 31, 35, 37, 38, 41, 43, 47, 50, 55, 58, 71, 74, 76, 78, 86, 92, 95, 98, 102, 103, 104, 120, 122, 124, 127, 139, 141, 146, 150, E-1, E-2, and E-7 and to "chemicals and related products" from caustic soda, soda ash, bicarbonate of soda, and chlorine, dry or liquid, in bulk, in the lead certificate; (2) replace cities and facilities with city or county-wide authority: in the lead and Sub-No. 20; Knoxville, TN, with Knox, Anderson, Blount, and Sevier Counties, TN; in the lead, Abingdon, Bristol, Big Stone Gap, Norton, and Marion, VA, with Bristol and Norton, VA, Washington, Lee Wise, and Smyth Counties, VA, and Sullivan County, TN; in the lead and Sub-No. 20, Wercer, TN, with Wercer, TN; Friendship, NC, with Forsyth and Guilford Counties, NC; in the lead, terminal near Greensboro, NC, with Rockingham, Guilford, and Randolph Counties, NC; Marion and Wytheville, VA, with Smyth and Wythe Counties, VA; Dock and Boomer, WV, with Kanawha and Fayette Counties, WV; Boomer, WV, with Fayette and Kanawha Counties, WV; Saltville, VA, with Tazewell, Russell, Smyth, and Washington Counties, VA; Harriman and Knoxville, TN, Charleston and Huntington, WV, and Spartanburg and Rock Hill, SC, with Morgan, Roane, Knox, Anderson, and Sevier Counties, TN, Kanawha, Putnam, Wayne, and Cabell Counties, WV, Boyd County, KY, Lawrence County, OH, and Spartanburg, Cherokee, York, Chester, and Lancaster Counties, SC; in Sub-No. 35, Thrift and Salisbury, NC, with Davidson and Rowan Counties, NC; in Sub-No. 37, terminal at or near Pineville, NC, with Mecklenburg County, NC, and York County, SC; in Sub-No. 38, Lake Charles, LA, and Saltville, VA, with Calcasieu Parish, LA, and Tazewell, Russell, Smyth, and Washington Counties, VA; Nimbus and Santo Susana, CA, and facilities at Denver, CO, with Los Angeles and Ventura Counties, CA, and Denver, Douglas, Jefferson, Arapahoe, and Adams Counties, CO; in Sub-No. 41, terminal near Apex, NC, with Wake County, NC; terminal near Cheraw, SC, with Chesterfield and Marlboro Counties, SC; in Sub-No. 43, Cape Canaveral, FL, with Brevard County, FL; in Sub-No. 50, Friendship, NC, with Forsyth and Guilford Counties, NC; in Sub-No. 55, Bluefield, WV, with Mercer County, WV, and Bland and Tazewell Counties, VA; facilities at or near Duty, Bartlick, Carbo, and Coeburn, VA, with Dickenson, Russell, and Wise Counties, VA; in Sub-No. 58, terminal at or near Montvale, VA, with Bedford and Franklin Counties, VA; terminal at or near Roanoke, VA, with Roanoke, VA; in Sub-No. 71, Hercules, CA, with Contra Costa County, CA; Cape Kennedy, FL, with Brevard County, FL; facilities near Cleveland, OH, with Lake, Summit, Medina, Lorain, and Cuyahoga Counties, OH; facilities at or near Davis-Monthan Air Force Base, AZ, Little Rock Air Force Base, AR, and McConnell Air Force Base, KS, with Pima County AZ, Pulaski, Lonoke, Saline, and Faulkner Counties, AR, and Sedgwick County, KS; Denver, CO, and points within 25 miles of Denver, with Denver, Douglas, Elbert, Arapahoe, Adams, Weld, Boulder, Clear Creek, Jefferson, Park and Gilpin Counties, CO; in Sub-No. 76, Hercules, CA, with Contra Costa County, CA; in Sub-No. 78, facilities at or near Perryville, MD, with Cecil and Harford Counties, MD; in Sub-No. 86, Vicksburg, MS, with Warren and Issaquena Counties, MS, and Madison Parish, LA; in Sub-No. 92, Toledo, OH, with Lucas, Wood, and Ottawa Counties, OH, and Monroe and Lenawee Counties, MI; in Sub-No. 95, Savannah, GA, with Chatham County, GA and Jasper County, SC; in Sub-No. 98, Romeo, FL, with Marion County, FL, in Sub-No. 103, terminal at or near Montvale, VA, with Bedford and Botetourt Counties, VA; in Sub-No. 104, facilities at or near Piney Point, MD, with St. Mary's County, MD; facilities at or near Front Royal, VA, with Warren, Fauquier, and Rappahannock Counties, VA; facilities at or near Fredericksburg, VA, with Fredericksburg, VA; in Sub-No. 124, Bluefield, WV, with Mercer County, WV, and Bland and Tazewell Counties, VA; Hugheston, WV, with Kanawha County, WV; in Sub-No. 127, Charleston, SC, with Charleston, Berkeley, and Dorchester Counties, SC; in Sub-No. 139, Nitro, WV, with Kanawha and Putnam Counties, WV; in Sub-No. 141, Robbins and Glendon, NC, with Moore County, NC; in Sub-No. 146F, Vicksburg, MS, with Warren and Issaquena Counties, MS and Madison Parish, LA; Bogalusa, LA, with Washington Parish, LA and Pearl River County, MS; in Sub-No. 150F, Muscle Shoals, AL, with Colbert and Lauderdale Counties, AL; in Sub-No. E-1, Salisbury and Thrift, NC, with Rowan and Davidson Counties, NC; and in Sub-No. E-2, Toledo, OH, with Lucas, Wood and Ottawa Counties, OH, Monroe and Lenawee Counties, MI: (3) change one-way to radial authority in all of the above sub-numbers except Sub-Nos. 71, 86, and 102; and (4) eliminate: in Sub-Nos. 78 and 104, the originating at and destined to restrictions; in Sub-No. 102, the AK and HI exception; and in Sub-No. 127, the restriction against service at named facilities at or near Canton, NC, and Marion, VA.

MC 111625 (Sub-26)X, filed June 18, 1981. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box No. 1566, Binghamton, NY 13902. Representative: J. Edward Derrick, (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, and MC-97925 (Sub-No. 1 (acquired in MC-F-13342) certificates to (1) remove all exceptions from the general commodities authority except classes A and B explosives, in the lead and Sub-Nos. 8, 10, 11, 12, 13, 15, 16, 17, 18, 20, 21, 24, and MC-97925 (Sub-No. 1); (2) broaden the commodity descriptions in (a) Sub-No. 10 (part 2), from paper to "pulp, paper and related products"; (b) Sub-No. 14, from iron and steel articles, as described in Groups, I, II, III, to Appendix V in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 to "metal products", (c) Sub-No. 19 part 1, from toilet preparations and part 7, from toilet preparations and pharmaceuticals to "chemicals and related products"; part 3, from advertising materials to "printed matter"; part 4, from ladders, and part 5, from ladders, scaffolds,

footwalks, and planking to "building materials"; part 6, from lift trucks used for material handling purposes to "machinery"; and, part 9, from pillow blocks and railway journals to "machinery and metal products"; (3) allow service at all intermediate points between (a) Binghamton, NY and Boston, MA, in the lead; (b) Elmira, NY and Gold, PA, in Sub-No. 8; and (c) Rochester, NY and Cohocton, NY, in Sub-No. 20; (4) remove the following restrictions (a) against the pick-up of traffic at Springfield, MA, in the lead; (b) against service to or from points on PA Highway 14 in Bradford and Tioga Counties, PA, or to or from points in Bradford and Wyoming Counties, PA, on and east of a line beginning at the New York-Pennsylvania state line at or near Sayre, PA, and extending along U.S. Highway 220 to the junction of U.S. Highway 6, at or near Towanda, PA thence along U.S. Highway 6 to the junction of U.S. Highway 309 at or near Tunkhannock, PA, and thence along U.S. Highway 309 to the southern boundary of Wyoming County, PA, in Sub-No. 13; (c) against the transportation of shipments moving between points in MA, and RI, on the one hand, and, on the other hand, points in Pennsylvania, and against the transportation of interline traffic which has both its interchange point and its origin or destination point within Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Northumberland, Somerset, Washington and Westmoreland Counties, PA, in Sub-No. 16; (d) except in bulk, in Sub-No. 19; (e) serving Wayland and Cohocton, NY for purpose of joinder only, in Sub-No. 20; and (f) against the transportation of interline traffic which has both, it's interchange points and its origin or destination points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Somerset, Washington and Westmoreland Counties, PA, in Sub-No. 24; (5) replace off-route points in its regular route authority with county-wide authority as follows: (a) in the lead, Chenango Bridge, Endicott, Johnson City, Port Dickinson, Union and Vestal, with Broome County, NY; Westboro, MA, and points within 12 miles of Boston, MA, with Essex, Middlesex, Norfolk, Suffolk and Worchester Counties, MA; Newark Valley and Nichols, with Tioga County, NY; Five Mile Points with Broome and Chemung Counties, NY; and Little Marsh, Stonyfork, Morris, and Morris Run with Tioga County, PA; (b) in Sub-No. 8, Greenwood with Steuben County, NY; Shongo with Allegany County, NY; Aspah, Sabinsville and Watrous with Tioga County, PA; Austin, Bingham, Center, Burtville, Coudersport, Ellisburg, Genesee, Millport, North Bingham, Oswayo, Raymond, Roulette, Shinglehouse, Sweden Valley, and West Bingham with Potter County, PA; and Bradford, Coryville, Duke Center, Eldred, Farmers Valley, Port Allegany, Rixford, Smethport, Turtle Point and Wrights, PA to McKean County, PA; (c) Sub-No. 10, Canton, MA, those points in a radius of 10 miles of Cambridge, MA, and those within 10 miles of Providene, RI with Bristol, Middlesex, Norfolk, and Suffolk Counties, MA, and Providence and Kent Counties, RI; (d) in Sub-No. 15, Johnson City with Broome County, NY, and McDonough with Chenango County, NY; (e) in Sub-No. 17, East Windsor, Center Village, Ouaquage, Doraville and Damascus with Broome County; NY; (f) in Sub-No. 20, Atlanta Canadice Corners, Haskinville, Perkinsville, Prattsburg, Pulteney and Wheeler with Steuben County, NY; and (g) in Sub-No. 21, facilities at or near North Norwick with Chenango County, NY; (6) replace points in its irregular route authority with county-wide authorty as follows: (a) in Sub-No. 10, Lawrence, Boston and Cambridge with Essex, Norfolk, Suffolk, and Middlesex Counties, MA; Bradford, Peace Dale and Wakefield with Washington County, RI; Warren with Bristol County, RI: Boston, MA and points within 15 miles of Boston and those in MA within ten miles of the RI State line with Middlesex, Norfolk, Suffolk, and Bristol Counties, MA; (b) in Sub-No. 13, points within 65 miles of Elmira, NY, with Allegany, Broome, Cayuga, Chemung, Chenango, Cortland, Livington, Madison, Onondaga, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne and Yates Counties, NY; and Potter, Tioga, Sullivan, Wyoming, and Bradford Counties, PA; and (c) in Sub-No. 19, Binghamton with Broome County, NY; Hammondsport, and Bath with Steuben County, NY; Greene and Norwich with Chenango County, NY; Berkshire, and Newark Valley with Tioga County, NY; Hornell with Steuben County, NY; and (7) change its one-way irregular route authority to radial authority between points in the Northeastern portion of the U.S. in Sub-Nos. 10, 14, and 19.

MC 114045 (Sub-584)X, filed June 29, 1981. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-Nos. 331, 399, 407, 410, 417, 421, 500F, 547F, and 563F certificates to (1) broaden the commodity descriptions from (a) chemicals, citric acid, drugs, petroleum and coal tar resins, and pharmaceuticals to "chemicals and related products" in Sub-Nos. 331, 399, 407, 410, 417, 421, and 500; (b) plastic film, and plastic materials, to "rubber and plastic products" in Sub-No. 500; (c) paper and paper products to "pulp, paper and related products" in Sub-No. 547; (2) delete commodity restrictions such as "in containers, in vehicles equipped with mechanical refrigeration, in bulk," in all of the above Sub-Nos., except Sub-No. 547; (3) remove facilities restrictions in Sub-Nos. 331, 399, 407, 410, 417, and 547; (4) eliminate the exceptions of service to AK and HI in Sub-Nos. 547 and 563; (5) broaden cities to counties: (a) Southport, NC, with Brunswick County, NC, in Sub-Nos. 407 and 410; (b) Phillipsburg, NJ, with Warren County, NJ, in Sub-No. 421; Atlas Point and Newark, DE, with New Castle County, DE; Bayonne, NJ, with Hudson County, NJ; Dighton, MA, with Bristol County, MA; Clairton, Reading, and Lock Haven, PA with Allegheny, Berks, and Clinton Counties, PA; (c) Ticonderoga, NY, with Essex County, NY, in Sub-No. 547; (6) authorize radial service in lieu of existing one-way authority between the counties named above and numerous points in the U.S., in Sub-Nos. 331, 399, 407, 410, 417, 421, 500, and 547; (7) remove originating at or destined to restrictions in Sub-No. 547.

MC 123255 (Sub-232)X, filed June 23, 1981. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, OH 43055. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 38 certificate to (1) broaden its commodity description from plastic, plastic products, plastic coated metal, and magnesium engravers' plates, to "chemicals and related products, plastic products, and metal products"; (2) replace facility with county-wide authority and authorize radial authority between points in Hancock County, OH (facilities at or near Findlay, OH), and points in that part of the U.S. on and east of U.S. Hwy 85 (except MI); and (3) eliminate the restriction against the transportation of commodities in bulk, and limiting transportation to shipments originating at specified facilities.

MC 124692 (Sub-371)X, filed June 18, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-Nos. 80, 130, 139,

178, 218F, 220F, 225F, 275F, 288F, 289F, 294F, 308F, 323F, and 331F certificates, to (A) broaden the commodity description in each certificate to "machinery" from machinery, and haystackers in Sub-Nos. 80, 130, and 139, from heating and cooling units, and ice-making equipment in Sub-Nos. 178 and 323, from sprinkler irrigation systems and component parts and accessories in Sub-No. 218, from construction, industrial and farm machinery in Sub-No. 220, from mechanical jacks in Sub-No. 225, from a conveyor systems in Sub-No. 275, from material handling equipment in Sub-No. 288, from hydraulic body hoists, hydraulic cylinders, and mixers and accessories in Sub-No. 289, from hydraulic systems and component parts in Sub-No. 294, and from machinery and tractor cabs, bale trailers, and bean roasters in Sub-No. 308; (B) substitute radial authority in place of existing one-way authority; (C) remove exceptions precluding service in AK and HI in Sub-Nos. 275, 289, 308, and 331; (D) remove restrictions limiting service to the transportation of shipments originating at, or destined to, the named facilities and destinations in Sub-Nos. 80, 130, 139, 220, 225, 288, and 323; and (E) expand the named cities and plantsites to county-wide authority, as follows: Sub-No. 80, Sibley County, MN (Green Isle, MN), and Weld County, CO (Greeley, CO); Sub-No. 130, Brown County, SD (Aberdeen, SD); Sub-No. 139, Minnehaha County, SD (facilities at Sioux Falls, SD); Sub-No. 178, Steele County, MN (Owatonna, MN); Sub-No. 218, Rogers County, OK (Catoosa, OK); Sub-No. 220, Jackson County, MO (facilities at Blue Springs, MO); Sub-No. 275, Dallas, TX (facilities near Dallas, TX); Sub-No. 288, Contra Costa County, CA (facilities near Martinez, CA); Sub-No. 289, Weld County, CO (Eaton, CO); Sub-No. 294, Denver, CO (facilities at Denver, CO), Salt Lake County, UT (Salt Lake City, UT), and Missoula County, MT (Missoula, MT); Sub-No. 323, Waseca County, MN (facilities at Waseca, MN); and Sub-No. 331, Rice County, MN (facilities near Faribault, MN), and Dickinson County, IA (Spirit Lake, IA).

MC 125708 (Sub-214)X, filed June 5, 1981. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 210 E. State, Kokomo, IN 46901. Representative: Arnold Goebel, 109 Velma, South Roxana, IL 62087. Applicant seeks to remove restrictions from its Sub-Nos. 137G, 151F, 157F, 166F, 167F, 178F, 184F, 187F, 194F, 196F, 197F, 200F, 202F, 203F, 206F, 207, 208F, 209F, 210F, 211F, 212F and 213X certificates. Applicant seeks to broaden commodity descriptions as follows: (A) "metal articles" for steel, and materials and supplies used in the manufacture of steel grinding balls (137G, 213X); steel articles (137G, 213X); iron and steel articles (137G, 167, 178, 213X); water well casing, pipe tubing, pipe fittings, protectors and sheet steel (137G); steel grinding balls (137G, 213X); steel tubing, conduit, pipe and sheet steel (137G, 213X); steel water well pipe, and casing, pipe fittings and protectors (137G); steel (137G, 213X); water pipe (137G); fabricated steel articles and scrap metal (166, 184); steel coils (196); structural steel (202) nonferrous metals and nonferrous metal products (207, 210); steel fence posts, fence post fittings, wire fencing, coiled wire and pipe (208); sheet steel (213X); (B) "food and related products" for grain products, dry and grain dry (137G, 213X); processed and canned foodstuffs (except apple cider and vinegar) (137G, 213X) animal feed, feed ingredients, and additives (151); (C) "ores and minerals" for magnesium granules (157); (D) "machinery" for snow removal equipment (184); farm equipment, parts and supplies (200); (E) "pulp, paper and related products" for paper products in rolls (203); (F) "printed matter" for printed magazine inserts (203); (G) "lumber and wood products" for wood fence posts (208); lumber, wooden pallets, blocking materials, and lumber products (209); wood and wood products (211). Applicant also seeks to broaden all its territorial authority from existing one-way authority to radial authority between numerous points, and to broaden specified points and facilities to appropriate county or counties as follows wherever they appear in Sub-Nos. 137G, 213X, 151, 157, 166, 167, 178, 184, 194, 196, 197, 200, 202, and 210: Buffalo, NY with Erie County, NY; Hastings, MN with Dakota County, MN; Superior, WI with Douglas County, WI; Dallas, TX with Dallas County, TX; Mount Summit, IN with Henry County, IN; Waukegan, Schamburg, Aurora, Evanston, Rockford, Freeport, Peoria, Sterling, Galesburg, Olney, and Salem, IL with Lake, Cook, Kane, Winnebago, Stephenson, Peoria, Whiteside, Knox, Richland and Marion Counties, IL; E. St. Louis, IL with St. Clair County, IL; Warren, OH with Trumball County, OH; Louisiana, MO with Pike County, MO; plantsities at Chicago, IL with Chicago, IL; plantsite at Matoon, IL with Coles County, IL; Freeport, TX with Brazore County, TX; Tampa, FL with Hillsborough County, FL; Midlothian, TX with Ellis County, TX; plantsites at Huntington, WV with Cabell and Wayne Counties, WV; Waverly, IA with Bremer County, IA; Pedro, South Webster, and Youngstown, OH with Lawrence, Scioto, and Mahoning Counties, OH; South Rockwood, MI with Monroe County, MI; Crown Point, IN with Lake County, IN; Marietta, GA with Cobb County, GA; Tampa and Port Everglades, FL with Hillsborough and Broward Counties, FL; Houston, TX with Harris County, TX; Chicago, IL with Cook County, IL; Ellsworth, MI with Antrim County, MI; facilities at Lenox, IA with Taylor County, IA; Nashville and Kinston Springs, TN with Davidson and Cheatham Counties, TN; Bedford, OH with Cuyahoga County, OH. Applicant also seeks to remove (A) except in bulk, in tank vehicles (137G), (B) restricted against transportation in vehicles equipped with mechanical refrigeration (137G, 213X), (C) except such building materials as are included within the term "iron and steel articles" (137(G), (D) except commodities which because of size or weight require special handling or the use of special equipment (137G), (E) except transportation of named commodities (137G, 213X), (F) except commodities in bulk (151).

MC 134730 (Sub-29)X, filed May 7, 1981, previously noticed in the Federal Register of May 22, 1981, republished as corrected this issue. Applicant: METALS TRANSPORT, INC., 528 South 108th Street, West Allis, WI 53214. Representative: M. H. Dawes (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 20F, 21F, 22F, 23F, 24F, 25F, 26F, 27F, and 28F permits to (1) authorize service between points in the U.S., under continuing contract(s) with named shippers; and (2) broaden the commodity descriptions to (a) "metal products and waste or scrap materials" from non-ferrous metals and scrap metals, in Sub-Nos. 20F, 22F, and 26F; (b) "non-metallic minerals, metal products, and machinery, materials, equipment and supplies" from heat processing equipment, accessories, and materials, equipment and supplies, in Sub-Nos. 21F, 23F, and 28F; (c) "forest products, lumber and wood products, pulp, paper and related products, building materials and metal products, and materials, equipment and supplies" from forest products, lumber, millwork, building supplies and hardware, parts and materials, equipment, and supplies, in Sub-No. 24F; (d) "metal products and materials, equipment and supplies" from fabricated metal products and iron and steel articles, and materials, equipment, and supplies, in Sub-No 25F; and (e) "machinery, metal products and rubber and plastic products, and materials, equipment, and supplies from waste water treatment equipment and parts, materials, equipment and supplies for

waste water treatment equipment, in Sub-No. 27F. The purpose of this republication is to correct the commodity description in Sub-No. 27F, by adding "rubber and plastic products" and to correct the omission of the description of materials, equipment and supplies when it appears in Sub-Nos. 24F and 27F.

MC 139154 (Sub-6)X, filed June 30, 1981. Applicant: RICHARDS TRANSPORT, LTD., 1155 Mackay Street, Regina Saskatchewan S4N 4X9. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Applicant seeks to broaden the commodity description in its Sub-No. 5 certificate from farm machinery and farm machinery parts to "machinery".

MC 142508 (Sub-171)X, filed June 22, 1981. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 58F, 103F, and 131F certificates, to (A) broaden the commodity description in each certificate to "food and related products" from canned goods, from meats, meat products and byproducts, and articles distributed by meat packinghouses (except hides and commodities in bulk), and from foodstuffs, and equipment, materials and supplies used in their manufacture; (B) substitute radial authority in place of existing one-way authority; (C) remove exceptions precluding service in AK and HI in Sub-Nos. 103 and 131; and (D) broaden the territorial authority from named cities and plantsites to city and county-wide authority: Sub-No. 58, Chicago, IL (facilities at Chicago, IL); Sub-No. 103, Crawford County, IA (Denison, IA); and Sub-No. 131, (a) Outagamie County, WI (facilities at Little Chute, WI), and (b) Wisconsin (for facilities in WI).

MC 146133 (Sub-3)X, filed June 25, 1981. Applicant: HALVOR LINES, INC., 4609 W. First, Duluth, MN 55806. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) remove the except AK and HI restrictions; and (2) change its one-way to radial authority between MN and points in the U.S. Applicant also seeks to remove restrictions in its MC-133330 Sub-Nos. 1, 4, 6, 7, 9, 10, 11, 12F, 16F, 17F and 18F permits to (1) broaden the territory authorities to between points in the U.S. under contract(s) with named shippers; (2) broaden the commodity descriptions to (a) "machinery" from snow blowers, power lawn mowers, garden tractors and garden tillers, and parts accessories, advertising and promotional materials, in Sub-No. 1 (part A); (b) "machinery, transportation equipment, and textile mill products," from snowmobiles, sportswear, water scooters trailers, crowler tractors, snowplows, motorcycles, snowbile trailers, boat and parts, accessories, and sportswear in Sub-Nos. 1, 4, 6, 9, 11, and 16F; (d) "petroleum and coal products" from petroleum products, in containers, in Sub-No. 7; (e) "food and related products" from foodstuffs and materials and supplies used in the distribution of foodstuffs, in Sub-No. 12F, and foodstuffs, in Sub-Nos. 17F and 18F; (f) "machinery and transportation equipment" from loaders, cranes, vehicles equipped with loaders, components, parts and accessories and materials, equipment and supplies used in the manufacture, in Sub-No. 10; (3) remove the restriction limiting shipments in foreign commerce only and to the transportation of traffic originating at points in Province of Quebec, Canada, in Sub-No. 11 (part 2); and (4) remove the except in bulk restriction, in Sub-No. 18F.

MC 147911 (Sub-8)X, filed June 29, 1981. Applicant: TILFORD TRUCKING, INC., P.O. Box 34, Readyville, TN 37149. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 3F, 4F, and 5F certificates to (1) broaden the commodity descriptions from (a) malt beverages, to "food and related products" in the lead and Sub-No. 4; and from materials, equipment, and supplies used in the manufacture of malt beverages to those used in the manufacture of food and related products in Sub-No. 4F; (b) wheel balancing materials, and equipment to "transportation equipment" in part (1) of Sub-No. 1; (c) glues and adhesives and materials, supplies and equipment used in the manufacture and sale of same to "chemicals and related products and materials, supplies and equipment used in their manufacture and sale" in Sub-No. 3; (d) limestone and limestone products to "clay, concrete, glass or stone products" in Sub-No. 5; (2) delete the exceptions of service to AK and HI in Sub-No. 1; (3) delete an "in bulk" restriction in Sub-No. 3; (4) broaden cities to counties in Sub-No. 3, Murfreesboro, TX, to Rutherford County, TX; (5) authorize radial service in lieu of existing one-way authority between named points in MO, OH, MI, and named points in TN, in the lead; (6) delete facilities restriction in Sub-No. 3.

MC 148400 (Sub-7)X, filed June 22, 1981. Applicant: SUN VALLEY TANK LINES, INC., 64 Laporte Drive, Route 3, Mars, PA 16046. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Applicant seeks to remove restrictions in Permits No. MC-126375 (Sub-Nos. 1, 2, 4, 5, 6, 7, 10, 12, 13, and 15), acquired in Docket MC-FC-78320, to (A) broaden the commodity descriptions: to "meats, packinghouse products, and commodities used by packinghouses" from inedible animal fats, tallow, grease, or oils in all permits; and to "petroleum, natural gas and their products" from lubricating oil (except petroleum) in Sub-No. 13; (B) remove commodity and vehicle restrictions limiting service "in bulk, in tank vehicles" in all permits; and (C) broaden the territorial description in each permit to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 150139 (Sub-4)X, filed June 18, 1981. Applicant: HAMBEL FREIGHT LINES, INC., 4965 South Howell Avenue, Milwaukee, WI 53207. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) remove all restrictions in its general commodities authority "except classes A and B explosives," (2) remove the restriction limiting service to traffic having a prior or subsequent movement by air, and (3) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 151655 (Sub-10)X, filed June 29, 1981. Applicant: FRANK BROS. TRUCKING CO., 349 Abbott Avenue, Hillsboro, TX 76645. Representative: Charles E. Munson, P.O. Box 1945, Austin, TX 78767. Applicant seeks to remove restrictions from its Sub-Nos. 11F, 13F, 15F, and 20F permits to (1) broaden the commodity descriptions from iron and steel articles and copper tubing to "metal products" and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

[FR Doc. 81-20272 Filed 7-9-81; 8:45 am]
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[Volume OP1-198]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

MC 121801 (Sub-2F) (Republication) filed March 24, 1980, previously noticed in the FR issue of July 10, 1980. Applicant: HAYES MOTOR FREIGHT, INC., P.O. Box 793, Ardmore, OK 73401. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 24, El Reno, OK 73036. A Decision by the Commission, Review Board Number 2, decided February 12, 1981, and served March 25, 1981, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over regular routes, transporting general commodities, (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ardmore, OK, and Wichita Falls, TX, from Ardmore over U.S. Hwy 70 to junction Hwy 79, then over Oklahoma Hwy 79 to junction Texas Hwy 79 then over TX Hwy 79 to Wichita Falls, and return over the same route, serving no intermediate points. Applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to include tacking.

MC 146251 (Sub-5F), (Republication), filed August 12, 1980, published in the FR August 28, 1980, and republished this issue. Applicant: CLAXTON TRANSPORT, INC., Route 3, Box 135, Wrightsville, GA 31906. Representative: Ronald K. Kolins, 420 International Square, 1875 Eye Street, NW, Washington, DC 20006. A decision by the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam, decided June 5, 1981, served June 23, 1981, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by grocery stores*, between points in Toombs County, GA, Jefferson County, AL, Polk County, FL, Buncombe County, NC, Franklin County, PA, and Knox County, TN. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to indicate that applicant has been granted nonradial in lieu of two-way radial authority.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-20273 Filed 7-9-81; 8:45 am]

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[Volume OP1-195]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 2, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Note.—Please direct status inquiries to the Ombudsman's Office (202) 275-7326.

MC 1030 (Sub-6), filed June 17, 1981. Applicant: NEW YORK & VERMONT MOTOR EXPRESS, INC., Smith St., Barre, VT 05641. Representative: John P. Monte, P.O. Box 568, Barre, VT 05641 (802) 476-6671. Transporting *stone*, between points in Merrimack County, NH, and Washington and Windsor Counties, VT, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 22311 (Sub-34), filed June 12, 1981. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative:

Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, (216) 652–2789. Transporting *metals*, (1) between Detroit, MI, Chicago, IL, Cincinnati and Cleveland, OH, Buffalo, NY, Pittsburgh, PA, Baltimore, MD and St. Louis, MO, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX, and (2) between points in IL, IN, KY, MI, OH, PA, TN, WV, and WI.

MC 47171 (Sub-216), filed June 16, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant), (803) 879–2101. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of WI, IL, MO, AR and TX.

MC 75840 (Sub-167), filed June 22, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35222. Representative: Raymond Hamilton, 3400 Third Avenue South, Birmingham, AL 35222, (205) 323–6721. Transporting *food and related products*, (1) between points in Allegheny County, PA, on the one hand, and, on the other, points in FL, and (2) between points in Sandusky and Lucas Counties, OH, Johnson and Muscatine Counties, IA, and Ottawa County, MI, on the one hand, and, on the other, points in FL and SC.

MC 75840 (Sub-168), filed June 22, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, 3400 Third Avenue South, Birmingham, AL 35202 (205) 323–6721. Transporting *floor covering*, between points in Delaware County, PA and Mercer County, NJ, on the one hand, and, on the other, points in TX.

MC 114301 (Sub-114), filed June 16, 1981. Applicant: DELAWARE EXPRESS COMPANY, a corporation, P.O. Box 97, Elkton, MD 21921. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW, Washington, DC 20005 (202) 783–7900. Transporting *commodities in bulk*, between those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 119641 (Sub-191), filed June 22, 1981. Applicant: RINGLE EXPRESS, INC., 450 East Ninth St., Fowler, IN 47944. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *metal products*, between Perth Amboy, NJ, on the one hand, and, on the other, those points in and east of KS, ND, NE, OK, SD, and TX.

MC 126000 (Sub-5), filed June 19, 1981. Applicant: CHARLES SOJOURNER, d.b.a. SOJOURNER TRUCKING COMPANY, 400 Newton St., Crystal Springs, MS 39059. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205 (601) 355–3543. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kuhlman Electric Company, of Crystal Springs, MS.

MC 127651 (Sub-67), (republication), filed February 9, 1981, previously noticed in the Federal Register issue of March 12, 1981. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *metal products*, (1) between points in MN and WI, and points in Cook, DuPage, Kane, Lake, and Will Counties, IL and Lake and Porter Counties, IN, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MO, NE, ND, OH, and SD, and (2) between points in MN and WI. Condition: Issuance of a certificate is conditioned upon a request in writing by applicant for cancellation of certificate No. MC–127651 (Sub-No. 67) issued May 27, 1981.

MC 134781 (Sub-5), filed June 18, 1981. Applicant: FAST FREIGHT TRANSFER, INC., 1075 E. 21st St., Hialeah, FL 33014. Representative: Frank J. Hathaway, 7615 Biscayne Blvd., Miami, FL 33138 (305) 754–5506. Transporting *general commodities* (except classes A and B explosives), between points in GA and FL.

MC 135221 (Sub-25), filed June 18, 1981. Applicant: DICK SIMON TRUCKING, INC., 5140 South 2050 East, Salt Lake City, UT 84117. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005, (202) 296–3555. Transporting *such commodities* as are dealt in and distributed by department stores, chain grocery stores and food business houses, between points in UT, on the one hand, and, on the other, points in the U.S.

MC 141870 (Sub-1), filed June 22, 1981. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Avenue, Opelika, AL 36801. Representative: Robert E. Tate, PO Box 517, Evergreen, AL 36401, (205) 578-2836. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with United Salt Corporation of Houston, TX.

MC 143591 (Sub-5), filed June 18, 1981. Applicant: FLOYD WILD, INC., P.O. Box 91, Marshall, MN 56258. Representative: Samuel Rubenstein (same address as applicant) (612) 542–1121. Transporting *general commodities* (except classes A and B explosives), between points in Lyon County, MN, on the one hand, and, on the other, points in IL, IN, IA, KS, MI, MO, OK, SD, TN, TX, and WI.

MC 143670 (Sub-2), filed June 17, 1981. Applicant: HAPPY HAULERS, LTD., P.O. Box 127, Johnston, IA 50131. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309 (515) 282–3525. Transporting *petroleum, natural gas and their products*, between points in IL, IA, MN, MO, NE, and WI. Condition: To the extent that the certificate to be issued in this proceeding authorizes the transportation of liquified petroleum gas, it shall be limited to a period expiring 5 years from the date of issuance.

MC 144830 (Sub-57), filed June 11, 1981. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *general commodities* (except classes A and B explosives) (1) between points in IL, IN, MI, KY, MO, OH, WV, PA, and TN, on the one hand, and, on the other, points in the U.S., and (2) between points in CA, OR, WA and AZ.

MC 145441 (Sub-150), filed June 16, 1981. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as applicant) (501) 945–4103.Transporting *clay, concrete, glass or stone products, petroleum, natural gas and their products, pulp, paper and related products, food and related products, rubber and plastic products, chemicals and related products, metal products, machinery, waste or scrap materials not identified by industry producing, and such commodities* as are dealt in by discount, variety, and department stores, between points in the U.S.

MC 146681 (Sub-2), filed June 22, 1981. Applicant: DUTCH MILL TRUCKING, INC., Route 1, Sparta, WI 54656. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *building materials*, between Chicago, IL and Minneapolis, MN, on the one hand, and, on the other, points in WI.

MC 148480 (Sub-2), filed June 22, 1981. Applicant: WILSON TRUCKING CO., INC., P.O. Box 162, Red Wing, MN 55066. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *food and related products*, between points in

Winona County, MN, on the one hand, and, on the other, those points in CT, DE, IA, IL, IN, KY, MD, MA, ME, MI, MO, NH, NJ, NY, OH, PA, RI, VA, WV, VT, WI, and DC.

MC 148620 (Sub-14), filed June 18, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., N.E., Atlanta, GA 30303, (404) 658–8045. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Service Merchandise Company, Inc. of Nashville, TN.

MC 149591 (Sub-5), filed June 22, 1981. Applicant: VALLEY EXPRESS, INC., P.O. Box 68, Glyndon, MN 56547. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *food and related products*, between the facilities used by Chef Reddy Foods Corporation in WA, SD, and MN, on the one hand, and, on the other, those points in the U.S.

MC 150171, filed June 16, 1981. Applicant: ED MARTIN, d.b.a. GOLD DUST LIMO SERVICE, P.O. Box 334, Wendover, NV 84083. Representative: Ed Martin, 3642 N. 72 Dr., Phoenix, AZ 85033, (602) 849–4750. *Over regular routes*, transporting *passengers and their baggage, express and newspapers*, in the same vehicle with passengers, between Salt Lake City, UT, and Wells, NV, over Interstate Hwy 80, serving Wendover, NV, as an intermediate point.

MC 150281 (Sub-5), filed June 19, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West Michigan Street, Topeka, IN 46571. Representative: Chandler L. van Orman, 1729 H Street, NW., Washington, D.C. 20006, (202) 337–6500. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of seating and seating components, between points in the U.S., under continuing contract(s) with Goshen Cushion, Inc. of Goshen, IN.

MC 150581 (Sub-2), filed June 16, 1981. Applicant: ESTHERVILLE SAND & GRAVEL, INC., 1201 Third Avenue South, Estherville, IA 51334. Representative: Eric L. Anderson (same address as applicant), (712) 362–3506. Transporting *ores and minerals*, between points in Campbell and Weston Counties, WY, Minnehaha, Turner, and Lincoln Counties, SD, and Pipestone, Brown, and Blue Earth Counties, MN, on the one hand, and, on the other, points in IA and MN.

MC 150891, filed June 16, 1981. Applicant: COMMERCIAL TRANSFER MOVING AND STORAGE CO., 901 E. Glendale Avenue, Sparks, NV 89431. Representative: Glade L. Hall, 777 West Second Street, Suite 250, Reno, NV 89503, (702) 322–9495. Transporting *general commodities* (except classes A and B explosives), between points in NV.

MC 150891 (Sub-1), filed June 17, 1981. Applicant: COMMERCIAL TRANSFER MOVING AND STORAGE CO., 901 E. Glendale Avenue, Sparks, NV 89431. Representative: Glade L. Hall, 777 West Second Street, Suite 250, Reno, NV 89503, (702) 322–9495. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Pacific Freeport Warehouse Co. of Sparks, NV.

MC 151160 (Sub-2), filed June 23, 1981. Applicant: J.C. INCORPORATED, 2221 Loma St., So. El Monte, CA 91733. Representative: Robert Oeinck (same address as applicant), (213) 443–0103. Transporting *hazardous waste materials*, between points in CA, on the one hand, and, on the other, points in AZ, ID, NM, NV, OR, TX, and WA. Condition: To the extent that the certificate to be issued in this proceeding authorizes the transportation of hazardous waste materials, it shall be limited to a period expiring 5 years from the date of issuance.

MC 152620 (Sub-6), filed June 22, 1981. Applicant: CUSTOMIZED TRANSPORTATION, INC., 999 North Main St., Glen Ellyn, IL 60137. Representative: John H. King (same address as applicant), (312) 790–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Goodyear Tire & Rubber Company, of Akron, OH.

MC 154601, filed June 23, 1981. Applicant: JAMES L. SCHWEHR, SR., d.b.a. AAAPCO TRANSPORTATION COMPANY, P.O. Box 89, Valley City, ND 58072. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *lumber and wood products and building materials*, (a) between points in MT, on the one hand, and, on the other, points in WA, OR, ID, CA, ND, SD, MN, NE, CO, WY, and UT, (b) between points in WA, OR, ID, CA, WY, and SD, on the one hand, and, on the other, points in ND, SD, and MN, (c) between points in MN, on the one hand, and, on the other, points in ND, SD, and MT, and (d) between points in Cass County, ND, and Becker County, MN, on the one hand, and, on the other, points in the U.S.

MC 155120, filed June 16, 1981. Applicant: HERB BRUINGTON, d.b.a. H. F. TRUCKING, 826 27th St., Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502, (701) 258–8550. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with H. E. Simpson Lumber Company of Kalispell, MT.

MC 156600, filed June 10, 1981. Applicant: AMERICAN TRAVEL CLUB, INC., t/a AMERICAN TRAVEL, 207 Janaf Office Bldg., Norfolk, VA 23502. Representative: Robert E. Lee (same address as applicant), (804) 461–3575. As a *broker*, at Norfolk, VA, in arranging for the transporting of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at Elizabeth City, NC, Norfolk, VA and its commercial zone, Williamsburg, Petersburg, Richmond, Emporia, and Franklin, VA, and points in Northampton, Accomack, Southampton, Isle of Wight, Surry, James City, York, and Gloucester Counties, VA, and extending to points in the U.S. (including AK, but excluding HI).

MC 156610, filed June 16, 1981. Applicant: SAM WILLIAMS INDUSTRIES, INC., 3111 N. Post Road, Indianapolis, IN 46226. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Westinghouse Electric Corp., of Pittsburg, PA.

MC 156611, filed June 12, 1981. Applicant: FOOD TRANSPORT, INC., 614 W. Sycamore St., P.O. Box 446, Fayetteville, AR 72701. Representative: Jerry Dudley (same address as applicant), (501) 521–9113. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Supreme Distributors, Inc., of Southfield, MI.

MC 156621, filed June 17, 1981. Applicant: G & K SERVICE & SUPPLY, P.O. Box 3, Delano, MN 55328. Representative: Samuel Rubenstein (same address as applicant), (612) 542–1121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Minnetonka, Inc., of Minnetonka, MN.

MC 156721, filed June 23, 1981. Applicant: WAYNE MULLIS TRAVEL AGENCY, INC., 309 North Main St.,

Salisbury, NC 28144. Representative: C. Wayne Mullis (same address as applicant), (704) 637–1500. As a *broker*, at Salisbury, NC, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, between points in the U.S.

MC 156740, filed June 17, 1981. Applicant: MEXICO ATHLETIC BOOSTERS, 115 Granite St., Mexico, MA 04257. Representative: Ann Marshall (same address as applicant), (207) 364–3904. As a *broker* at Mexico, MA, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, between points in Oxford County, MA, on the one hand, and, on the other, points in the U.S. (including AK and HI).

[FR Doc. 81-20271 Filed 7-9-81; 8:45 am]
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[Docket No. AB-215 (Sub-No. 1F)]

New Jersey, Indiana and Illinois Railroad Company—Abandonment—in the City of South Bend, IN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided July 6, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the New Jersey, Indiana and Illinois Railroad Company (NJI&I), a wholly-owned subsidiary of the Norfolk and Western Railway Company of approximately 11,031 feet of the main line of the NJI&I, beginning at valuation station 0+00–12 and terminating at valuation station 110+19, including abandonment of operations and retirement of appurtenant industrial lead, spur or side tracks located within this 2.09 miles of main line in the City of South Bend, IN. A certificate of public convenience and necessity permitting abandonment was issued to the New Jersey, Indiana and Illinois Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on NJI&I, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-20278 Filed 7-9-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All person wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 6th day of July 1981.

Luis Sepulveda,
Acting Director, Office of Program Services.

Applications Received During the Week Ending July 11, 1981

Name of applicant and location of enterprise	Principal product or activity
Lock Haven Hospital Lock Haven, Pennsylvania.	Complete medical services.
Newport Seafood Co., Newport, Oregon.	Processing of salmon, crab, bottom fish and shrimp.
Southeast Energy Group, Ltd., Woodbine, Georgia.	Fuel and alcohol plant.

[FR Doc. 81-20200 Filed 7-9-81; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-128-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1714 (availability of approved self-rescue devices; instruction in use and location) for all of its mines throughout the United States. The petition was filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that self-contained self-rescuer (SCSR) devices be provided for all underground mining personnel.

2. Petitioner states that enforcement of this standard would result in a diminution of safety for the miners affected because:

a. Many miners may resist wearing the MSHA-approved devices because miners surveyed indicated that the devices were too big, too bulky or awkward;

b. In many cases, miners cannot work while wearing SCSRs or keep them within the 25 feet required by the standard, and will be exposed to potential asphyxiation and carbon monoxide poisoning before reaching stored devices;

c. Limited environmental tests conducted by the Bureau of Mines indicate additional problems, such as lung irritation from one manufacturer's unit, and leave unanswered many questions about the hazards of approved SCSRs under various environmental conditions;

d. The resources which would be expended in making available the currently approved SCSR could be better expended on development of a safer device.

3. As an alternate method, petitioner proposes to develop a smaller, belt-worn SCSR in conjunction with Pennsylvania State University. Petitioner has agreed to underwrite the approximately one-half million dollar cost of developing this device if the petition is granted.

4. Petitioner further states that a prototype of this device could be developed within ten months and that this device would be safer and more effective than currently available devices because it would:

a. Be more readily available in an emergency;

b. Meet with greater miner acceptance and thus would not be discarded;

c. Prevent the variety of accident possibilities caused by the size and weight of currently approved devices; and,

d. Alleviate the storage problems associated with presently approved devices, as well as the environmental hazards to which SCSRs are subjected when not affixed to miners' belts.

5. Petitioner states that the proposed alternate method will at all times guarantee no less than the same measure of protection to the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 10, 1981. Copies of the petition are available for inspection at that address.

Dated: July 1, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-20253 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-127-C]

K and L Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

K and L Coal Company, 742 Coal Street, Trevorton, Pennsylvania 17881 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its No. 1 Slope located on Northumberland County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if a "makeshift" safety device were installed it would be activated on knuckles and curves, when no emergency existed, and cause a tumbling effect on the conveyance which would increase rather than decrease the hazard to the miners.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, which have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 10, 1981. Copies of the petition are available for inspection at that address.

Dated: July 1, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-20254 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefit Programs

[Application No. D-2296]

Budge Clinic Profit Sharing Plan, Logan, Utah; Proposed Exemption for Certain Transactions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) the lease (the 1980 Lease) of a medical office building (the Building) by the Budge Clinic Profit Sharing Plan (the Plan) to the Budge Clinic, Inc. (the Employer), a party in interest with

respect to the Plan; and (2) the agreement by the Employer to indemnify and hold the Plan harmless regarding the 1980 Lease. The proposed exemption, if granted would affect the Employer and participants and beneficiaries of the Plan.

DATE: Written comments and requests for a public hearing must be received by the Department on or before August 24, 1981.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective January 1, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2296. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Horace Green of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan that had total assets of $1,436,274 and 35 participants as of December 31, 1979. The investment decisions are made by the Plan trustee (the Trustee), Mr. R. Keith Spencer, a former office manager and administrator of the Employer.

2. The Employer, a Utah professional corporation, is engaged in the practice of medicine, dentistry, pharmacy and associated professions and activities.

3. On October 1, 1973, the Plan purchased the Building, located at 225 East 400 North, Logan, Utah, for $400,000 from the D & L Company, an unrelated party to the Plan, subject to a fifteen year lease between D & L Company and the Employer, which was entered into on March 1, 1959 (the 1959 Lease). Pursuant to the terms of the 1959 Lease, the Employer paid a monthly rental of $2,407 and was responsible for the cost of repairs, maintenance, utilities and insurance. At the expiration of the 1959 Lease, the Employer and the Plan agreed to continue the 1959 Lease on a month to month basis. On February 1, 1977, the 1959 Lease, which covered rental space of 9,258 square feet within the Building, was substantially modified to allow the Employer additional rental space of 8,201 square feet for a total of 17,459 square feet. As a result, the monthly rental payments were increased to $9,000.

4. On September 20, 1979, the Trustee voluntarily filed an application for an exemption with the Department requesting an exemption for the 1959 Lease to extend beyond June 30, 1984. The Department determined that the 1959 Lease, which had been substantially modified on February 1, 1977, became a new lease on the date of such modification (the 1977 Lease) and as such was subject to the prohibitions of sections 406 and 407(a) of the Act and was not covered by section 414 of the Act. On December 11, 1979, the Department issued a tentative decision not to propose the requested exemption regarding the extension beyond 1984. The exemption request was subsequently withdrawn by the Trustee.

5. On November 29, 1980, the Trustee filed an amended application for an exemption for a proposed lease (the 1980 Lease) of the Building which was executed on January 1, 1980 by the Employer and the Plan. The 1980 Lease has a 21 year term and the Employer pays for the cost of repairs, interior maintenance and utilities. The Plan pays for the cost of exterior maintenance, insurance and all taxes levied against the Building. The 1980 Lease calls for monthly rental payments of $9,000. In the opinion of E. Jay Berry, an Independent appraiser, the monthly rental of $9,000 being charged by the Plan appears to be comparable to rental on similar properties in the area as of December 8, 1979. Rentals are to be adjusted every three years to reflect fair market rental value based on an independent appraisal taken at the end of each three year period. In no event will the rental be less than the rental in the proceding three years. The cost of the appraisals will be paid by the Employer. The Employer represents that any further rentals paid to the Plan in excess of fair market rental value will not cause the annual additions to participants' accounts to exceed the limitations of section 415 of the Code.

6. The Employer has agreed to indemnify and hold the Plan harmless regarding any loss or damage to the leased premises. In addition, the employer has agreed to pay any excise taxes which are imposed by the Internal Revenue Service as a result of the 1977 Lease, within 60 days of the publication in the **Federal Register** of the exemption grant. The Employer's net worth as of December 31, 1980 was approximately $569,541.

7. An unrelated party, Mr. Rolland R. Hancey, was appointed as an independent fiduciary on January 1, 1980. Mr. Hancey, in his individual capacity, will maintain complete fiduciary responsiblity with respect to the 1980 Lease and will monitor the terms of the 1980 Lease to protect the rights of the Plan participants and beneficiaries. Mr. Hancey is a vice president and a loan officer of Zion First National Bank of Logan, Utah. It is represented that after reviewing the financial condition and credit worthiness of the Employer and the terms and conditions set forth in the 1980 Lease, Mr. Hancey has determined that the 1980 Lease is in the best interests of the Plan's participants and beneficiaries. Mr. Hancey further represents that the Employer has made all monthly rental payments to date in a timely fashion.

8. In summary, the applicant represents that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows: (1) Mr. Hancey, who is independent of the Employer and the Plan, has determined that the 1980 Lease is in the best interests of the Plan's participants and beneficiaries; (2) the rental under the 1980 Lease has been determined by an independent appraiser to be the fair market rental and the rentals will be adjusted every three years, pursuant to an appraisal, to reflect the then fair market rental value of the Building; (3) the cost of the appraisals will be borne

by the Employer; (4) in no event will the adjusted rental be less than the rental received in the preceding three years; (5) all monthly rental payments to date have been made in a timely fashion; (6) the Employer has agreed to indemnify and hold the Plan harmless regarding any loss or damages to the Building during the term of the 1980 Lease and has agreed to pay any excise taxes which are imposed by the Internal Revenue as a result of the 1977 Lease, within 60 days of the publication in the Federal Register of the exemption grant; and (7) Mr. Hancey will maintain complete fiduciary responsibility with respect to the 1980 Lease and will monitor the terms of the 1980 Lease to protect the rights of the Plan participants and beneficiaries.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value of such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all Plan participants and beneficiaries and other interested persons by placing such notices in the current participants' pay checks and by first class mail to all other interested persons. Notice shall be given within 15 days of the date the notice of pendency of such exemption is published in the Federal Register. Such notice shall include a copy of the notice of pendency and shall inform interested persons of their right to comment or request a hearing regarding the requested exemption.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to (1) the 1980 Lease, provided that the terms and conditions of the 1980 Lease have been and will continue to be at least as favorable to the Plan as an arm's-length transaction would be with an unrelated party; and (2) the agreement by the Employer to indemnify and hold the Plan harmless regarding the 1980 Lease.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions that are the subject of the exemption.

Signed at Washington, D.C., this 6th day of July, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-20258 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. L-2403 and L-2558]

Hotel and Restaurant Employees Welfare and Insurance Fund and the Local 150 and Industry Pension Plan, Syracuse, N.Y.; Proposed Exemption for Certain Transactions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (Act). The proposed exemption would exempt the transfer of funds by the Hotel and Restaurant Employees Welfare and Insurance Fund (the Fund) to the Local 150 and Industry Pension Plan (the Plan). The proposed exemption, if granted, would affect the trustees (Trustees), participants and beneficiaries of the Fund and the Plan.

DATES: Written comments and requests for a public hearing must be received by the Department on or before September 10, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. L-2403 and L-2558. The applications for exemption and the comments received will be available for public inspection in

the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Department, telephone (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of two applications for exemption from the restrictions of section 406(b)(2) of the Act. The proposed exemption was requested in two applications filed by the Trustees, pursuant to section 408(a) of the Act and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The applications contain representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicants.

1. The Fund and the Plan are multiemployer welfare and pension benefit plans, respectively, established pursuant to section 302(c)(5) of the Labor Management Relations Act of 1947, as amended. The Fund and the Plan each have approximately 600 participants. Approximately one to three percent of the Fund participants are not plan participants because they have not met the Plan's eligibility requirements. The same individuals serve as Trustees for both the Fund and the Plan. The board of Trustees is comprised of two employer representatives and two representatives of the Hotel, Restaurant and Bartenders Union, Local 150 (the Union).

2. The contributing employers (the Employers) and the Union agreed to terminate the Fund in April 1976. The Fund's only remaining liability is for the future payment of a $500 death benefit to each of five banquet waitresses. The Fund has accumulated reserves (the Reserves) totaling $150,505.40 as of February 6, 1981.

3. The Trustees propose to transfer the Reserves to the Plan and create a $2,500 escrow account (the Escrow Account) for the five waitresses' death benefit claims. In addition, the Plan would indemnify the Fund against any and all claims that a former Fund participant could enforce against the Fund. The Plan had net assets of approximately $1,008,000 of May 19, 1981. The Trustees emphasize that to the best of their knowledge there are no such claims other than the waitresses' death benefit claims.

4. The Trustees state that it would not be economically or administratively feasible to distribute the Reserves to former Fund participants because the complexity of the Fund eligibility requirements would result in a substantial portion of the Reserves being utilized for the administrative expense of determining the amount to be allocated to each former Fund participant.

5. The Trustees also state that the proposed transfer of the Reserves to the Plan would eliminate the administrative costs of maintaining the Fund. Furthermore, the Trustees assert that the Reserves would be utilized solely to increase the Benefits of Plan participants and beneficiaries, virtually all of whom were Fund participants.

6. In summary, the applicants represent that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act due to the following:

(a) It is a one-time transfer of assets by the terminated Fund to the Plan which would eliminate the administrative costs of maintaining the Fund;

(b) The transferred Reserves would be utilized solely to increase the benefits of Plan participants and beneficiaries, virtually all of whom were Fund participants;

(c) The Trustees state that all Fund participants, except for the five waitresses, have been paid the amounts due them under the Fund; and

(d) The Plan would indemnify the Fund against any claims of former Fund participants and the Escrow Account would be created for the five waitresses' death benefit claims.

Notice to Interested Persons

Notice of the proposed exemption shall be provided to the following interested persons within 30 days of the publication of the proposed exemption in the following manner: (1) the notice will be provided by certified mail to the Union and to the employer organization which represents the Employers; (2) the notice will be provided to Plan and Fund participants by prominantly posting it on all Union bulletin boards; and (3) the notice will be provided to all Plan and Fund beneficiaries by mail. The notice will inform each recipient of his right to comment or request a hearing with regard to the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a), 406(b)(1) or (b)(3) of the Act;

(3) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provision of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(b)(2) of the Act shall not apply to the transfer of the Reserves by the Fund to the Plan.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the applications are true and complete, and that the applications accurately describe all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D. C., the 6th day of July 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-20259 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-55; Exemption Application No. D-2273]

Pipe Fitters Local 533 Pension Fund, Kansas City, Missouri; Exemption From Prohibitions for Certain Transactions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts a loan of $1,200,000 by the Pipe Fitters Local 533 Pension Fund (the Plan) to the Pipe Fitters Association Local Union No. 533 (Pipe Fitters Union) and the Plumbers Local Union No. 8 (Plumbers Union) to provide permanent financing for a joint union office building and meeting hall.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 12, 1981, notice was published in the **Federal Register** (46 FR 26406) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed on behalf of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notice to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to a loan by the Plan to the Pipe Fitters Union and the Plumbers Union of not more than $1,200,000, based on the terms and conditions set forth in the notice of proposed exemption, provided that the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party at the time of consummation of the transaction.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 2nd day of July, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-20260 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2373]

Volkmuth Printers, Inc., Profit Sharing Plan, St. Cloud, MN; Proposed Exemption for Certain Transactions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of

the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the cash sale of 7.47 acres of real property (Parcel #1) by the Volkmuth Printers, Inc. Profit Sharing Plan (the Plan) to Volkmuth Printers, Inc. (the Employer) and the proposed cash sale of 10.48 acres of real property (Parcel #2) by the Plan to the employer. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan and the Employer.

DATES: Written comments and requests for a public hearing must be received by the Department on or before August 31, 1981

EFFECTIVE DATES: If granted, the exemption will be effective October 12, 1978 for the sale of Parcel #1 and effective with the date of grant for Parcel #2.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2373. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, Telephone (202) 523–8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by legal counsel for the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with 114 participants. The Employer is a corporation which prints magazines, catalogs, tabloid circulars, direct mail advertisements and other commercial printings.

The Plan trustee is the St. Cloud National Bank and Trust Company (the Trustee). The Trustee is responsible for Plan investments. The Trustee meets with the principals of the Employer from time to time to establish policies and investment guidelines, however, in the matter of establishing investment policies, the Trustee has the final say.

2. The Plan purchased 2 parcels of real property consisting of approximately 24 acres from Ben and Eunice Varner (unrelated persons) for $48,100. The first parcel consisting of approximately 6 acres was purchased on April 14, 1971 for $11,840 [1] and the second parcel consisting of approximately 18 acres (the Property) was purchased on August 10, 1971 for $36,260.

3. The Property is located approximately one mile east of the city limits of the City of St. Cloud, Minnesota. At the time the Property was purchased, the Trustee felt that there would be greater development on the east side of St. Cloud because of proposed highway development in the area. However, the expected development did not take place. In addition, a new industrial park was developed west of St. Cloud and other private developers developed industrial areas to the west of St. Cloud.

4. The purchase price for the Property was approximately $2 thousand per acre. Since the Property was purchased the Plan has expended an additional $901.50 for surveying, $3 for recording fees and $315.88 for fencing. The Property has never produced any income.

5. The Property is not and never has been serviced by sewer or water and to bring such services to the Property would cost approximately $66,000 for sewer and $150,000 for water. Also, there is a drainage ditch that runs through the Property which makes a portion of it unusable.

6. On January 16, 1978, the Employer offered to purchase Parcel #1 consisting of 7.47 acres of undeveloped land from the Plan. On February 7, 1978, the Trustee had Parcel #1 appraised by Alexander A. Zylla, an independent appraiser (the Appraiser), who valued the property at $56,025 ($7,500 per acre).

7. On October 12, 1978, the Employer purchased Parcel #1 from the Plan for its appraised value of $56,025 in cash. No realtor was involved in the sale and therefore no realtor's commissions were paid.

8. The Trustee represents that at the time Parcel #1 was sold, it was very beneficial to the Plan and its participants because the Plan was able to realize a substantial profit of approximately $41,000 and was able to sell a parcel of property that was nonproductive and reinvest the proceeds in income producing investments.

9. The Employer now proposes to purchase Parcel #2 consisting of 10.48 Acres of undeveloped land from the Plan. On September 18, 1980, the Trustee had Parcel #2 appraised by the Appraiser who valued the property at $78,600 or $7,500 per acre. The Trustee noted that the value per acre was the same as that which the Appraiser had established for Parcel #1 which was sold in 1978. The Trustee felt that the Appraiser had undervalued Parcel #2 because of an erroneous assumption as to the location of the property line. The Trustee, after taking into account the effects of inflation decided that Parcel #2 is worth $9,500 per acre and has offered Parcel #2 to the Employer for that price. The Employer will purchase Parcel $2 for its fair market value (as determined by the Trustee) of $99,560 in cash.

10. The Trustee represents that Parcel #2 has been owned for ten years, during which time it has remained vacant. Even though Parcel #2 is located just off a state highway, there is minimal development in the area. The land is not serviced by sewer or water and no such development is planned in the forseeable future. This sale is beneficial to the Plan and its participants because it will allow the Plan to eliminate a nonproductive asset at a profit of approximately $78,600. The Plan will be able to reinvest the proceeds of the sale to produce income for the participants and beneficiaries of the Plan.

11. In summary, the applicant represents that the sale of Parcel #1 and the proposed sale of Parcel #2 meet the

[1] The first parcel of property was leased to the Employer effective 10/1/71 and subsequently sold to the Employer on June 15, 1975. The applicant believes the transitional rules of section 414 of the Act are applicable and therefore did not rquest an exemption for those transactions.

statutory criteria of section 408(a) of the Act because,

With regard to the proposed sale of Parcel #1:

(a) It was a one time transaction for cash;

(b) The amount paid for Parcel #1 was determined by an independent appraiser;

(c) The Plan was able to dispose of a non-income producing asset; and

(d) The Trustee determined that this sale was appropriate for the Plan and was in the best interest of the Plan's participants and beneficiaries, and

With regard to Parcel #2:

(a) It will be a one time transaction for cash;

(b) The amount to be paid for Parcel #2 is higher than the fair market value as determined by an independent appraiser;

(c) The Plan will be able to dispose of a non-income producing asset; and

(d) The Trustee has determined that this sale is appropriate for the Plan and in the best interest of the Plan's participants and beneficiaries.

Notice to Interested Persons

Notice will be given to all interested persons within twenty days of the publication of the proposed exemption in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as proposed in the **Federal Register** and shall inform interested persons of the right to comment and request a hearing within the time period set forth in the notice of proposed exemption. The notice will be given to current participants of the Plan by posting it in an area frequented by employees. Notice will be mailed to former participants and beneficiaries at their last known address.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the cash sale of Parcel #1 by the Plan to the Employer for $56,025, provided that this amount was not less than the fair market value at the time of sale, or to the proposed cash sale of Parcel #2 by the Plan to the Employer for $99,560, provided that this amount is not less than the fair market value at the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of the proposed exemption.

Signed at Washington, D.C., this 6th day of July, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-20281 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2428]

Notice of Proposed Exemption for Certain Transactions Involving Southern Nevada Culinary and Bartenders Pension Trust Located in Las Vegas, Nev.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) the guarantee (the Guarantee) by the Hotel and Restaurant Employees' and Bartenders' International Union (International), of a loan (the Dutchman Loan) to Thrifty Dutchman, Inc. (Dutchman), by the Southern Nevada Culinary and Bartenders Pension Trust (the Pension Trust); and (2) the two loan agreements between the Pension Trust and International which were entered into to satisfy International's Guarantee obligation after Dutchman's default of the Dutchman Loan. The proposed exemption, if granted, would affect Upper Avenue Bank (Upper Avenue), International, Thomas L. Karsten Associates (Karsten), the Pension Trust trustees (the Trustees) and participants and beneficiaries of the Pension Trust.

DATES: Written comments and requests for a public hearing must be received by the Department on or before August 25, 1981.

EFFECTIVE DATES: The effective dates for the proposed exemption, if granted, would be January 1, 1975 for the Guarantee; October 1, 1976 for the first loan agreement (the 1976 Agreement); and October 31, 1977 for the second loan agreement (the 1977 Agreement).

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. D–2428. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler of the Department, telephone (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a) and 406(b)(2) of the Act and from the taxes imposed by sections 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code. The proposed exemption was requested in an application filed on behalf of the Trustees, Upper Avenue and Karsten, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Pension Trust, which has approximately 41,585 participants, is a multi-employer defined benefit pension plan established in accordance with section 302 of the Labor Mangement Relations Act of 1947, as amended. The Pension Trust has a joint board of Trustees, with equal representation by labor and management Trustees. The members of two of the International's local affiliates are participants in the Pension Trust. These two affiliates are Culinary Workers Union Local No. 226 (Local 226) and Bartenders Union Local No. 165 (Local 165). Therefore, the International is a party in interest with respect to the Plan under section 3(14)(D) of the Act because it is an employee organization any of whose employees are covered by the Pension Trust.

2. One of the Trustees, Al Bramlet, was secretary-treasurer of Local 226 at the time of the transactions described herein until his death in early 1977. Ben Schmoutey, Mr. Bramlet's successor as secretary-treasurer of Local 226, became a Trustee after Mr. Bramlet's death. Prior to becoming secretary-treasurer, Mr. Schmoutey was president of Local 226. Jack Stafford has been secretary-treasurer of Local 165 and a Trustee at all times during the transactions involved herein.

3. On July 12, 1974, the Trustees entered into the Dutchman Loan, under which the Pension Trust agreed to loan $700,000 to Dutchman in two equal installments, repayable over a period of five years. The Dutchman Loan was authorized upon the following terms and conditions: (a) repayment commencing on October 15, 1974 in equal monthly installments based on a twenty-five year amortization schedule, with a balloon payment for the balance at the end of the five-year period; (b) interest payable at 10% per annum for the first year and the prime rate of the Chase Manhattan Bank or 10%, whichever was higher, thereafter; (c) the Dutchman Loan and the interest thereon were unconditionally guaranteed by International. The application contains no information as to whether Dutchman was a party in interest to the Pension Trust and there was no request for an exemption for the Dutchman Loan. Accordingly, to the extent that the Dutchman Loan constituted a prohibited transaction, the Department is not proposing an exemption for the Dutchman Loan.

4. The first installment on the Dutchman Loan of $350,000 was transferred by the Pension Trust to Dutchman on September 15, 1974. The second installment of $350,000 was transferred by the Pension Trust to Dutchman on January 15, 1975. Dutchman became delinquent in its required payments on February 1, 1975. After numerous attempts to collect from Dutchman, the Trustees adopted a resolution on December 1, 1975, declaring Dutchman in default on its Loan and authorizing a demand upon International as guarantor of the Dutchman Loan.

5. International made all required payments to the Pension Trust of principal and interest so that the Pension Trust was made whole regarding the Dutchman Loan. Moreover, pursuant to workout agreements executed on October 1, 1976 (the 1976 Agreement) and on October 31, 1977 (the 1977 Agreement), International repaid the amount due the Pension Trust in less than three years, as opposed to the five year term and twenty-five amortization schedule of the Dutchman Loan. The 1976 Agreement was negotiated by International and the Trustees. The 1977 Agreement was negotiated by International and Upper Avenue, which had been appointed as an investment manager of the Pension Trust by the United States District Court for the District of Nevada, pursuant to a stipulation entered into in the case of *Marshall, et al. v. Schmoutey, et al.* On May 2, 1979, Upper Avenue's duties as investment manager for the Pension Trust were assumed by Karsten.

6. The applicants represent that the Guarantee, the 1976 Agreement and the 1977 Agreement satisfied the statutory criteria of section 408(a) of the Act due to the following:

(a) the Guarantee by International was in the best interests of the Pension Trust because it was a substantial safeguard for the Pension Trust in the event of a default by Dutchman, the primary obligor;

(b) the applicants represent that it was in the best interests of the Pension Trust for the Trustees and Upper Avenue to negotiate, respectively, the 1976 Agreement and the 1977 Agreement, since each agreement provided for increased principal payments and therefore an accelerated retirement of International's debt to the Pension Trust;

(c) Trustees who represented contributing employers and had no relationship to the International or Locals 226 and 165 participated in the decision regarding the Guarantee and also participated in the negotiation of the 1976 Agreement; and

(d) an independent fiduciary, Upper Avenue, negotiated the 1977 Agreement on behalf of the Pension Trust.

Notice to Interested Persons

Notice of the proposed exemption will be sent by certified mail within 15 days after its publication in the Federal

Register, to each current Trustee and to each employee organization which is a signatory to the Trust agreement creating the Pension Trust. The notice will contain a copy of the proposed exemption and shall inform the recipients of their right to comment on or request a hearing regarding the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) (1) and (3) of the Act and section 4975(c)(1) (E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemptions

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to: (1) the Guarantee by International of the Dutchman Loan; (2) the 1976 Agreement; and (3) the 1977 Agreement, provided that the terms and conditions of the 1976 Agreement and the 1977 Agreement were as favorable to the Pension Trust as those it could have obtained from an unrelated third party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of the exemption.

Signed at Washington, D.C., this 30th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-19984 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-9960, 9963, 9965]

Allentown Manufacturing Corp., Hirsch Manufacturing, Knit-Wits Manufacturing, Allentown, Pa.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 11, 1980 in response to a petition which was filed on behalf of workers at Allentown Manufacturing Corporation, Hirsch Manufacturing and Knit-Wits Manufacturing, Allentown, Pennsylvania. The workers produce women's knit blouses.

The investigation revealed that all of the criteria have been met.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely in 1980 compared with 1979.

The Department surveyed the manufacturers which provided a substantial proportion of the subject firms' production in 1978, 1979 and the first half of 1980. The survey revealed that manufacturers, representing a significant proportion of sales by Allentown, Hirsch and Knit-Wits, decreased their contracts with the subject firms in 1979 compared with 1978 and in the first half of 1980 compared with the same period of 1979 while increasing their purchases of imported women's knit blouses.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's knit blouses produced at Allentown Manufacturing Corporation, Hirsch Manufacturing and Knit-Wits Manufacturing, Allentown, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Allentown Manufacturing Corporation, Hirsch Manufacturing and Knit-Wits Manufacturing, Allentown, Pennsylvania who became totally or partially separated from employment on or after June 23, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of June 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-20246 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period June 29—July 2, 1981. In order for an affirmative to be made and a certification of eligibility to apply for adjustment assistance to be issed, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9264; Sepa, Incorporated, Saxton, PA
TA-W-9435; The Wickes Corp., Wickes Engineered Materials Div., Saginaw, MI
TA-W-10,425; Hayes-Albion Corp., Jackson Div., Jackson, MI
TA-W-9116; Morganstern Pants Co., Fredericksburg, VA
TA-W-9222; Joseph P. Conroy, Inc., Johnstown, NY
TA-W-9349; Carmine Sportswear, Inc., Staten Island, NY
TA-W-9354; Marsail Manufacturing Corp., Brooklyn, NY
TA-W-9348; Annette Sportswear Corp., Bronx, NY
TA-W-9677; Tee Stand, Inc., Focus Sportswear, The Great Pant Co., New York, NY
TA-W-9757; IPM Corporation (an Allegheny Ludlum Industries Co.), Ridgway, PA
TA-W-9631; IPM Corporation (an Allegheny Ludlum Industries Co.), Columbus, OH
TA-W-9325, 10,492, and 10,493; RPI, Inc., Lexington, MI, Oscoda, MI and Bay City, MI
TA-W-10,302; Demlow Products, Inc., Clayton, MI
TA-W-10,323; Sunstrand Tubular Products, Camdenton, MO
TA-W-10,422; Champion Industries, Inc., Mt. Clemens, MI
TA-W-10,461; Barberton Puritan Plastics Products, Inc., Barberton, OH
TA-W-10,657; Advanced Technologies, Inc., Bay City, MI
TA-W-11,077; Tennessee Castings Co., Dickson, TN
TA-W-10,567; Spenax Corporation, Bad Axe, MI

In each of the following cases the investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-12,148; Electro-Plating, Inc., Fond du Lac, WI
TA-W-10,038; Polaroid Sunglasses, Inc., Braintree, MA
TA-W-10,877; Phoenix Machine and Tool Co., Inc., Warren, MI
TA-W-11,293; Hilti, Inc., Cleveland, OH
TA-W-11,300; Sisco, Inc., Cleveland, OH
TA-W-11,770; Intersystems Design and Technology Corporation, Quincy, MA
TA-W-11,940; Metalock Castings Reclamation Corp., Pickney, MI

In each of the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,984; Massey-Ferguson, Inc., Tractor Div., North American Implement Plant, Des Moines, IA
TA-W-10,983 and 10,987; Massey-Ferguson, Inc., Tractor Div., Gear and Shaft Plant, Detroit, MI, and Transmission and Axle Plant, Wayne, MI
TA-W-10,986; Massey-Ferguson, Inc., Tractor Div. Headquarters, Detroit, MI
TA-W-9444 and 10,525; U.S. Steel Corp., Pittsburgh, Pennsylvania Headquarters, Monroeville, Pennsylvania Research Laboratory
TA-W-10,952; Ohio Ferro-Alloys Corp., Philo, OH

TA-W-12,394; Art Industries, Inc., Detroit, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of auto dies did not increase as required for certification.

TA-W-11,727; Victory Optical Manufacturing Co., Newark, NJ

Investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm. Employment increased in 1979 compared to 1980 and in the first 4 months of 1981 compared to the same period in 1980. Any temporary declines in employment was due to normal business fluctuations.

TA-W-11,332; Island Creek Coal Co., Island Creek Div., Paintsville, KY

Investigation revealed that criterion (3) has not been met. U.S. imports of bituminous coal, which includes metallurgical grade coal, were negligible from 1975 through 1980.

U.S. imports of coke decreased absolutely and relative to domestic production in 1979 compared with 1978 and in the first nine months of 1980 compared with the same period in 1979.

TA-W-10,912; H. M. White, Inc., Detroit, MI

Investigation revealed that criterion (3) has not been met. Any quarterly sales or employment declines in 1979 and 1980 can be attributed to normal business fluctuations.

TA-W-9910—9912; General Motors Corp., New Departure-Hyatt Bearings Div., Rocky River, OH, Moline, IL, and Farmers Branch, TX

Investigation revealed that criterion (3) has not been met. Workers at the New Departure-Hyatt Bearings Division can be certified as eligible to apply for trade adjustment assistance benefits only if production facilities of that division which primarily produce bearings for outside sales have been certified. As of this date, a certification has not been issued by the Department.

TA-W-10,437; U.S. Steel Corp., Buffalo Steel Service Center, Buffalo, NY

Investigation revealed that criterion (3) has not been met. An insignificant portion of the total volume of steel handled by the Buffalo Steel Service Center originates at U.S. Steel facilities whose workers are currently certified as eligible to apply for adjustment assistance benefits. Thus the separations of workers at the Buffalo Steel Service Center cannot be related to a facility whose workers independently meet the statutory criteria for certification at this time.

TA-W-10,632; Esas, Inc., Malden, MA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of automobile radio installation kits are negligible.

TA-W-10,697; Bethlehem Steel Corp., Department #512, Bethlehem, PA

Investigation revealed that criterion (3) has not been met. None of the workers engaged in basic steelmaking operations at any of the Bethlehem Steel Corporation facilities are currently

certified as eligible to apply for adjustment assistance benefits.

TA-W-11,507; Decker Coal Co., Decker, MT

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of bituminous coal are negligible.

TA-W-10,640; Bopp-Busch Manufacturing Co., Au Gres, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9509; Approved Manufacturing Co., Farmington, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,643; Norco Springs, Inc., Bethel Springs, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9110; Sheller Globe Corp., Montpelier Div., Montpelier, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9627; Besser Co., Alpena, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of block making machinery are negligible.

TA-W-11, 421; GAF Corporation, Beaverton, OR

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of silde viewers are negligible.

Affirmative Determinations

TA-W-11, 494; Consumer Electronics Division, Indianapolis, IN

A certification was issued covering all workers engaged in employment related to the production of ferrites (cores, beads, and magnets) separated on or after October 21, 1979.

TA-W-9960, 9963 & 9965; Allentown Mfg. Co., Hirsch Mfg., Knit-Wits Mfg., Allentown, PA

A certification was issued covering all workers separated on or after June 23, 1979.

TA-W-9642; U.S Steel Corporation, Gary Works, Gary, IN

A certification was issued covering all workers engaged in production of tin mill products separated on or after October 1, 1979.

With respect to workers producing: railraod products, structural shapes, stainless steel sheet, hot rolled carbon steel bars and bar-sized light shapes, carbon steel plate, basic steel and semi-finished steel products, the investigation revealed that criterion (3) has not been met.

TA-W-9117; McDonald Cedar Products, Neilton, WA

A certification was issued covering all workers of the firm separated on or after June 9, 1979.

TA-W-9530, 9530A, 9530B, & 9530C; Independent Cement Corp., East Kingston, NY, Kingston, NY, Buffalo, NY, and Hudson, NY

A certification was issued covering all workers of the firm separated on or after July 1, 1980 and before January 1, 1981.

TA-W-9464, 10,478 and 11,321; Bendix Corp., Bendix Executive Offices, Southfield, MI, Brake and Steering Div., South Bend, IN, and Heavy Vehicle Systems Group, Elyria, OH

A certification was issued covering all workers of the firm engaged in employment related to the production of drum brakes separated on or after August 18, 1979 and before May 25, 1980.

With respect to workers producing power steering systems, investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,985; Massey-Ferguson, Inc., Tractor Div., North American Tractor Plant, Detroit, MI

A certification was issued covering all workers of the firm engaged in the production of small tractors separated on or after October 1, 1979 and workers engaged in the production of cabs for farm tractors separated on or after August 1, 1980 and before January 1, 1981.

With respect to workers of the North American Tractor Plant related to the production of medium farm tractors (B-line) and loader-backhoes (C-line) investigation revealed that criterion (3) has not been met. U.S. imports of 80-99 horsepower farm tractors decreased in quantity from 1979-1980. U.S. imports of farm tractors over 100 horsepower decreased in quantity from 1978 to 1979 and from 1979 to 1980.

TA-W-11,899; General Motors Corp., Central Office, Cleveland, OH

A certification was issued covering all workers of the firm separated on or after July 1, 1980 and before January 1, 1981.

I hereby certify that the aforementioned determinations were issued during the period June 29-July 2, 1981. Copies of these determinations are available for inspection in Room S-5314, U.S. Department of Labor, 200 Constitution Ave., NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: July 7, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-20256 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,899]

General Motors Corp., Central Office, Cleveland, Ohio; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on December 15, 1980 in response to a petition which was filed on behalf of workers at the Cleveland, Ohio Training Center of the Central Office of General Motors Corporation. Workers at the center provide training facilities for GM employees.

Since workers at this facility did not produce an article within the meaning of Section 222(3) of the Trade Act, they may be certified only if their separation was importantly caused by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for their services must be determined to have originated at production facilities whose workers

independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

The Department has determined that increased imports contributed importantly to the decline in sales or production and to total or partial separations of workers at 20 of General Motors Corporation's car and truck assembly plants (TA-W- 6783, 6917, 6999-7000, 7009, 7015-16, 7059, 7071, 7073-76, 7078-82, 8613 and 9570). Workers at these plants are engaged in production of one or more of the following car or truck lines: mid-size, standard and luxury/specialty cars, pick-up trucks, vans, and general utility vehicles. The Department also certified workers at 70 GM component parts plants as eligible for trade adjustment assistance (TA-W- 6705, 6877, 7001-04, 7004A, 7005, 7007-08, 7010-14, 7018-19, 7021-24, 7026-33, 7035-41, 7044-46, 7048-50, 7052-53, 7055-57, 7065-68, 7070, 7305, 7603, 7782, 8017, 8105-07, 8572, 8609-11, 8614, 9249, 9252, 9562-63, 9566 and 9569).

During the course of the investigation, it was established that the workers at the Cleveland, Ohio Training Center perform functions which primarily support the sales and production of GM vehicles which have been subject to import injury. Therefore, this facility is substantially integrated into the production of import-impacted GM car and truck lines.

Because U.S. auto manufacturers redesigned most of their automobiles and/or introduced completely new models from MY 1979 to MY 1981, the composition and distinguishable features of each market class of vehicles has changed substantially. As a result, the recent impact of import competition that existed in MY 1979 and MY 1980 may not continue in MY 1981.

Total domestic passenger car production by the United States remained virtually unchanged in the first five months of 1981 compared to the same period of 1980. Domestic passenger car production by General Motors Corporation declined slightly in quantity in this period. Several factors—including high interest rates, imports, and the recent downturn in the U.S. economy—have adversely affected production by General Motors and other U.S. auto manufacturers during this period. Given the number of factors involved, it would be difficult to determine whether import competition contributed importantly to any decline in U.S. auto production in the first few months of 1981.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with mid-size, standard and luxury/specialty automobiles, vans, utility vehicles and pickup trucks produced at final assembly plants of General Motors Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of the Cleveland, Ohio Training Center. In accordance with the provisions of the Act, I make the following certification:

All workers of the Cleveland, Ohio Training Center of the Central Office of General Motors Corporation who became totally or partially separated from employment on or after July 1, 1980 and before January 1, 1981 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of June 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-20247 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9530, 9530A, 9530B, 9530C]

Independent Cement Corp., East Kingston, New York, Kingston, New York, Buffalo, New York, Hudson, New York; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on July 28, 1980 in response to a petition which was filed by the International Union of Operating Engineers on behalf of workers at Independent Cement Corporation, East Kingston, New York (TA-W-9530). The investigation was expanded to include workers of Independent Cement Corporation, Kingston, New York (TA-W-9530A), Buffalo, New York (TA-W-9530B), and Hudson, New York (TA-W-9530C). The workers produce hydraulic cement.

U.S. imports of hydraulic cement increased absolutely and relative to domestic production in 1978 compared to 1977 and in 1979 compared to 1978.

Company imports of cement increased in 1979 compared to 1978 and in 1980 compared to 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with hydraulic cement produced at Independent Cement Corporation, East Kingston, Kingston, Buffalo, and Hudson, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Independent Cement Corporation, East Kingston, New York (TA-W-9530), Kingston, New York (TA-W-9530A), Buffalo, New York (TA-W-9530B), and Hudson, New York (TA-W-9530C) who became totally or partially separated from employment on or after July 8, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of June 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-20248 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under

Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of June 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition number	Articles produced
A. C. Modes (ILGWU)	New York, NY	6-15-81	6-9-81	12,798	Dresses, shirts, pants and blazers.
Jay Clothing Industries (ILGWU)	Elizabeth, NJ	6-24-81	6-17-81	12,799	Ladies' apparel.
Keystone Consolidated Industries, Keystone Group (ISWU).	Bartonville, IL	6-23-81	6-15-81	12,800	Steel products.
Kravex Manufacturing Corp. (workers)	Miami, FL	6-22-81	6-15-81	12,801	Battery cables.
Lady Elizabeth Sportswear Corp. (ILGWU)	New York, NY	5-1-81	4-29-81	12,802	Women's pants.
R. B. Baro Clothes, Inc. (workers)	Brooklyn, NY	6-24-81	6-21-81	12,803	Contractor, ladies sportswear.
Reece Corporation (UAW)	Waltham, MA	6-23-81	6-17-81	12,804	Industrial sewing machines.
Silisculpt, Inc. (workers)	Hialeah, FL	6-22-81	6-9-81	12,805	Plastic articles.
Vetter Corp. (workers)	San Luis Obispo, CA	6-24-81	6-23-81	12,806	After market products, accessories.
Volkswagen of America, Westmoreland Assembly Plant (UAW).	New Stanton, PA	6-23-81	6-17-81	12,807	Subcompact Rabbits.
Volkswagen of America, So. Charleston Stamping Plant (UAW).	So. Charleston, WV	6-23-81	6-17-81	12,808	Subcompact Rabbits.
Wolverine Fabricating and Manufacturing Co. (workers).	Blacksburg, VA	6-23-81	6-16-81	12,809	Custom gaskets, washers.
U.S. Steel Corp., American Bridge Division (USWA)	Pittsburgh, PA	6-18-81	6-15-81	12,810	Transmission towers.

[FR Doc. 81-20255 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9117]

McDonald Cedar Products; Neilton, Washington

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on June 30, 1980 in response to a petition which was filed on behalf of workers at McDonald Cedar Products, Neilton, Washington. The workers produce red cedar shakes and shingles.

U.S. imports of red cedar shakes, shingles, hips, and ridges increased absolutely and relative to domestic production in 1979 compared to 1978.

A Department of Labor survey revealed that surveyed customers, accounting for a substantial portion of McDonald's sales decline in 1979 compared to 1978 and in 1980 compared to 1979, reduced purchases from that firm while at the same time increasing purchases of imported shakes and shingles.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with red cedar shakes and shingles produced at McDonald Cedar Products, Neilton, Washington, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of McDonald Cedar Products, Neilton, Washington who became totally or partially separated from employment on or after June 9, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of June 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-20249 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,444]

Ranco Inc., General Offices, West Fifth Avenue, Columbus, Ohio; Affirmative Determination Regarding Application for Reconsideration

On May 8, 1981, the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of the General Offices of Ranco, Incorporated in Columbus, Ohio. The determination was published in the **Federal Register** on April 24, 1981, (46 FR 23350).

The application for reconsideration claimed that the reasons taken into consideration by the Department for certification of the workers at Ranco's Plain City and Delaware, Ohio plants should also apply to Ranco's West Fifth Avenue Facility in Columbus, Ohio which provides administrative and support services for the Ranco plants in North America.

Conclusion

After review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C. this 29th day of June 1981.

Harry J. Gilman,

Supervisory International, Economist, Office of Foreign Economic Reasearch.

[FR Doc. 81-20250 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8724]

Textile Trim, Inc., Fair Haven, Mich.; Affirmative Determination Regarding Application for Reconsideration

On April 14, 1981, a company official requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for former workers of Textile Trim, Inc., Fair Haven, Michigan. The determination was published in the **Federal Register** on March 20, 1981, (46 FR 17928).

The application for reconsideration claimed, among other things, that the production operations of Textile Trim's Fair Haven, Michigan plant were moved to one of their Canadian plants.

Conclusion

After review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted. Signed at Washington, D.C., this 30th day of June 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-20252 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6462T]

U.S. Steel Corp., Gary Works, Gary, Ind.; Termination of Investigation

Pursuant to Section 223(d) of the Trade Act of 1974 and 29 CFR 90.17, a termination investigation was initiated on May 13, 1981 to determine, with respect to the certification issued on February 6, 1980 [TA-W-6462], whether total or partial separations of workers engaged in employment related to the production of coated sheet at the U.S. Steel Corporation's Gary Works, Gary, Indiana are no longer attributable to the conditions specified in such certification.

Notice of Investigation Regarding Termination of Certification of Eligibility to Apply for Worker Adjustment Assistance was published in the **Federal Register** on June 5, 1981.

The investigation has been terminated.

Signed at Washington, D.C. this 30th day of June 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-20251 Filed 7-9-81; 8:45 am]

BILLING CODE 4510-28-M

MERIT SYSTEMS PROTECTION BOARD

Schedule for Awarding Senior Executive Service Performance Awards (Bonuses)

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses.

DATE: July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Darrell Netherton, Office of Legislative Counsel, Merit Systems Protection Board, 1717 H Street, N.W., Washington, D.C. 20419, (202) 653-7175.

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

Schedule for Awarding Senior Executive Service Bonuses

Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid. The Merit Systems Protection Board intends to award Senior Executive Service bonuses for the performance rating cycle of June 1, 1980 through May 31, 1981, with payouts scheduled by September 30, 1981.

Dated: July 2, 1981.

Merit Systems Protection Board.

Ersa H. Poston,

Vice Chair.

[FR Doc. 81-19937 Filed 7-9-81; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Earth Sciences, Geophysics Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Earth Sciences (Geophysics Subcommittee)
Date and Time: July 31-August 2, 1981; 8:30 a.m. to 5:00 p.m. each day
Place: Princeton University, Princeton, New Jersey 08540
Type of Meeting: Closed
Contact Person: Dr. Robin Brett, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357-7958
Purpose of Committee: To provide advice and recommendations concerning support for research in Earth Sciences
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards
Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 522b(c), Government in the Sunshine Act
Authority: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979

M. Rebecca Winkler,

Committee Management Coordinator.

July 7, 1981.

[FR Doc. 81-20213 Filed 7-9-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for International Programs; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for International Programs
Date and Time: Tuesday, July 28, 1981 1:00 P.M. to 4:30 P.M.; Wednesday, July 29, 1981 9:00 A.M. to 4:30 P.M.
Place: Room 543, 1800 G Street, N.W., Washington, D.C. 20550
Type of Meeting: Open
Contact Person: Dr. Bodo Bartocha, Director, Division of International Programs, National Science Foundation—Room 1214, 1800 G Street, N.W., Washington, D.C. 20550

Persons interested in attending the meeting should inform Dr. Jean Johnson before 5 P.M., on July 27, 1981, telephone (202) 357–9700.

Summary of minutes: May be obtained from the contact person at the above address.

Purpose of Advisory Group: The Advisory Committee for International Programs provides advice, recommendations, and oversight concerning support for activities related to international scientific and technical cooperation.

Agenda

July 28, 1981

1:30 Welcome
Dr. Harvey Averch, Assistant Director, Directorate for Scientific, Technological and International Affairs
Dr. Donald N. Langenberg, Deputy Director, Office of the Director
2:00 Review of INT Programs
Dr. Bodo Bartocha, Director, Division of International Programs
3:00 Brief Recess
3:15 Discussion
Dr. Dorothy S. Zinberg, Chairperson
4:30 Adjourn

July 29, 1981

9:00 Strategic Planning Budget Developments
Dr. Bodo Bartocha
10:00 Priorities Under Budget Constraints, Based Upon the Needs of the Scientific Community
Dr. Dorothy Zinberg
11:30 to 1:00 Lunch
1:00 to 4:30 Continue Discussion—Priorities Under Budget Constraints
Advisory Committee Members

M. Rebecca Winkler,

Committee Management Coordinator.

July 7, 1981.

[FR Doc. 81-20212 Filed 7-9-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-471 CP]

Boston Edison Co.; (Pilgrim Nuclear Generating Station, Unit 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Thomas S. Moore, Chairman
Dr. John H. Buck
Christine N. Kohl

Dated: July 2, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-20286 Filed 7-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 SP and 50-251 SP]

Florida Power & Light Co.; (Turkey Point Nuclear Generating Units Nos. 3 and 4); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this steam generator repairs proceeding to consist of the following members:

Alan S. Rosenthal, Chairman
Dr. W. Reed Johnson
Thomas S. Moore

Dated: July 2, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-20287 Filed 7-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-424 and 50-425]

Georgia Power Co. (Alvin W. Vogtle Nuclear Plant, Units 1 and 2); Issuance of Director's Decision Under 10 CFR 2.206 (DD-81-12)

By letter, dated September 25, 1980, Mr. Gary Flack, on behalf of Georgians Against Nuclear Energy (GANE), requested that the Nuclear Regulatory Commission reconsider its decision to issue construction permits to Georgia Power Company for the construction of the two Alvin W. Vogtle nuclear facilities. GANE's letter is being treated as a request for action pursuant to 10 CFR 2.206 of the Commission's regulations. Upon consideration of GANE's letter, I have determined, in accordance with 10 CFR 2.206, to deny the request.

Copies of the "Director's Decision under 10 CFR 2.206" which fully discuss the reasons for this decision are available for inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and in the local public document room at the Burke County Library, 4th Street, Waynesboro, Georgia 30830.

A copy of this decision will also be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Maryland, this 2nd day of July 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-20288 Filed 7-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Operating License No. DPR-59, issued to the Power Authority of the State of New York, which revised the Technical Specifications for operation of the James A. FitzPatrick Nuclear Plant (the facility) located in Oswego County, New York. The amendment is effective as of the date of its issuance.

The amendment revises the Technical Specifications to establish one set of requirements for the three systems which are used to identify primary coolant system leakage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated June 24, 1981, (2) Amendment No. 56 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing

Dated at Bethesda, Maryland, this 2nd day of July 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-20289 Filed 7-9-81; 8:45 am]

BILLING CODE 7590-01-M

THE PRESIDENT'S COMMISSION ON HOSTAGE COMPENSATION

[Public Notice CM-81422]

Rescheduling of Meetings

The meetings of the President's Commission on Hostage Compensation which were scheduled for July 16 and July 17 at the Department of State and notice of which was carried in the **Federal Register** of June 30, 1981 have been postponed to July 23 and July 24.

The Commission will meet on July 23 in Room 1107 of the Department of State, 22nd and C Streets, NW., Washington, D.C. from 9:00 a.m. to 12:00 noon and from 2:00 p.m. until 5:00 p.m. or later. The Commission will meet again at the same time and place on July 24.

The agenda of the meetings will include consideration of public comments received in writing from interested parties on the subject of hostage compensation, some of which also may be submitted orally to the Commission. Additional written or oral submissions concerning the legal and factual background received by the Commission from agencies of the U.S. government and various possible approaches to the question of hostage compensation will be discussed and considered.

Further meetings of the Commission will be held on August 6 and August 7, 1981 again in Room 1107 of the Department of State. These meetings will also begin at 9:00 a.m. on each of the two days and continue, with a lunch break, until late afternoon or evening. At these meetings, the Commission will consider any additional submissions received on the subject of hostage compensation, formulate its recommendations to the President and prepare its report.

The meetings will be open to public observation. Written comments or statements may be submitted at any time and will be presented to and considered by the Commission. Persons who wish to appear before the Commission should notify the Commission office as soon as possible in order that the time available can be properly scheduled. The text of proposed oral presentations should be submitted to the Commission's office for distribution to members in advance. These procedures are designed to allow the Commission to finish its task within the time available to it and therefore must be carefully adhered to by interested parties. All correspondence should be addressed to the Commission office, Room 1004, Department of State, Washington, D.C. 20520.

Approximately 60 seats will be available to the public to attend the meetings on a first come, first served basis. Commission proceedings will be recorded and minutes prepared which may be examined subsequently in the Commission's office.

Members of the public wishing to attend the Committee meetings should call the Commission office in advance so that admission to the Department of State building at the 22nd and C Street entrance can be arranged. For further information call (202) 632-3116.

John R. Davis, Jr.,

Executive Secretary.

July 8, 1981.

[FR Doc. 81-20383 Filed 7-9-81; 8:45 am]

BILLING CODE 4710-15-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

Chipola Oil Corp.; Order of Trading Suspension

July 2, 1981.

It appearing to the Securities and Exchange Commission that because of questions concerning the control, and availability for delivery, of the securities of Chipola, problems encountered in the transfer and delivery of the securities of Chipola, the after market trading activities in the securities of Chipola by certain broker-dealers which commenced on May 11, 1981, and the recent increase in the price of the securities of Chipola from 19 cents on June 17, 1981, to $1.00 on July 1, 1981, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Chiopla Oil Corporation.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that over-the-counter trading in the securities of Chipola Oil Corporation is suspended, for the period from 9:45 a.m. (EDT) on July 2, 1981, and terminating at midnight (EDT) on July 11, 1981.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-20237 Filed 7-9-81; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 6, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Iowa Electric Light & Power Co., Common Stock, $2.50 Par Value (File No. 7-5963)

Public Service Company of New Mexico, Common Stock $5 Par Value (File No. 7-5964)

Republic Airlines, Inc., Common Stock $.20 Par Value (File No. 7-5965)

Tucson Electric Power Company, Common Stock, $2.50 Par Value (File No. 7-5966)

Wisconsin Power & Light Company, Common Stock, $5 Par Value (File No. 7-5967)

Kentucky Utilities Company, Common Stock, $10 Par Value (File No. 7-5968)

Gannett Company, Inc., Common Stock, $1 Par Value (File No. 7-5969)

Commonwealth Energy System, Common Stock, $4 Par Value (File No. 7-5970)

Wisconsin Public Service Corporation, Common Stock, $8 Par Value (File No. 7-5971)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 27, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comment should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20238 Filed 7-9-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7134]

IPM Technology, Inc. (Common Stock, $0.25 Par Value); Notice of Applications To Withdraw From Listing and Registration and for Unlisted Trading Privileges and of Opportunity for Hearing

July 6, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons asserted in the application for withdrawing this security from listing and registration include the following:

The common stock of IPM Technology, Inc. ("Company") became listed and registered for trading on the BSE on January 24, 1973. The Company has determined that because such listing on the BSE serves no purpose for the issuer or its stockholders, the Company wishes to have its securities listed with NASDAQ.

Additionally, the BSE has filed an application with the Commission pursuant to Section 12(f)(1)(C) of the Act and Rule 12f-1 thereunder, for unlisted trading privileges in the above named stock.

The Commission has determined to consider applications for unlisted trading privileges in over-the-counter securities in the limited situation where a listed reported [1] security is subject to an issuer delisting application, provided the applicant exchange has exempted such security from any off-board trading restrictions.

Any interested persons are invited to submit on or before July 27, 1981, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the withdrawal from listing and the extension of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-20239 Filed 7-9-81; 8:45 am]

BILLING CODE 8010-01-M

[1] A reported security is a security that is listed on the New York or American Stock Exchanges, or listed on some other exchange and which substantially meets either New York or American Stock Exchange listing standards. Such securities are reported in the consolidated transaction reporting system.

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0289]

Capital Assistance Corporation of Connecticut; License Surrender

Notice is hereby given that Capital Assistance Corporation of Connecticut, 33 Brook Street, West Hartford, Connecticut 06110, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Capital Assistance Corporation of Connecticut was licensed by the Small Business Administration on April 24, 1978.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on June 23, 1981, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 2, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-20195 Filed 7-9-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 05/05-0156]

Wisconsin Venture Capital Corp.; Application for a License To Operate as a Small Business Investment Co.

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of Wisconsin Venture Capital Corporation, 888 South Main Street, Fond du Lac, Wisconsin 54935, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors, and shareholders of the Applicant are as follows:

Name and address	Title and relationship	Beneficial ownership (percent)
Michael J. Floyd, 888 S. Main St., Fond du Lac, WI 54935.	President & Director	12
David E. Leichtfuss, 888 S. Main St., Fond du Lac, WI 54935.	Vice President, Treasurer & Director.	5
Susan J. Lapcewich, 888 S. Main St., Fond du Lac, WI 54935.	Secretary, Assistant Treasurer & Director.	
Bank of Spooner, P.O. Box 308, Spooner, WI 54801.	Shareholder	15

The Applicant will have no more than 17 beneficial owners of common stock. Only the Bank of Spooner will directly own more than 10% of the common stock.

The Applicant will begin operations with a capitalization of $580,000 and will be a source of equity capital and long-term loan funds for qualified small business concerns whose needs might not be met by traditional funding sources.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, on or before July 27, 1981, submit written comments on the proposed company to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Fond du Lac, Wisconsin.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 2, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-20196 Filed 7-9-81; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 132
Friday, July 10, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Rights Commission	1
Federal Energy Regulatory Commission	2
Federal Home Loan Bank Board	3
Federal Reserve System (Board of Governors)	4, 5
Federal Trade Commission	6

1

CIVIL RIGHTS COMMISSION.

DATE AND TIME: July 13, 1981, 9 a.m. to 5 p.m.; July 14, 1981, 9 a.m. to 4 p.m.

PLACE: Room 512, Vermont Avenue, N.W., Washington, D.C.

STATUS: Open to public.

MATTERS TO BE CONSIDERED: Monday, July 13:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Review of Proposed FY 83 Program and Budget
IV. Review of School Desegregation Monograph

Tuesday, July 14:

V. Civil Rights Issues in the Combined Federal Campaign
VI. Review of Department of Education Acceptance of North Carolina's Higher Education Desegregation Plan
VII. Responsive Letter to Attorney General William French Smith
VIII. Action re Analysis of Issues Regarding Native Hawaiian Homelands
IX. Action re Florida Advisory Committee Report Entitled The Administration of Justice in Pensacola and Escambia County
X. Action re Louisiana Advisory Committee Report Entitled Fair Housing in America: Community Development in Louisiana
XI. Transmittal of Conference Report From the Maryland Advisory Committee on "A Civil Rights Agenda for the 1980's"
XII. Transmittal of New Mexico Advisory Committee Report Entitled Employment Patterns in New Mexico's Public Institutions of Higher Education: 1979-1980
XIII. Transmittal of Iowa Advisory Committee Monograph Entitled Employment of Professionals by Iowa Municipal Governments
XIV. State Advisory Committee Re-charters
A. Idaho
B. Louisiana
XV. Civil Rights Developments in the Southern Region
XVI. Staff Director's Report
A. Status of Funds
B. Personnel Report
C. Office Directors' Reports

PERSONS TO CONTRACT FOR FURTHER INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division (202) 254-6697.

[S-1067-81 Filed 7-8-81; 1:28 pm]

BILLING CODE 6335-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 34888, July 6, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., July 9 and 10, 1981.

CHANGE IN THE MEETING: The above meeting has been cancelled.

Kenneth F. Plumb,
Secretary.

[S-1064-81 Filed 7-8-81; 10:47 am]

BILLING CODE 6450-85-M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Tuesday, July 14, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The first item has been withdrawn from the open portion of the Bank Board meeting and the other three items have been added to the open portion of the Bank Board meeting. The time of the Bank Board meeting for Tuesday, July 14, 1981, has been changed from 10:00 a.m., to 2:30 p.m.:

1. Insurance and Membership Application (FHLBB Res. No. 81-331)—Citizens Building and Loan Association, Plaquemine, Louisiana.

1. Graduated payment Adjustable Mortgage Loan Instruments.

2. Balloon Payment Mortgage Loans; Reverse-Annuity Mortgage Loans.

3. Delegation of Authority Regarding Merger Approvals.

No. 515, July 8, 1981.

[S-1066-81 Filed 7-8-81; 11:29 am]

BILLING CODE 6720-01-M

4

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: Approximately 12:00 noon, Wednesday, July 15, 1981, following a recess at the conclusion of an open meeting to be held earlier the same day.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: July 7, 1981.

James McAfee,
Assistant Secretary of the Board.

[S-1063-81 Filed 7-7-81; 4:25 pm]

BILLING CODE 6210-01-M

5

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, July 15, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed amendments to Regulation Y (Bank Holding Companies and Change in Bank Control) regarding insurance agency activities. (Proposed earlier for public comment; Docket No. R-0050)

Discussion Agenda:

2. Proposed revised fee schedule for 1982 Federal Reserve cash transportation services.

3. Proposed fee schedules for 1981 Federal Reserve securities safekeeping services, securities purchase or sale services, and noncash collection services.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph B. Coyne, Assistant to the Board; (202) 452-3204.

Dated: July 7, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1062-81 Filed 7-7-81; 4:24 pm]

BILLING CODE 6210-01-M

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, July 22, 1981.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of Trade Regulation Rule in Funeral Industry Practices.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523-1892; Recorded Message: (202) 523-3806.

[S-1065-81 Filed 7-8-81; 10:56 am]

BILLING CODE 6750-01-M

federal register

Friday
July 10, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama: AL80–1112	Oct. 17, 1980.
Arkansas:	
AR81–4039	June 19, 1981.
AR81–4040	June 19, 1981.
AR81–4041	June 19, 1981.
AR81–4042	June 19, 1981.
AR81–4043	June 19, 1981.
Delaware: DE81–3028	May 8, 1981.
Minnesota:	
MN80–2088	Dec. 19, 1980.
MN81–2022	May 22, 1981.
Montana:	
MT81–5114	May 8, 1981.
MT81–5115	May 8, 1981.
MT81–5116	May 8, 1981.
Pennsylvania:	
PA80–3011	Feb. 22, 1980.
PA80–3055	Oct. 3, 1980.
PA80–3059	Oct. 3, 1980.
PA80–3074	Dec. 12, 1980.
Tennessee:	
TN81–1189	Mar. 6, 1981.
TN81–1204	May 8, 1981.
Texas:	
TX80–4087	Nov. 7, 1980.
TX80–4088	Nov. 7, 1980.
TX81–4006	Jan. 6, 1981.
TX81–4007	Jan. 6, 1981.
TX81–4008	Jan. 6, 1981.
TX81–4009	Jan. 6, 1981.
TX81–4015	Apr. 3, 1981.
TX81–4016	Apr. 3, 1981.
TX81–4032	May 8, 1981.
TX81–4037	June 5, 1981.
TX81–4038	June 5, 1981.
Virginia: VA81–3015	Mar. 6, 1981.
Wyoming: WY81–5108	Apr. 3, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL80–1068 (AL81–1265)	June 6, 1980.
AL81–1164 (AL81–1267)	Feb. 6, 1981.
California: CA81–5109 (CA81–5132)	Apr. 10, 1981.
Mississippi: MS80–1084 (MS81–1264)	July 25, 1980.
Missouri: MO80–4094 (MO81–4055)	Nov. 28, 1980.
Oklahoma:	
OK80–4060 (OK81–4051)	July 18, 1980.
OK80–4061 (OK80–4054)	July 18, 1980.

Pennsylvania: PA78-3037 (PA81-3029)..... Apr. 21, 1978.
Texas:
TX81-4005 (TX81-4045)..... Jan. 6, 1981.
TX81-4001 (TX81-4050)..... Jan. 6, 1981.
TX80-4018 (TX81-4052)..... Mar. 14, 1981.
TX80-4099 (TX81-4048)..... Dec. 5, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 2d Day of July 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATIONS P. 1

Decision #AL80-1112 - MOD. #1
(45-FR-69142 - October 17, 1980)

Cullman, Jackson, Limestone, Morgan, Madison, and Marshall Counties in Alabama	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Painters, brush	$5.50				
CHANGE STATE from MISSISSIPPI to ALABAMA					

MODIFICATIONS P. 2

DECISION #AR81-4039-Mod. #2 46FR32177 - June 19, 1981 Sebastian, Crawford & Washington Counties, Arkansas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
SEBASTIAN & CRAWFORD COS.:					
Boilermakers	$14.80	1.375	1.00		.04
Plasterers	12.00		.35		.04
Plumbers-Steamfitters	13.11	.55	.60		.04
DECISION #AR81-4040-Mod. #2 46FR32179 - June 19, 1981 Union & Ouachita Counties, Arkansas					
CHANGE:					
Boilermakers	14.80	1.375	1.00		.04
ELECTRICIANS:					
Electrical contracts $20,000. or less:					
Electricians	13.69		3%		1/4%
Cable splicers	13.99		3%		1/4%
Electrical contracts over $20,000.00:					
Electricians	14.48		3%		1/4%
Cable splicers	14.78		3%		1/4%
PLASTERERS	12.00		.35		.04
PLUMBERS-PIPEFITTERS	13.65	.60	.85		.10
DECISION #AR81-4041-Mod. #2 46FR32173 - June 19, 1981 Garland, Clark & Hot Springs Counties, Arkansas					
CHANGE:					
BRICKLAYERS-STONEMASONS:					
Clark & Garland Counties	11.75		.50		
Hot Springs County	12.10		.65		.04
Boilermakers	14.80	1.375	1.00		.04
ELECTRICIANS:					
Electricians	12.27	.60	3%+1.00		1/4%
Cable splicers	12.395	.60	3%+1.00		1/4%
LINE CONSTRUCTION:					
Linemen	12.27	.60	3%+1.00		1/4%
Cable splicers	12.395	.60	3%+1.00		1/4%
PLASTERERS	12.00		.35		.04
TILE LAYERS (Garland and Clark Counties)	11.75		.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AR81-4042-Mod. #2 46FR32187 - June 19, 1981 Pulaski County, Arkansas					
CHANGE:					
Boilermakers	$14.80	1.375	1.00		.04
Plasterers	12.00		.35		.04
DECISION #AR81-4043-Mod. #2 46FR32175 - June 19, 1981 Jefferson County, Arkansas					
CHANGE:					
Boilermakers	14.80	1.375	1.00		.04
Plasterers	12.00		.35		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. DE-81-3028 MOD. NO. 3 (46 FR 25909 - May 8, 1981) State of Delaware					
CHANGE:					
PLUMBERS & STEAMFITTERS:					
New Castle & Kent (north of the southern boundary of Dover City) Counties	$15.89	1.35	1.60		.15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISON #MN80-2088 Mod #3 (45 FR 83810 December 19,1980) Becker, Clay, Cass, Hubbard, Ottertail, Todd, Wadena & Wilkin Cos. Minnesota					
CHANGE:					
BACKHOE	$11.59	.95	.60		.05
TRUCK CRANE OPERATOR	11.59	.95	.60		.05
DECISION #MN81-2022 Mod #1 (46 FR 28102 May 22, 1981) Beltrami, Kittson, Clearwater, Lake-of-the-Woods, Mahnomen, Polk, Marshall, Norman, Red Lake, Pennington and Roseau Cos. Minnesota					
CHANGE:					
BACKHOE	$11.59	.95	.60		.05
TURNAPULL OPERATOR	11.34	.95	.60		.05
SCRAPER OPERATOR	11.43	.95	.60		.05
BULLDOZER	11.34	.95	.60		.05

DECISION NUMBER MT81-5114 Mod. # 4
(46 FR 25925 - May 8, 1981)

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Painters					
Area 6	$13.67	.69	.50		.04

DECISION NUMBER MT81-5115 Mod. #4
(46 FR 25934 - May 8, 1981)

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Painters					
Area 6	$13.67	.69	.50		.04

DECISION NUMBER MT81-5116 Mod. #3
(46 FR 25953 May 8, 1981)

Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow, and Valley Counties.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Painters					
Area 3	$10.93	.69	.50		.04

DECISION NO. PA80-3011
MOD. NO. 10
(45 FR 12118 - Februsry 22, 1980)
Greene, Somerset & Potter Counties, Pennsylvania

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Boilermakers					
Zone II	$14.93	5%	7%+1.12		.02
Carpenters					
Zone 2	13.75	6½%	8%	10%	
Cement Masons					
Zone 1	14.37	1.01	2.30		
Zone II	12.85	9%	7%		
Ironworkers					
Zone II	13.59	1.22	1.67		.04
Laborers:					
Zone I					
Class 1	11.91	9%	9%		
Class 2	12.05	9%	9%		
Class 3	12.18	9%	9%		
Class 4	12.45	9%	9%		
Class 5	12.63	9%	9%		
Zone II					
Class 1	12.00	9%	8%		
Class 2	12.25	9%	8%		
Class 3	12.80	9%	8%		
Zone III					
Class 1	10.34	10%	9%		
Class 2	10.84	10%	9%		
Class 3	10.94	10%	9%		
Class 4	10.84	10%	9%		
Class 5	10.39	10%	9%		
LINE CONSTRUCTION:					
Zone I					
Linemen, dynamite man, heavy equipment operator	13.37	.55	3%		3/8%
Winch truck operator	9.38	.55	3%		3/8%
Groundman	8.97	.55	3%		3/8%
Millwrights	13.16	6%	6%	25%	1/2%
Piledrivermen	15.18	5.5%	10%		1/2%

DECISION NO. PA80-3011
MOD. NO. 10, CONT'D

Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Zone I - Greene County					
Class I	15.575	1.05	1.15		.09
Class I-A	15.825	1.05	1.15		.09
Class I-B	16.075	1.05	1.15		.09
Class I-C	16.325	1.05	1.15		.09
Class II	15.375	1.05	1.15		.09
Class III	13.69	1.05	1.15		.09
Class III-A	14.19	1.05	1.15		.09
Class IV	12.73	1.05	1.15		.09
Class V	12.42	1.05	1.15		.09
Class V-A	12.52	1.05	1.15		.09
Class V-B	12.67	1.05	1.15		.09
Class V-C	13.42	1.05	1.15		.09
Zone II - Somerset & Potter					
Class I	14.625	1.05	1.15		.09
Class 1-A	14.875	1.05	1.15		.09
Class 1-B	15.125	1.05	1.15		.09
Class 1-C	15.375	1.05	1.15		.09
Class 2	14.475	1.05	1.15		.09
Class 3	12.60	1.05	1.15		.09
Class 3-A	13.10	1.05	1.15		.09
Class 4	11.95	1.05	1.15		.09
Class 5	10.90	1.05	1.15		.09
Class 6	11.20	1.05	1.15		.09
Class 6-A	11.30	1.05	1.15		.09
Class 6-B	11.45	1.05	1.15		.09
Class 6-C	12.20	1.05	1.15		.09
Roofers					
Zone 1	15.96	.77	1.50		.16
Painters:					
Zone 2					
Commercial					
Brush & Roller	11.74	1.10	1.10		.02
Spray	12.24	1.10	1.10		.02
Industrial					
Brush	12.59	1.10	1.10		.02
Spray	13.09	1.10	1.10		.02

DECISION NO. PA80-3011
MOD. NO. 10, CONT'D

Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers					
Zone I	13.36	1.07	1.22	.75	.27
Zone II	15.05	1.05	1.80		.07
Steamfitters					
Zone I	15.20	1.35	1.44		.10
Sprinkler Fitters	15.56	.95	1.40		.08
Truck Drivers:					
Zone II					
Class 1	11.86	9.7%	7.1%	a	
Class 2	11.91	9.7%	7.1%	a	
Class 3	11.93	9.7%	7.1%	a	
Class 4	12.01	9.7%	7.1%	a	
Class 5	12.20	9.7%	7.1%	a	
Class 6	12.03	9.7%	7.1%	a	
Class 7	12.18	9.7%	7.1%	a	

DECISION NO. PA80-3055 - MOD. #9 (45 FR 65902 - October 3, 1980) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BUILDING, HEAVY AND HIGHWAY CONSTRUCTION					
ASBESTOS WORKERS					
ZONE 1	14.91	1.00	1.60		.08
BRICKLAYERS:					
Rehabilitation work to include demolition, repair, and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use:					
ZONE 1	12.47	1.08	1.30		.02
All other work					
ZONE 3	13.21	1.22	1.55		.02
CARPENTERS:					
Rehabilitation work to include demolition, repair, and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use	11.52	2.63	1.40		.13
Residential under 4 stories:					
Bucks, Chester, Delaware & Montgomery Cos.	10.38	1.13	1.40		.13
Philadelphia County	12.42	2.63	1.40		.13
All Other Work:					
Building Construction	12.52	2.63	1.40		.13

DECISION NO. PA80-3055 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
All Other Work	11.60	2.09	2.60		
ZONE 1					
Heavy & Highway	11.60	2.09	2.60		
DRYWALL FINISHERS:					
All Other Work	12.03	1.91	1.00	1.00	.03
LATHERS:					
ZONE 1	12.52	2.63	1.40		.23
LABORERS:					
Building Construction					
CLASS 1	11.05	.90	.85		.25
CLASS 2	11.15	.90	.85		.25
CLASS 3	11.20	.90	.85		.25
CLASS 4	11.35	.90	.85		.25
CLASS 5	11.45	.90	.85		.25
CLASS 6	10.99	.90	.85		.25
LABORERS:					
Heavy & Highway Construction:					
GROUP 1	11.30	.95	.85		.25
GROUP 2	11.10	.95	.85		.25
GROUP 3	11.00	.95	.85		.25
GROUP 4	11.15	.95	.85		.25
GROUP 5	10.90	.95	.85		.25
GROUP 6	11.55	.95	.85		.25
GROUP 7	11.40	.95	.85		.25
GROUP 8	11.25	.95	.85		
MILLWRIGHTS	13.02	2.63	1.40		.13
PAINTERS:					
ZONE 4					
Brush	13.14	1.60	1.30		
Steel	13.89	1.60	1.30		
PLUMBERS:					
All Other Work:					
ZONE 1	15.49	1.10	1.40		
ZONE 2	15.08	1.10	1.40		
TILE SETTERS					
All Other Work	10.75	1.55	1.95		.14
TERRAZZO WORKERS	13.44	.98	1.87		

Page 3

DECISION NO. PA80-3055 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STONE MASONS					
ZONE 1	13.80	.98	1.87		
STEAMFITTERS					
ZONE 1	15.01	.95	2.05		.11
ZONE 2	14.61	.95	2.05		.11
SHEET METAL WORKERS:					
ZONE 1 (Commercial)	15.03	1.69	1.18		.07
SOFT FLOOR LAYERS					
Rehabilitation work to include demolition, repair, and alteration, on any existing structure or nor more than four (4) stories which is intended for predominently residential use	9.08	2.63	1.40		.13
All Other Work	11.78	2.63	1.40		.13
STONE MASONS					
ZONE 1	12.20	.98	1.87		
TERRAZZO WORKERS	11.84	.98	1.87	-	

DECISION NO. PA80-3059 MOD. NO. 5 (45 FR 65895 - October 3, 1980) Erie County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Carpenters & Soft Floor Layers	$12.80	6½%	8%	10%	.02
Bricklayers & Stonemasons	14.15	.75	.60	1.00	.02
Electricians	14.55	1.20	3%+1.75	1.00	½%
Ironworkers:					
Structural, Ornamental & Reinforcing	14.50	1.86	1.51		.15
Laborers:					
Common Laborers	11.55	9%	8%		.03
Mason tenders	11.95	9%	8%		.03
Line Construction:					
Linemen, Heavy Equipment Op.	13.37	.55	3%		3/8%
Winch truck operator	9.38	.55	3%		3/8%
Groundmen	8.97	.55	3%		3/8%
Millwrights	13.16	6%	6%	25%	1/2%
Marble Setters	13.60	.75	.60		.02
Piledrivermen	15.18	5.5%	10%		1.2%
POWER EQUIPMENT OPERATORS:					
Class I	15.12	1.05	1.15		.10
Class I-A	15.41	1.05	1.15		.10
Class I-B	15.68	1.05	1.15		.10
Class I-C	15.96	1.05	1.15		.10
Class II	14.62	1.05	1.15		.10
Class III	14.45	1.05	1.15		.10
Class IV	12.96	1.05	1.15		.10
Class V	12.67	1.05	1.15		.10
Class V-A	12.96	1.05	1.15		.10
Class V-B	13.44	1.05	1.15		.10
Class VI	13.69	1.05	1.15		.10
Class VI-A	12.96	1.05	1.15		.10
Class VI-B	12.67	1.05	1.15		.10
Plumbers & Steamfitters	15.97	.60	1.05		.06
Soft Floor Layers	12.80	6½%	8%	10%	.02
Sprinkler Fitters	15.56	.95	1.40		.08
Terrazzo Workers	13.60	.75	.60		.02
Tile Setters	13.60	.75	.60		.02

DECISION NO. PA80-3074 - MOD. #6 (45 FR 81981 - December 12, 1980) Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
CEMENT MASONS					
ZONE 1	13.26				
ZONE 2	12.85	9%	7%		
IRONWORKERS					
ZONE 1	13.59	1.22	1.67		
ZONE 2	14.265	1.49	1.46		.045
LABORERS					
ZONE 1					
Unskilled Laborers	10.34	10%	9%		
Plasterers Tenders	10.39	10%	9%		
ZONE 2					
Unskilled Laborers	10.06	10%	9%		
Plasterers Tenders	10.11	10%	9%		
MILLWRIGHTS	13.16	6%	6%	25%	1/2%
PILEDRIVERMEN	15.18	5.5%	10%		1/2%
PAINTERS					
ZONE 2					
Commercial					
Brush & Roller	11.74	1.10	1.10		.02
Spray	12.24	1.10	1.10		.02
Industrial					
Brush & Steel	12.59	1.10	1.10		.02
Spray	13.09	1.10	1.10		.02
PLUMBERS & STEAMFITTERS					
ZONE 2	13.36	1.07	1.22	.75	.27
ROOFERS					
ZONE 3					
Composition Roofers	15.96	.77	1.50		.16

DECISION #TN81-1189 Mod #1 (46 FR 15665 March 6, 1981) Crockett, Dyer, Gibson, Lake, Lauderdale, Obion & Weakley Counties, Tennessee	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT:					
Drywall Finishers	$10.01				

DECISION #TN81-1204 Mod #2 (46 FR 25979 May 8, 1981) Hamilton (Building & Heavy Construction), Marion, Polk, and Rhea (Building only) Counties, Tennessee	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
MARBLE, TERRAZZO & TILE WORKERS (all counties except Polk)	$13.72	.75	.80		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4087 - MOD. #3 (45 FR 74365 - November 7, 1980) Gregg County, Texas					
CHANGE:					
Asbestos workers	$13.675	.835	1.20		.045
Boilermakers	14.80	1.275	1.00		.04
DECISION NO. TX80-4088 - MOD. #5 (45 FR 74364 - November 7, 1980) Harrison County, Texas					
CHANGE:					
Asbestos workers	13.675	.835	1.20		.045
Boilermakers	14.80	1.275	1.00		.04
DECISION NO. TX81-4006 - MOD. #5 (46 FR 1547 - January 6, 1981) Brazos County, Texas					
CHANGE:					
Asbestos workers	15.05	1.10	1.18		.08
Boilermakers	14.80	1.275	1.00		.04
DECISION NO. TX81-4007 - MOD. #5 (46 FR 1548 - January 6, 1981) Ector & Midland Cos., Texas					
CHANGE:					
Boilermakers	14.80	1.275	1.00		.04
Plumbers & pipefitters	12.41	.60	.55		.04
DECISION NO. TX81-4008 - MOD. #3 (46 FR 1550 - January 6, 1981) Smith County, Texas					
CHANGE:					
Carpenters	10.88				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4009 - MOD. #4 (46 FR 1549 - January 6, 1981) Taylor County, Texas					
CHANGE:					
Asbestos workers	$13.675	.835	1.20		.045
Boilermakers	14.80	1.275	1.00		.04
Plumbers & pipefitters	11.88	.60	.75		.05
DECISION NO. TX81-4015 - MOD. #4 (46 FR 20448 - April 3, 1981) Jefferson & Orange Cos., Texas					
CHANGE:					
Asbestos workers-Jefferson	15.05	1.10	1.18		.08
Boilermakers	14.80	1.275	1.00		.04
DECISION NO. TX81-4016 - MOD. #3 (46 FR 20450 - April 3, 1981) Travis County, Texas					
CHANGE:					
Boilermakers	14.80	1.275	1.00		.04
DECISION NO. TX81-4032 - MOD. #4 (46 FR 25981-May 8,1981) Galveston & Harris Cos., Texas					
CHANGE:					
Asbestos workers	15.05	1.10	1.18		.08
Boilermakers	14.80	1.275	1.00		.04

DECISION NO. TX81-4037 - MOD. #1 (46 FR 30284 -June 5,1981) Wichita County, Texas	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers	$13.675	.835	1.20		.045
Boilermakers	14.80	1.275	1.00		.04
Carpenters:					
Carpenters	12.70	.48	.70		.10
Millwrights	13.20	.48	.70		.10
Elevator constructors:					
Mechanics	12.87	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
Laborers:					
Group 1	7.25	.30	.27		
Group 2	7.38	.30	.27		
Group 3	7.50	.30	.27		
Group 4	7.75	.30	.27		

DECISION NO. TX81-4038 - MOD. #3 (46 FR 30287 - June 5,1981) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers	13.675	.835	1.20		.045
Boilermakers	14.80	1.275	1.00		.04
Bricklayers & stonemasons:					
Zone 1	13.67	.67	.70		.07
Elevator constructors:					
Mechanics	12.87	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
Plumbers & pipefitters:					
Zone 1	13.76	.43	1.00		.10

DECISION NO. VA81-3015-Mod. #5 (46 FR 15666-March 6,1981) Radford Army Ammunition Plant, Virginia	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
PLUMBERS AND PIPEFITTERS	$12.62	.55	.65	.75	.05

DECISION NO. WY81-5108 - Mod. #3 (46 FR 20477 - April 3, 1981) Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Plumbers; Steamfitters:					
Area 2:					
Zone 1	$14.53	.90	$1.10	$2.00+c	.30
Zone 2	15.40	.90	1.10	2.00+c	.30
Zone 3	16.25	.90	1.10	2.00+c	.30
Zone 4	17.56	.90	1.10	2.00+c	.30
Zone 5	11.44	.90	1.10	2.00+c	.30
Omit:					
Electricians:					
Area 1:					
Electricians	15.25	.75	3%+.50		3/4of1%
Cable Splicers	15.50	.75	3%+.50		3/4of1%
Area 2:					
Contracts $250,000 and under:					
Electricians	14.75	.75	3%+.75		3/4of1%
Contracts over $250,000:					
Electricians	15.00	.75	3%+.75		3/4of1%
Add:					
Electricians:					
Area 1:					
Electricians	15.25	.75	3%+.50		3/4of1%
Cable Splicers	15.50	.75	3%+.50		3/4of1%
Area 2:					
Electricians	14.75	1.00	3%+.75		3/4of1%

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Etowah
DECISION NO.: AL81-1265 DATE: Date of Publication
Supersedes Decision No. AL80-1068 dated June 6, 1980 in 46 FR 11446.
DESCRIPTION OF WORK: Building Construction Projects (does not include residential construction consisting of single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.85	.66	.85		.10
BRICKLAYERS	12.45		.25		.05
CARPENTERS:					
Carpenters	12.25	.74	.50		
Millwrights	12.75	.74	.50		
CEMENT MASONS	9.90	.25	.25		.05
ELECTRICIANS	13.45	.55	3%+.40		½ of 1%
GLAZIERS	9.00				
IRONWORKERS	12.35	.76	.82		.06
INSULATORS	8.35				
LABORERS	6.61	.40	.27		
LATHERS	8.50				
PAINTERS	9.00				
PLUMBERS & PIPEFITTERS	12.90	.65	.65	a	.12
ROOFERS	10.25		.40		.10
SHEET METAL WORKERS	12.28	.79	1.07		.09
SPRINKLER FITTERS	13.69	.95	1.40		.08
TRUCK DRIVERS:					
Up to but not including 1½ tons	8.03	.50			
1½ up to but not including 3 tons	8.26	.50			
3 up to but not including 5 tons	8.54	.50			
5 tons and over including special equipment	8.71	.50			
Heavy duty - off the road trucks	8.83	.50			
Welders - Rate for craft					

FOOTNOTE:
a. Four Paid Holidays: July 4; Labor Day; Thanksgiving Day; Christmas Day

DECISION NO. AL81-1265

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	11.19	.60	.50		.10
GROUP B	10.58	.60	.50		.10
GROUP C	9.36	.60	.50		.10
GROUP D	12.00	.60	.50		.10
GROUP E	11.18	.60	.50		.10
GROUP F	9.51	.60	.50		.10

GROUP A - Asphalt Plant, Boom Tractor, Bulldozer, Cableways, Core Driller, Compressors (2 or more), Crane-Derrick-Dragline, Dinky Locomotive, Dredges, Fork Lift, Front End Loader, Gradall, Heavy Duty Mechanic, Hoist (1 drum or more), Mixers, Push Tractor, Scrapers, Shovels, Trenching Machine, (and all similar equipment), Winch Trucks, Motor Graders, Concrete Pump, Piledriver, Rotary Drill
GROUP B - Air Compressor (over 125), Asphalt Spreaders, Blade Graders (pull type), Boat Operator, Conveyor (2 or more up to 4), Crawler Tractor, Distributors, (bituminous surface), Farm Tractors, Finishing Machine, Pumps over 4 inches, Rollers, Welding Machine (4 or more)
GROUP C - Air Compressor (125 & under), Oilers-Firemen, Conveyor (1 tended by oiler), Pumps (under 4 inches), Welding Machines (3 or under)
GROUP D - ON STEEL ERECTION: Crane, Dragline, Derricks, Hoist, Piledrivers Winch Truck, Fork Lift, Tower Cranes, Climbing Cranes, Mechanics, Locomotives, Tug Boat, Cherry Picker
GROUP E - Tractors, Welding Machine, Gas or Diesel Driven Welding Machine (4 or more), Air Compressors over 125 (2 or less), Power Generating units (gas or diesel)
GROUP F - Gas or Diesel Driven Welding Machine (3 or less), Air Compressor 125 and under (2 or less), Oiler, Fireman, Small Boat

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: ALABAMA COUNTY: MADISON
DECISION NUMBER: AL81-1267 DATE: DATE OF PUBLICATION
Supersedes Decision No. AL81-1184 dated February 6, 1981 in 46 FR 11475

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.40	.66	.90		.10
BRICKLAYERS	12.75				
CARPENTERS	9.85	.60	.55		.07
CEMENT MASONS	11.00				
ELECTRICIANS	13.10	.55	3%+.70		
IRONWORKERS	11.57	.75	.75		.08
LABORERS - UNSKILLED	5.55	.35	.50		
MILLWRIGHTS	10.50	.60	.55		.07
PAINTERS	8.25	.40	.25		.05
PLUMBERS & PIPEFITTERS	12.90	.65	.75		.15
ROOFERS	7.50				
SHEET METAL WORKERS	12.28	.79	1.07		.09
TRUCK DRIVERS	5.00				
POWER EQUIPMENT OPERATORS:					
CRANE	12.13	.60	.65		.05
FRONT END LOADER	12.13	.60	.65		.05
OILER(35 Ton crane & over)	10.59	.60	.65		.05
WELDERS _ RATE FOR CRAFT					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA81-5132 DATE: Date of Publication
Supersedes Decision No. CA81-5109 dated April 10, 1981, in 46 FR 21432
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$20.11	$1.25	$1.45		.11
BOILERMAKERS	17.61	1.30	1.25	1.00	.04
BRICKLAYERS; Stonemasons:*					
Area 1	14.42	1.50	2.13	1.18	.05
Area 2	17.05	1.50	1.40	.05	
Area 3	17.35	1.75	1.30		
Area 4	16.11	1.30	1.71		.25
Area 5	15.18	1.82	1.45		
Area 6	16.35	1.60	1.70		.20
Area 7	15.79	1.41	2.10		.05
Area 8	15.74	1.15	2.21		.10
BRICK TENDERS:*					
Area 1	13.73	1.30	1.75		
Area 2	12.23	1.15	2.25	1.55	
Area 3	13.73	1.30	1.75		
Area 4	13.73	1.30	1.75		
Area 5	12.39	1.40	3.00		
Area 6	14.26	1.40	1.70		
CARPENTERS:*					
Carpenters	15.35	1.605	1.95	1.35	.09
Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	15.50	1.605	1.95	1.35	.09
Millwrights	15.85	1.605	1.95	1.35	.09
Piledrivermen, bridge, wharf, and dock builders	15.60	1.605	1.95	1.60	.12

*See AREA Descriptions - Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Cement Masons	$13.70	$1.65	$1.75	$1.90	.08
Mastic; Magnesite; All Composition Masons	13.95	1.65	1.75	1.90	.08
Men working from swinging or slip form scaffolds	13.95	1.65	1.75	1.90	.08
DRYWALL INSTALLERS	15.88	1.605	1.95	1.35	.09
ELECTRICIANS:					
Area 1:					
Electricians	19.46	1.30	3%+2.90		.082
Cable Splicers	21.89	1.30	3%+2.90		.082
Area 2:					
Electricians	18.60	1.25	3%+3.50		.10
Cable Splicers	20.46	1.25	3%+3.50		.10
Area 3:					
Electricians	21.13	1.09	3%+2.09		.14
Cable Splicers	23.24	1.09	3%+2.09		.14
Area 4:					
Electricians	16.28	1.40	3%+1.60		.06
Cable Splicers	17.91	1.40	3%+1.60		.06
Area 5:					
Electricians; Technicians	18.06	1.34	3%+2.40		1/4%
Cable Splicers	20.12	1.34	3%+2.40		1/4%
Area 6:					
Electricians	18.61	1.40	3%+2.50		.10
Cable Splicers	20.61	1.40	3%+2.50		.10
Area 7:					
Electricians	17.08	1.10	3%+3.76		.04
Cable Splicers	18.45	1.10	3%+3.76		.04
Area 8:					
Electricians	16.55	1.01	3%+1.90		.05
cable Splicers	18.20	1.01	3%+1.90		.05
Area 9:					
Electricians	17.85	1.26	3%+1.50		.04
Cable Splicers	19.64	1.26	3%+1.50		.04
Area 10:					
Electricians	17.57	1.15	3%+2.00		1/4%
Cable Splicers	19.33	1.15	3%+2.00		1/4%
Area 11:					
Electricians	17.51	1.15	3%+4.38		.15
Cable Splicers	19.70	1.15	3%+4.38		.15

*See AREA Descriptions - Page 3

AREA DESCRIPTIONS

BRICKLAYERS; Stonemasons:
Area 1: Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Counties
Area 2: Alameda and Contra Costa Counties
Area 3: Fresno, Kings, Madera, Mariposa, and Merced Counties
Area 4: Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, and Yuba Counties
Area 5: Monterey and Santa Cruz Counties
Area 6: San Benito and Santa Clara Counties
Area 7: Alpine, Amador, Calaveras, San Joaquin, Stanislaus, and Tuolumne Counties
Area 8: Tulare County

BRICK TENDERS:
Area 1: Amador, El Dorado, Nevada, Placer, Sacramento, and Yolo Counties
Area 2: San Francisco and San Mateo Counties
Area 3: Fresno, Kings, Madera, and Tulare Counties
Area 4: Remaining Counties
Area 5: Alameda and Contra Costa Counties
Area 6: San Benito, Santa Clara, and Santa Cruz Counties

ELECTRICIANS:
Area 1: Alameda County
Area 2: Amador, Colusa, Sacramento, Sutter, Yolo, and Yuba Counties; Alpine, El Dorado, Nevada, Placer, and Sierra Counties (those portions west of the Sierra Mountain Watershed)
Area 3: Lassen and Plumas Counties; those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties lying east of the Main Watershed divide
Area 4: Butte, Glenn, Modoc, Shasta, Siskiyou, Tehama, and Trinity Counties
Area 5: Calaveras and San Joaquin Counties
Area 6: Contra Costa County
Area 7: Del Norte and Humboldt Counties
Area 8: Fresno, Kings, Madera, and Tulare Counties
Area 9: Lake, Marin, Mendocino, and Sonoma Counties
Area 10: Mariposa, Merced, Stanislaus, and Tuolumne Counties
Area 11: Monterey County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:* (Cont'd)					
Area 12:					
Electricians	$17.57	$1.47	3%+2.10		4/10%
Cable Splicers	19.77	1.47	3%+2.10		4/10%
Area 13:					
Electricians	21.20	1.82	3%+3.60		.13
Cable Splicers	23.85	1.82	3%+3.60		.13
Area 14:					
Electricians	17.51	1.15	3%+4.38		.15
Cable Splicers	19.70	1.15	3%+4.38		.15
Area 15:					
Electricians	20.77	1.42	3%+1.935		.10
Cable Splicers	23.36	1.42	3%+1.935		.10
Area 16:					
Electricians	19.35	1.32	3%+2.75		.05
ELEVATOR CONSTRUCTORS	19.99	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:*					
Area 1	17.72	1.13	2.71		.10
Area 2	15.111	1.40	2.10	1.854	
Area 3	12.90	1.00	1.38	1.47	.05
Area 4	12.54	1.00	.95		
IRONWORKERS:					
Fence Erectors	14.46	1.44	3.81	2.50	.12
Reinforcing	15.35	1.44	3.81	2.50	.12
Ornamental; Structural	15.35	1.44	3.81	2.50	.12
LATHERS:*					
Area 1	14.51	1.31	2.00		.10
Area 2	12.35	.86	1.30		.01
Area 3	13.70	.93	.55		.01
Area 4	15.71	1.02	1.35		.01
Area 5	11.30	.68	.55		.01
Area 6	15.93	1.36	2.50	1.00	.035
Area 7	15.27	1.20	1.30		.05
Area 8	14.20	.70	.70		
Area 9	11.85				.01
Area 10	11.92	.82	2.50	1.50	.02

*See AREA Descriptions - Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:*					
Area 1:					
Groundmen	$13.96	$1.40	3%+2.50		.10
Line Equipment Operators	16.75	1.40	3%+2.50		.10
Linemen	18.61	1.40	3%+2.50		.10
Cable Splicers	20.61	1.40	3%+2.50		.10
Area 2:					
Groundmen	10.32	.45	3%+1.10	.10	1/2%
Headgroundman (Chipper); Powdermen; Jackhammermen	10.99	.45	3%+1.10	.10	1/2%
Line Equipment Man	12.57	.45	3%+1.10	.10	1/2%
Linemen Polesprayer; Heavy Line Equipment men	14.59	.45	3%+1.70	.10	1/2%
Tree Trimmer	13.17	.45	3%+1.70	.10	1/2%
Cable Splicers	16.15	.45	3%+1.70	.10	1/2%
Area 3:					
Groundmen	16.48	1.01	3%+2.05		1%
Linemen; Line Equipment Operators	17.30	1.01	3%+2.05		1%
Area 4:					
Groundmen	13.55	1.13	3%+2.61		
Line Equipment Operators	16.25	1.12	3%+2.61		
Linemen	18.06	1.12	3%+2.61		
Area 5:					
Linemen	15.47	1.00	3%+1.75		1/4%
Cable Splicers	17.02	1.00	3%+1.75		1/4%
Area 6:					
Linemen; Technicians	17.66	1.15	3%+4.38		
Cable Splicers	19.87	1.15	3%+4.38		
Area 7:					
Linemen	17.57	1.47	3%+2.10		.05
Cable Splicers	19.77	1.47	3%+2.10		.05
Area 8:					
Groundmen	13.02	1.40	3%+1.60		.06
Linemen; Equipment Operators	16.28	1.40	3%+1.60		.06
Cable Splicers	17.91	1.40	3%+1.60		.06
Area 9:					
Groundmen	13.19	1.05	3%+1.15		.03
Linemen	16.49	1.05	3%+1.15		.03
Line Equipment Operators	14.84	1.05	3%+1.15		.03

*See AREA Descriptions Page 6

AREA DESCRIPTIONS

ELECTRICIANS: (Cont'd)
Area 12: Napa and Solano Counties
Area 13: Santa Clara County
Area 14: San Benito and Santa Cruz Counties
Area 15: San Francisco County
Area 16: San Mateo County

GLAZIERS:
Area 1: Alameda, Contra Costa, Napa, and Solano Counties; Mendocino County (southern half from north of Ft. Bragg); Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, and Santa Cruz Counties; Solano County (S.W. from east of Fairfield); and Sonoma County
Area 2: Alpine, Amador, Butte, Calaveras, El Dorado, and Mariposa Counties; Merced County (north of the City of Livingston); Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo, and Yuba Counties
Area 3: Fresno, Madera, Merced, Kings, and Tulare Counties
Area 4: Del Norte and Humboldt Counties

LATHERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Butte, Colusa, Glenn, and Humboldt Counties; Lake County (that portion from Lakeport up to the Lake County Line); Nevada, Placer, Plumas, Shasta, Sierra, Tehama, and Trinity Counties
Area 3: Calaveras and San Joaquin Counties
Area 4: Lake County (from City of Lakeport down to the Lake County Line); Marin, Mendocino, and Sonoma Counties
Area 5: Monterey, and Santa Cruz Counties
Area 6: San Francisco and San Mateo Counties
Area 7: Santa Clara County
Area 8: Fresno, Kings, Madera, and Tulare Counties
Area 9: Mariposa, Merced, Stanislaus, and Tuolumne Counties
Area 10: Amador, El Dorado, Sacramento, and Yolo Counties

LINE CONSTRUCTION:
Area 1: Contra Costa County
Area 2: Del Norte, Modoc, and Siskiyou Counties
Area 3: Fresno, Kings, Madera, and Tulare Counties
Area 4: Calaveras and San Joaquin Counties
Area 5: Mariposa, Merced, Stanislaus, and Tuolumne Counties
Area 6: Monterey County
Area 7: Napa and Solano Counties
Area 8: Butte, Glenn, Lassen, Plumas, Shasta, Tehama, and Trinity Counties
Area 9: Alameda County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:* (Cont'd)					
Area 10:					
Groundmen	$14.88	$1.25	3%+3.50		1/2%
Equipment Operators	16.74	1.25	3%+3.50		1/2%
Linemen	18.60	1.25	3%+3.50		1/2%
Cable Splicers	20.46	1.25	3%+3.50		1/2%
Area 11:					
Groundmen	13.21	1.25	3%+1.75		.03
Line Equipment Operators	13.99	1.25	3%+1.75		.03
Linemen	15.54	1.25	3%+1.75		.03
Cable Splicers	17.48	1.25	3%+1.75		.03
Area 12:					
Groundmen	12.13	1.10	3%+3.33		.04
Linemen	15.16	1.10	3%+3.33		.04
Cable Splicers	16.37	1.10	3%+3.33		.04
Area 13:					
Groundmen	17.65	1.42	3%+1.935		.10
Linemen; Technicians	20.77	1.42	3%+1.935		.10
Cable Splicers	23.36	1.42	3%+1.935		.10
Area 14:					
Linemen	17.66	1.15	3%+4.38		
Cable Splicers	19.87	1.15	3%+4.38		
Area 15:					
Groundmen	18.02	1.82	3%+3.60		.13
Linemen; Line Equipment Operators	21.20	1.82	3%+3.60		.13
Cable Splicers	23.85	1.82	3%+3.60		.13
MARBLE SETTERS	14.42	1.50	2.13	1.61	
PAINTERS:*					
Area 1:					
Brush	12.49	1.10	2.34	1.11	
Sprayl Sheetrock Taper; Swing Stage; Scaffold; Sandblaster Structural Steel	12.89	1.10	2.34	1.11	
Area 2:					
Brush; Tapers	11.61	.81	.20		
Spray; Structural Steel	12.11	.81	.20		

*See AREA DESCRIPTIONS - Page 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 3:					
Brush	$12.51	$1.55	$1.00	$1.00	.02
Swing Stage; Paperhangers; Bosun Chair; Steam Cleaning; Water Blasting	14.51	1.55	1.00	1.00	.02
Spray; Sandblasting	14.01	1.55	1.00	1.00	.02
Area 4:					
Brush	18.34	1.50	2.00		
Spray	18.84	1.50	2.00		
Tapers	19.14	1.50	2.00		
Area 5:					
Brush	14.43	.70	.75		.02
Spray; Paperhanger; Tapers	14.93	.70	.75		.02
Area 6:					
Brush	17.40	1.50	2.00	1.00	.06
Spray; Sandblasting; Steam Cleaning	17.54	1.50	2.00	1.00	.06
Drywall Finisher	17.84	1.50	2.00	1.00	.06
Brush (exterior stage) 5, 6, and 7 story buildings; Erected Steel over 50 ft.	18.11	1.50	2.00	1.00	.06
Area 7:					
Brush; Pot Tenders; Rollers	9.35	.65	.70		
Spray; Sandblaster; Structural Steel; Swing Stage; Tapers	9.60	.65	.70		
Area 8:					
Brush	14.43	.70	.75		.02
Spray; Paperhanger; Tapers	14.93	.70	.75		.02
Area 9:					
Brush	17.89	1.50	2.00	1.00	.04
Spray	17.59	1.50	2.00	1.00	.04
Tapers (paint)	17.89	1.50	2.00	1.00	.04
Area 10:					
Brush	10.10	1.00	.50		
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers; Paperhangers	10.35	1.00	.50		

*See AREA DESCRIPTIONS - Page 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Parking Lot Striping Work and/or Highway Markers:					
Area 11:					
Traffic Delineating Device Applicator	$10.72	.55	.40	b	
Wheel Stop Installer; Traffic Surface Sandblaster; Striper	10.33	.55	.40	b	
Slurry Seal Operation:					
Mixer Operator	10.33	.85	.50	b	
Squeegee Man	9.14	.85	.50	b	
Applicator Operator	9.14	.85	.50	b	
Shuttleman	9.14	.85	.50	b	
Top Man	7.60	.85	.50	b	
Area 12:					
Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface Sandblaster	10.72	.85	.50	b	
Striper	11.82	.85	.50	b	
Slurry Seal Operation:					
Mixer Operator	10.72	.85	.50	b	
Squeegee Man	9.14	.85	.50	b	
Applicator Operator	9.14	.85	.50	b	
Shuttleman	9.14	.85	.50	b	
Top Man	7.60	.85	.50	b	
PLASTERERS:*					
Area 1	14.32	1.20	2.80		.03
Area 2	16.08	1.15	3.90		.06
Area 3	14.21	1.21	2.85	1.00	.03
Area 4	13.10	1.13	1.50	1.50	.01
Area 5	14.97	1.31	2.20		.06
Area 6	12.40	1.45	1.75	1.75	
Area 7	14.51	1.00	1.35		.01
Area 8	12.75	1.20	2.75	2.00	

*See AREA Descriptions - Page 10

AREA DESCRIPTIONS

LINE CONSTRUCTION: (Cont'd)
Area 10: Amador, Colusa, Sacramento, Sutter, Yolo, and Yuba Counties; Alpine, El Dorado, Nevada, Placer, and Sierra Counties (those portions west of the Main Sierra Mountain Watershed)
Area 11: San Mateo County
Area 12: Humboldt County
Area 13: San Francisco County
Area 14: San Benito and Sapta Cruz Counties
Area 15: Santa Clara County

PAINTERS:
Area 1: Alpine, Amador, Calaveras, and San Joaquin Counties
Area 2: Fresno, Kings, Madera, and Tulare Counties
Area 3: Mariposa, Merced, Stanislaus, and Tuolumne Counties
Area 4: Monterey, San Benito, San Mateo, Santa Clara, and Santa Cruz Counties (excluding portions of Counties in the Lake Tahoe Area)
Area 5: Lake Tahoe Area
Area 6: Lake, Marin, Mendocino, San Francisco, and Sonoma Counties
Area 7: Butte, Colusa, and Glenn Counties; Lassen County (excluding the extreme SE corner); Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity, and Yuba Counties
Area 8: Lassen County (that portion that lies eastward of Highway #395, northward to and including Honey Lake)
Area 9: Alameda, Contra Costa, El Dorado, Napa, Nevada, Solano, Sacramento, Sierra, Placer, and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)
Area 10: Del Norte and Humboldt Counties
Area 11: Fresno, Kings, and Tulare Counties
Area 12: Remaining Counties

PLASTERERS:
Area 1: Alameda and Contra Costa Counties
Area 2: San Francisco and San Mateo Counties
Area 3: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo, and Yuba Counties
Area 4: Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, Solano, and Sonoma Counties
Area 5: San Benito, Santa Clara, and Santa Cruz Counties
Area 6: Fresno, Kings, Madera, and Tulare Counties
Area 7: Monterey County
Area 8: Mariposa, Merced, Stanislaus, and Tuolumne Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS' TENDERS:*					
Area 1	$12.14	$1.40	$3.28		
Area 2	12.91	1.30	1.75	1.40	
Area 3	13.84	1.15	2.25	2.00	.05
Area 4	13.71	1.30	1.75	1.40	
Area 5	13.27	1.30	1.75	1.40	
Area 6	13.82	1.30	1.75	1.40	
Area 7	14.50	1.30	1.75	1.00	
Area 8	16.15	1.40	1.70		
Area 9	13.75	1.30	1.70	1.40	
Area 10	14.95	1.40		1.40	
PLUMBERS:*					
Area 1	18.85	1.65	2.74		.16
Area 2	19.92	1.65	2.84		.26
PLUMBERS; Steamfitters:*					
Area 1	17.69	1.56	2.10		.14
Area 2	16.09	1.13	1.00		.10
Area 3	21.21	2.76	2.58		.20
Area 4	17.50	1.88	2.42		.10
Area 5	20.74	1.65	2.39		.22
Area 6	16.10	1.12	2.65		.10
Area 7	19.99	1.30	2.39		.16
Area 8	16.51	1.34	2.75		.25
ROOFERS:*					
Area 1:					
Roofers	13.82	1.27	2.10	1.50	.10
Mastic Workers; Kettlemen (2 kettles w/o pumps)	14.07	1.27	2.10	1.50	.10
Bitumastic; Enamelers; Pipewrappers; Coal Tar Built up	15.82	1.27	2.10	1.50	.10
Area 2:					
Roofers (slate, tile composition and built up)	15.35	1.34	1.25		
Area 3:					
Roofers	14.51	1.32	1.00		.10
Area 4:					
Roofers	14.35	1.20	1.30		

*See AREA Descriptions - Page 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:* (Cont'd)					
Area 5:					
Roofers	$13.44	$1.10	$1.65	$2.43	.10
Mastic Workers; Kettlemen (2 kettles w/o pumps)	13.69	1.10	1.65	2.43	.10
Bitumastic; Enamelers; Pipewrappers; Coal Tar Pitch	15.44	1.10	1.65	2.43	.10
Area 6:					
Roofers	10.32	.40	.75	.35	
Area 7:					
Roofers	13.30	1.40	1.15		
Area 8:					
Roofers	13.54	1.06	1.70	2.45	.10
Mastic Workers; Kettlemen (2 kettles w/o pumps)	13.79	1.06	1.70	2.45	.10
Bitumastic; Enamelers; Pipewrappers; Coal Tar	15.54	1.06	1.70	2.45	.10
Area 9:					
Roofers (slate, tile and composition)	13.80	1.19	1.70	2.00	.10
Enameler and Pitch	15.80	1.19	1.70	2.00	.10
Area 10:					
Roofers; Kettle (1 Kettle)	12.88	.99	1.68		
SHEET METAL WORKERS:*					
Area 1	13.10	1.23	2.52	12%	.05
Area 2	14.23	1.23	2.00		.01
Area 3	13.68	1.23	2.21		.13
Area 4	15.71	1.23	2.33		.04
Area 5	16.06	1.30	3%+2.46		.16
Area 6	14.78	1.38	2.00		.16
Area 7	19.51	1.23	2.47		.20
Area 8	13.715	.71	.61		.045
Area 9	13.74	1.23	1.38		.17
SOFT FLOOR LAYERS:*					
Area 1	12.43	.89	1.30	1.25	.10
Area 2	13.74	.70	.20		
Area 3	16.16	1.00	1.75	1.55	.19
Area 4	11.18	1.00	1.15	8%	
Area 5	16.16	1.00	1.75	1.55	.19

*See AREA Descriptions - Pages 13 and 14

AREA DESCRIPTIONS

PLASTERERS' TENDERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Fresno, Kings, Madera, and Tulare Counties
Area 3: San Francisco and San Mateo Counties
Area 4: Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties
Area 5: Calaveras and San Joaquin Counties
Area 6: Marin County
Area 7: Monterey County
Area 8: San Benito, Santa Clara and Santa Cruz Counties
Area 9: Solano County
Area 10: Napa County

PLUMBERS:
Area 1: Alameda County
Area 2: Contra Costa County

PLUMBERS; Steamfitters:
Area 1: Amador County (northern half); Sacramento, Yolo, El Dorado, Nevada, Placer, and Sierra Counties (excluding Lake Tahoe Area)
Area 2: Lake Tahoe Area
Area 3: Marin, Mendocino, San Francisco, and Sonoma Counties
Area 4: Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, and Tuolumne Counties
Area 5: Lake, Napa, and Solano Counties
Area 6: Del Norte and Humboldt Counties
Area 7: San Benito and Santa Clara Counties
ARea 8: San Mateo County

ROOFERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, and Tuolumne Counties
Area 3: Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, and Yuba Counties
Area 4: Fresno, Kings, Madera, and Tulare Counties
Area 5: Lake, Marin, Mendocino, Napa, Solano, and Sonoma Counties
Area 6: Del Norte and Humboldt Counties
Area 7: Monterey and Santa Cruz Counties
Area 8: San Francisco and San Mateo Counties
Area 9: Amador, Sacramento, and Yolo Counties
Area 10: San Benito and Santa Clara Counties

35866 Federal Register / Vol. 46, No. 132 / Friday, July 10, 1981 / Notices

AREA DESCRIPTIONS (CONT'D)

SHEET METAL WORKERS:
Area 1: Alameda, Contra Costa, Napa, and Solano Counties
Area 2: Alpine, Calaveras, and San Joaquin Counties
Area 3: Amador, Butte, Colusa, El Dorado, Glenn, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, and Yuba Counties
Area 4: Mariposa, Merced, Stanislaus, and Tuolumne Counties
Area 5: Monterey, San Benito, Santa Clara, and Santa Cruz Counties
Area 6: Del Norte, Humboldt, Lake, Marin, Mendocino, San Francisco, Sonoma, and Trinity Counties
Area 7: San Mateo County
Area 8: Modoc and Siskiyou Counties
Area 9: Fresno, Kings, Madera, and Tulare Counties

SOFT FLOOR LAYERS:
Area 1: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, and Lassen Counties (excluding Honey Lake Area); Merced County (east of San Joaquin River); Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba Counties; El Dorado, Nevada, Placer, and Sierra Counties (those portions excluding Lake Tahoe Area)
Area 2: Honey Lake Area and Lake Tahoe Area
Area 3: Lake, Marin, Mendocino, Merced, Monterey, San Francisco, San Benito, San Mateo, Santa Clara, Santa Cruz, and Sonoma Counties
Area 4: Del Norte and Humboldt Counties
Area 5: Alameda, Contra Costa, Napa, and Solano Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
SPRINKLER FITTERS:*					
Area 1	$20.73	$1.65	$2.60		.14
Area 2	20.03	.95	1.40		.08
STEAMFITTERS:*					
Area 1	15.68	1.51	2.60	1.95	.02
Area 2	12.75	1.12	2.65		.10
TERRAZZO WORKERS:*					
Area 1	17.05	1.50	1.40		.05
Area 2	11.80	.80	.90		.25
Area 3	14.45	1.65	1.25		.05
TILE SETTERS:*					
Area 1	15.25	1.19	1.62	2.00	.115
Area 2	16.64	1.41	1.35		.04
Area 3	14.60	1.50	1.00		.05
Area 4	16.73	1.64	1.79		
MARBLE AND TILE FINISHERS:*					
Area 1	13.10	1.25	.89	1.31	.03
Area 2	9.40	.95		1.00	

*See AREA Descriptions - page 16

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for over 5 years' service, and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A thru F

b. Employer contributes $.32 per hour to Holiday Fund plus $.22 per hour to Vacation Fund for the first year of employment; 1 year but less than 5 years $.42 per hour to Vacation Fund; 5 years but less than 10 years $.60 per hour to Vacation Fund; over 10 years $.80 per hour to Vacation Fund.

AREA DESCRIPTIONS

SPRINKLER FITTERS:
Area 1: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties
Area 2: Remaining Counties

STEAMFITTERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Del Norte and Humboldt Counties

TERRAZZO WORKERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, and Yuba Counties
Area 3: San Benito and Santa Clara Counties

TILE SETTERS:
Area 1: Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasts, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba Counties
Area 2: Alpine, Amador, Calaveras, San Joaquin, Stanislaus, and Tuolumne Counties
Area 3: Fresno, Kings, Madera, Mariposa, Merced, and Tulare Counties
Area 4: Monterey and Santa Cruz Counties

MARBLE and TILE FINISHERS:
Area 1: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Siskiyou, Sonoma, Solano, and Trinity Counties
Area 2: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Stanislaus, Sutter, Tehama, Yolo, and Yuba Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Group 1	$13.19	$1.30	$ 1.75	$1.40	.10
Group 1(a)	13.415	1.30	1.75	1.40	.10
Group 1(b)	13.69	1.30	1.75	1.40	.10
Group 1(c)	13.24	1.30	1.75	1.40	.10
Group 1(d)	13.44	1.30	1.75	1.40	.10
Group 1(e)	13.74	1.30	1.75	1.40	.10
Group 1(f)	13.775	1.30	1.75	1.40	.10
Group 1(g)	13.39	1.30	1.75	1.40	.10
Group 2	13.04	1.30	1.75	1.40	.10
Group 3	12.94	1.30	1.75	1.40	.10
(GUNNITE)					
Group 1	13.65	1.30	1.75	1.40	.10
Group 2	13.06	1.30	1.75	1.40	.10
Group 3	12.94	1.30	1.75	1.40	.10
(TUNNEL and SHAFT WORK)					
Group 1	15.63	1.30	1.75	1.40	.10
Group 2	15.26	1.30	1.75	1.40	.10
Group 3	15.05	1.30	1.75	1.40	.10
Group 4	14.91	1.30	1.75	1.40	.10
(WRECKING WORK)					
Group 1	13.19	1.30	1.75	1.40	.10
Group 2	13.04	1.30	1.75	1.40	.10
Group 3	12.94	1.30	1.75	1.40	.10
(HOUSEMOVING)					
Group 1	13.19	1.30	1.75	1.40	.10

LABORERS

Group 1: Asphalt Ironers and Rakers; Asphalt Spreader Boxes (all types); Barko, Wacker and similar type Tampers; Buggy-mobile; Chainsaw, Faller, Logloader and Bucker; Compactors or all types; Concrete and Magnesite Mixer, 1/2 yd. and under; Concrete Pan Work; Concrete Saw; Concrete Sander; Cribber and/or Shoring; Cut Granite Curb Setter; Form Raisers; Slip Forms; Green Cutters, Headerboardmen, Hubsetters, Aligners; Jackhammer Operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and Men applying asphalt, lay-kold, creosote, lime, caustic and similar type materials; Lagging, Sheeting, Whaling, Bracing, Trenchjacking, hand-guided Lagging Hammer; Magnesite, Epoxyresin, Fiberglass, Mastic Workers (wet or dry); Perma Curbs; Precast-manhole Setters; Cast-in-place Manhole Form Setters; Pressure Pipe Tester; Pavement Breakers and Spaders, including Tool Grinder; Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers, Pladtic Pipelayers; Post Hole Diggers, air, gas, and electric; Power Broom Sweepers; Power Tampers of all types (except as shown in Group 2); Ram Set Gun and Stud Gun; Riprap-stonepaver and Rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary Scarifier, multiple Head Concrete Chipper; Davis Trencher, 300 or similar type (and all small Trenchers); Roto and Ditch Witch; Roto-tiller; Sandblasters, Potman, Gunman, Nozzleman; Signalling and Rigging; Tank Cleaners; Tree Climbers; Vibra-screed, Bull Float in connection with Laborers' work; Vibrators; Dri-pak-it Machine; High Pressure Blow Pipe (1½" or over, 100 lbs. pressure and over); Hydro Seeder and similar type; Laser Beam in connection with Laborers' work

Group 1(a): Joy Drill Model TWM-2A; Gardener-Denver Model DH143 and similar type drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers, all types regardless of type or method of power; Multiple Unit Drills; Blasters and Powdermen; all work of loading, placing and blasting of all power and explosives of whatever type regardless of method used for such loading and placing; High Scalers (including drilling of same); Tree Topper; Bit Grinder

Group 1(b): Sewer Cleaners receive an additional $4.00 per day, $5.00 per day on recently active large diameter sewers or sewer manholes

Group 1(c): Burning and Welding in connection with Laborers' work

Group 1(d): Repair Trackmen and Road Beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on general construction work on or in Bell Hole Footings and Shaft

Group 1(f): Wire Winding Machine in Connection with Guniting or Shotcrete - Aligner

LABORERS (Cont'd)

Group 1(g): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic Pipelayers; Pressure Pipe Tester, no joint pipe and stripping of same, including repair of Voids, Precast Manhole Setters, Cast-in-place Manhole Form Setters

Group 2: Asphalt Shovelers; Cement Dumpers and handling dry cement or gypsum; Shoke-setter and Digger (clearing work); Concrete Bucket Dumper and Chuteman; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Chuck Tender; High Pressure Nozzleman, Adductors; Groutcrew; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and hauling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper and similar type Brush Shredders; Sloper; Singlefoot, hand held, Pneumatic Tamper; All pneumatic, air, gas and electric tools not listed in Groups 1 through 1(f); Jacking of Pipe under 12 inches

Group 3: All Cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction Laborers including bridge and general Laborers; Dumpman; Load Spotter; Fire Watcher; Street Cleaners; Gardeners, Horticultural and Landscape Laborers; Jetting; Limbers; Brush Loaders; Pilers, Maintenance Landscape Laborers on new construction; Maintenance, Repair Trackmen and Road beds; Streetcar and Railroad Construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool Room Attendent; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

(GUNNITE)

Group 1: Nozzleman (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers

LABORERS (Cont'd)

(TUNNEL and SHAFT WORK)

Group 1: Diamond Driller; Groundman; Gunite and Shotcrete Nozzlemen; Rodmen; Shaft Work and raise (below actual or excavated ground level)

Group 2: Bit Grinder; Blaster; Drillers, Powderman-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed Man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headermen; High Pressure Nozzleman; Miners - Tunnel, including Top and Bottom Man on Shaft and Raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable) Steel Form Raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

Group 3: Cabletender; Chucktender; Powderman - Primer House; Vibratormen, Pavement Breakers

Group 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew Reboundmen; Swamper

(WRECKING WORK)

Group 1: Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electric fixtures)

Group 2: Semi-skilled Wrecker (salvaging or other building materials)

Group 3: General Laborer (includes all cleanup work, loading, lumber, loading and burning of debris)

(HOUSEMOVING)

Group 1: Skilled Housemover

POWER EQUIPMENT OPERATORS: DREDGING SCHEDULE I CLAMSHELL & DIPPER DREDGING (New Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1: Bargeman; Deckhand; Fireman; Oiler:					
Area 1	$13.12	$1.65*	$ 3.15	$1.80	.19
Area 2	14.17	1.65*	3.15	1.80	.19
Area 3	14.48	1.65*	3.15	1.80	.19
Area 4	14.79	1.65*	3.15	1.80	.19
Group 2: Deck Engineers; Deck Mate:					
Area 1	15.02	1.65*	3.15	1.80	.19
Area 2	16.16	1.65*	3.15	1.80	.19
Area 3	16.48	1.65*	3.15	1.80	.19
Area 4	16.81	1.65*	3.15	1.80	.19
Group 3: Welder; Mechanic Welder; Watch Engineer:					
Area 1	15.54	1.65*	3.15	1.80	.19
Area 2	16.67	1.65*	3.15	1.80	.19
Area 3	17.00	1.65*	3.15	1.80	.19
Area 4	17.32	1.65*	3.15	1.80	.19
Group 4: Clamshell Operator (up to and including 7 cu. yds. M.R.C.)(Long Boom Pay):					
Area 1	16.42	1.65*	3.15	1.80	.19
Area 2	17.56	1.65*	3.15	1.80	.19
Area 3	17.88	1.65*	3.15	1.80	.19
Area 4	18.20	1.65*	3.15	1.80	.19

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (CONT'D)					
DREDGING -- SCHEDULE I (CONT'D)					
Group 4-A:					
Clamshell Operator (over cu. yds. M.R.C.)(Long Boom Pay):					
Area 1	$17.77	$1.65*	$ 3.15	$1.80	.19
Area 2	18.93	1.65*	3.15	1.80	.19
Area 3	19.29	1.65*	3.15	1.80	.19
Area 4	19.61	1.65*	3.15	1.80	.19
SCHEDULE II					
HYDRUALIC SUCTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING					
Group A-1:					
Bargeman; Deckhand; Leveehand; Fireman; Oiler:					
Area 1	13.10	1.65*	3.15	1.80	.19
Area 2	14.15	1.65*	3.15	1.80	.19
Area 3	14.46	1.65*	3.15	1.80	.19
Area 4	14.77	1.65*	3.15	1.80	.19
Group A-2:					
Winchman (stern winch on Dredge); Deck Engineer:					
Area 1	14.24	1.65*	3.15	1.80	.19
Area 2	15.34	1.65*	3.15	1.80	.19
Area 3	15.67	1.65*	3.15	1.80	.19
Area 4	15.98	1.65*	3.15	1.80	.19
Group A-3:					
Watch Engineer; Welder; Welder Mechanic; Deckmate; Booster Pump Operator (Mud Cat):					
Area 1	15.00	1.65*	3.15	1.80	.19
Area 2	16.14	1.65*	3.15	1.80	.19
Area 3	16.47	1.65*	3.15	1.80	.19
Area 4	16.79	1.65*	3.15	1.80	.19

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (CONT'D)					
SCHEDULE II - (CONT'D)					
Group A-4:					
Leverman; Clamshell Operator:					
Area 1	$16.04	$1.65*	$ 3.15	$1.80	.19
Area 2	17.19	1.65*	3.15	1.80	.19
Area 3	17.50	1.65*	3.15	1.80	.19
Area 4	17.82	1.65*	3.15	1.80	.19

AREA DEFINITIONS FOR DREGING, SCHEDULES I and II

*Employer contributes $.44 per hour to a Pensioned H&W Fund

Four Centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California

Area 1: Up to 20 road miles from said Centers
Area 2: More than 20 road miles to and including 30 road miles from said Centers
Area 3: Outside of 30 road miles from said Centers
Area 4: An area extending 25 road miles from shoreline of Lake Tahoe.

TOW BOATS (Dredging):					
Work on self-propelled vessesl (except skiffs powered by outboard motors) engaged in towing and shifting of barges, vessels and water borne craft or in the transportation by water of personnel, materials, equipment and supplies:					
Deckhand/Mechanics	10.86	.04	1.35	1.18	
Operator Mechanic/Watch Engineer	12.17	1.23	1.45	1.18	
TOW BOATS:					
Work on self-propelled Vessels):					
Boat Operators	12.17	1.23	1.45	1.18	

POWER EQUIPMENT OPERATORS: PILEDRIVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.13	$2.09*	$ 3.15	$1.80	.34
Group 1A	13.54	2.09*	3.15	1.80	.34
Group 1B	13.79	2.09*	3.15	1.80	.34
Group 2A	13.79	2.09*	3.15	1.80	.34
Group 2B	14.44	2.09*	31.5	1.80	.34
Group 2C	14.69	2.09*	3.15	1.80	.34
Group 2D	14.87	2.09*	3.15	1.80	.34
Group 3	15.05	2.09*	3.15	1.80	.34
Group 3A	15.57	2.09*	3.15	1.80	.34
Group 4	16.23	2.09*	3.15	1.80	.34
Group 5	16.44	2.09*	3.15	1.80	.34
Gtoup 6	17.81	2.09*	3.15	1.80	.34

*Includes $0.44 per hour pensioned Health and Welfare

POWER EQUIPMENT OPERATORS
PILEDRIVING

Group 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

Group 1A: Compressor Operator

Group 1B: Assistant to Engineer (Truck Crane Oiler)

Group 2A: Tugger Hoist Operator (hoisting material only)

Group 2B: Forklift Operator

Group 2C: Compressor Operator (over 2); Generators; Pumps (over 4); Welding Machines (powered by other than electricity)

Group 2D: A-Frames

Group 3: Deck Engineer (Deck Engineer Operator required when deck engine is used); Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)

Group 3A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges (Assistant to Engineer required); Operator of diesel or gasoline power Crane Piledriver (without boiler) up to and including 1 cu. yd. rating (Assistant to Engineer required); Self-propelled Boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); Truck Crane Operator (up to and including 25 tons)(hoisting material only) (Assistant to Engineer required)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler) over 1 cu. yd. rating (Assistant to Engineer required); Operator of Crane (with steam, flash boiler, pump or compressor attached)(Group (4) Engineer required); Operator of steam powered Crawler or Universal type Driver (Raymond or similar)(Assistant to Engineer required) Truck Crane Operator (over 25 tons)(hoisting material or performing Piledriving work)(Assistant to Engineer required); Self-propelled Boom-type lifting device (center mount)(over 25 tons)(Assistant to Engineer required)

Group 6: Cranes (over 125 tons)(Assistant to Engineer required)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION:					
Group 1	$13.70	$2.09*	$3.15	$1.80	.34
Group 2	14.15	2.09*	3.15	1.80	.34
Group 3	15.38	2.09*	3.15	1.80	.34
Group 4	15.55	2.09*	3.15	1.80	.34
Group 4A	15.92	2.09*	3.15	1.80	.34
Group 5	16.52	2.09*	3.15	1.80	.34
Group 6	17.04	2.09*	3.15	1.80	.34
Group 7	17.40	2.09*	3.15	1.80	.34
Group 8	17.75	2.09*	3.15	1.80	.34
Group 9	19.01	2.09*	3.15	1.80	.34

*Includes $0.44 per hour pensioned Health and Welfare

POWER EQUIPMENT OPERATORS (Cont'd)
STEEL ERECTION

Group 1: Assistant to Engineer (Oiler)

Group 2: Compressor Operator, Generator, gasoline or diesel driven (100 K.W. or over) (structural steel or tank construction only)

Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6) (over 6 additional Engineers required) (structural steel or tank erection only)

Group 4: Heavy Duty Repairman, Tractor Operator

Group 4A: Combination Heavy Duty Repairman and/or Welder

Group 5: Boom Truck or Dual Purpose A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons M.R.C. or less) (Assistant to Engineer required); Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less M.R.C.); Single Drum Hoist; Tugger Hoist

Group 6: Cary Lift, Campbell or similar; Crawler Cranes and Truck Cranes (over 15 tons M.R.C.) (Assistant to Engineer required); Derricks (2 Operators when swing engine remote from hoist); Gantry Rider (or similar equipment); Highline Cableway (Signalman required); Self-propelled Boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tower Cranes Mobile including rail mounted (Assistant to Engineer required); Tower Cranes, Universal Liebher and similar types (in the erection, dismantling and moving of equipment there shall be an additional Operating Engineer)

Group 7: Self-propelled Boom-type lifting device (center mount) (over 25 tons) (Assistant to Engineer required)

Group 8: Cranes (over 125 tons) (Assistant to Engineer required)

Group 9: Helicopter Operator

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1	$13.08	$15.08	$2.09*	$3.15	$1.80	.34
Group 2	13.49	15.49	2.09*	3.15	1.80	.34
Group 3	13.74	15.74	2.09*	3.15	1.80	.34
Group 4	14.39	16.39	2.09*	3.15	1.80	.34
Group 5	14.64	16.64	2.09*	3.15	1.80	.34
Group 6	14.82	16.82	2.09*	3.15	1.80	.34
Group 7	15.00	17.00	2.09*	3.15	1.80	.34
Group 8	15.52	17.52	2.09*	3.15	1.80	.34
Group 9	15.78	17.58	2.09*	3.15	1.80	.34
Group 10	16.04	18.04	2.09*	3.15	1.80	.34
Group 10-A	16.18	18.18	2.09*	3.15	1.80	.34
Group 11	16.39	18.39	2.09*	3.15	1.80	.34
Group 11-A	17.75	19.75	2.09*	3.15	1.80	.34
Group 11-B	18.09	20.09	2.09*	3.15	1.80	.34
Group 11-C	18.46	20.46	2.09*	3.15	1.80	.34

*Includes $0. 44 per hour to pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS (Cont'd)
Areas I and II (Cont'd)

Group 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Tender; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (heavy duty repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (Signalman); Motorman; Locomotive (30 tons or under); Oiler; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (maximum digging capacity 5 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler; Boiler Tender

Group 4: Ballast Jack Tamper; Ballast Regulation; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

Group 5: Compressor Operator (over 2); Concrete Mixers (over 1 yard); Concrete Pumps of Pumpcrete Guns; Generators; Grouting Machine; Press-weld (air operated); Pumps (over 1); Welding Machines (powered other than by electricity)

Group 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Wagon Drills or Jackhammers); Gradesetter, Grade Checker (mechanical or other-wise); Highline Cableway Signalman; Locomotives (steam of over 30 tons); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller (except Asphalt); Screedman (Barber-Greene and similar)(asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractor; Surface Heater; Self-propelled Power Sweeper; Self-propelled Tape Machine; Auger-type drilling equipment, up to and including 30 ft. depth digging capacity M.R.C.

POWER EQUIPMENT OPERATORS (Cont'd)
AREAS I and II (Cont'd)

Group 7: Concrete Conveyor or Concrete Pump, Truck or equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-hammer (or similar); Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled Elevating Grader Plane; Slusher Operator; Small Tractor (with boom) Soil Tester; Truck type Loader; Welding Machines (Gasoline or diesel)

Group 8: Armor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Layign Machine; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Dozer; Heading Shield Operator; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yards); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and including 45 cu. yards "struck" M.R.C.) Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (Gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-lift or similar (20 ft. or over); Mucking Machine (rubber tired, rail or track type); Tractor (with boom) (D-6 or larger and similar)

POWER EQUIPMENT OPERATORS (Cont'd)
AREAS I and II (Cont'd)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift (or similar); Chemical Grouting Machine, truck mounted); Combination Backhoe and Loader (up to and including 1/2 cu. yd. M.R.C.); Derrick (2 Operators required when swing engine remote from Hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (including Caisson Foundation work and Euclid Loader and similar type; Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine; (Vagtborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive, 100 tons (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.)(no Tandem Scraper); Pres-stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, self-loading (paddle wheels, etc.); Shuttle Cat (reclaim station); Single engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurrier or other automatic type); Tractor, Compressor Drill Combination; Track Laying type Earth Moving Machine (single engine with Tandem Scrapers); Train loading station; Trenching Machine, multi-engine with sliping attachment, Jeffco or similar; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10A: Backhoe (hydraulic) (up to and including 1 cu. yd. M.R.C.); Backhoe (cable) (up to and including 1 cu. yd. M.R.C.); Combination Backhoe and Loader (over 3/4 cu. yd. M.R.C.); Continuous Flight Tie Back Auger (crane attached/separate controls); Cranes not over 25 tons, Hammerhead and Gantry; Gradalls (up to and including 1 cu. yd.); Power Blade Operator (single engine); Power Shovels, Clamshells, Draglines (up to and including 1 cu. yd. M.R.C.) (Long boom pay); Rubber-tired Scraper, self-loading (Paddle Wheel, twin engine); Self-propelled Boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); CMI Dual Lane Auto Grader SP-30 or similar

POWER EQUIPMENT OPERATORS (Cont'd)
Areas I and II (Cont'd)

Group 11: Automatic Concrete Slip-form Paver (Gradesetter, Screedman); Automatic Railroad Car Dumper; Canal Trimmer with ditching attachments; Cory Lift, Campbell or similar, Continuous Flight Tie Back Auger (Crane attached, single controls); Cranes (over 25 tons up to and including 125 tons); Drott Travelift 650-A-1 or similar (45 ton or over); Euclid Loader when controlled from the Pullcat; Highline Cableway (over 5 tons); Loader (over 4 cu. yds., up to and including 12 cu. yds.); Miller Formless M-900 Slope Paver or similar (grade Setter required); Multiple Engine Scraper (when used as Push Pull); Power Blade Operator (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Gradalls (over 1 cu. yd. and up to and including 7 cu. yds. M.R.C., Long Boom Pay); Rubber-tired Earthmoving Machines (multiple propulsion power units and two or more Scrapers)(up to and including 75 cu. yds. struck M.R.C.); Self-propelled Compactor (with multiple propulsion power unit); Blob or similar; Self-propelled Boom-type lifting device (center mount) (over 25 tons M.R.C.); Single engine Rubber-tired Earthmoving Machines (with Tandem Scrapers); Slip-form Paver (concrete or asphalt) (Screedman required); Tandem Cats; Tower Cranes Mobile (including rail mounted); Trencher (pulling attached shield); Tower Cranes, Universal Liebher and similar types (in the erection, dismantling and moving of equipment); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Crane (over 25 tons); Multi-earthmoving Equipment (up to and including seventy-five (75) cu. yds. "struck" M.R.C.); Truck mounted Hydraulic Crane when remote control equipped (over 10 tons up to and including 25 tons)

Group 11A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds., up to and including 18 cu. yds.); Power Shovels, Clamshells, Backhoes, Gradalls, and Draglines (over 7 cu. yds. M.R.C.); Rubber-tired Multi-purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" M.R.C.); Wheel Excavator (over 750 cu. yds. per hour)

Group 11B: Loader (over 18 yds.)

Group 11C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, under 4 yds. water level); Bus or Manhaul Driver; Concrete Pump Machine; Concrete Pump Truck (when Flat Rack Truck is used appropriate Flat Rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete Truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or Pilot Car Driver; Nipper Truck (when Flat Rack Truck is used appropriate Flat Rack rate shall apply); Pickups; Skids (Debris Box, under 4 yds. water level); Team Drivers; Trucks (Dry Per-batch Concrete Mix, under 4 yds. water level); Warehousemen	$14.20	$2.03	$ 1.96	$1.40	
TEAMSTER Oiler and/or Greaser and/or Service Man	14.37	2.03	1.96	1.40	
BULK CEMENT SPREADER (w/wo Auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (Debris Box, 4 yds. and under 6 yds. water level); Single Unit Flat Rack (2 axle unit); Industrial Lift Truck (Mechanical Tailgate); Trucks (Dry Pre-batch Concrete Mix, 4 yds. and under 6 yds. water level)	14.30	2.03	1.96	1.40	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
JETTING TRUCK and WATER TRUCK (under 2,500 gallons)	$14.31	$2.03	$1.96	$1.40	
ROAD OIL TRUCKS OR BOOT MAN	14.32	2.03	1.96	1.40	
LIFT JITNEYS, Fork Lift	14.33	2.03	1.96	1.40	
TRANSIT MIX, AGITATOR (under 6 yards)	14.35	2.03	1.96	1.40	
FUEL and/or GREASE TRUCK Driver or Fuelman	14.37	2.03	1.96	1.40	
VACUUM TRUCK, under 3,500 gallons	14.38	2.03	1.96	1.40	
SCISSOR TRUCK; Single Unit Flat Rack (2 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small Rubber Tired Tractor (when used within Teamsters' jurisdiction)	14.40	2.03	1.96	1.40	
JETTING TRUCK and WATER TRUCKS, 2,500 gallons, under 4,000 gallons	14.41	2.03	1.96	1.40	
COMBINATION WINCH TRUCK with HOIST; Transit Mix Agitator (6 yards and under 8 yards)	14.45	2.03	1.96	1.40	
VACUUM TRUCK, 3,500 gallons and under 5,500 gallons	14.46	2.03	1.96	1.40	
RUBBER-TIRED MUCK CAR (not self-loaded)	14.47	2.03	1.96	1.40	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (Debris Box, 6 yds. and under 8 yds. water level); Trucks (Dry Pre-batch Concrete Mix, 6 yds. and under 8 yds. water level)	$14.50	$2.03	$1.96	$1.40	
A-FRAME, WINCH TRUCK; Buggymobile; Jetting and Water Truck (4,000 gallons and under 5,000 gallons); Rubber Tired Jumbo	14.51	2.03	1.96	1.40	
HEAVY DUTY TRANSPORT (high bed)	14.52	2.03	1.96	1.40	
ROSS HYSTER and SIMILAR STRADDLE CARRIER	14.54	2.03	1.96	1.40	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	14.55	2.03	1.96	1.40	
VACUUM TRUCK (5,500 gallons and under 7,500 gallons)	14.56	2.03	1.96	1.40	
JETTING TRUCK and WATER TRUCK (5,000 gallons and under 7,000 gallons)	14.56	2.03	1.96	1.40	
COMBINATION BOOTMAN and ROAD OILER	14.64	2.03	1.96	1.40	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	14.56	2.03	1.96	1.40	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (8 yds. and including 12 yds. water level); Self-propelled Street Sweeper with self-contained refuse bin; Skids (Debris Box, 8 yds. and including 12 yds. water level); Snow Go and/or Snow Plow; Truck (Dry Pre-batch Concrete Mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level)	$14.74	$2.03	$1.96	$1.40	
HEAVY DUTY TRANSPORT (Gooseneck Lowbed)	14.75	2.03	1.96	1.40	
TRANSIT MIX AGITATOR (over 12 yds. through 17 yds.)	14.75	2.03	1.96	1.40	
AMMONIA NITRATE DISTRIBUTOR DRIVER and MIXER; Bulk Cement Spreader (w/wo Auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 12 yds. and including 18 yds. water level)	14.78	2.03	1.96	1.40	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DOUBLE GOOSENECK (7 or more axles); Heavy Duty Transport Tiller Man	$14.80	$2.03	$1.96	$1.40	
P.B. or SIMILAR TYPE SELF-LOADING TRUCK	14.84	2.03	1.96	1.40	
TRANSIT MIX AGITATOR (over 14 yds. through 16 yds.)	14.85	2.03	1.96	1.40	
BULK CEMENT SPREADER (w/wo Auger, over 18 yds. and including 24 yds. water level); Combination Dump and Dump Trialer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (Debris Box, over 18 yds. and including 24 yds. water level); Transit Mix Agitator over 12 yds. through 16 yds.); Trucks (Dry Pre-batch Concrete Mix, over 18 yds. and including 24 yds. water level)	14.88	2.03	1.96	1.40	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar Cat type, Terra Cobra, LeTournapulls, Tournarocker, Euclid and similar type equipment when pulling Fuel and/or Grease Tank Trailers or other misc. Trailers; Skids (Debris Box, over 24 yds. and including 35 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 24 yds. and including 35 yds. water level)	$14.94	$2.03	$1.96	$1.40	
TRUCK REPAIRMAN	14.87	2.03	1.96	1.40	
BULK CEMENT SPREADER (w/wo Auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 40 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (Debris Box, over 35 yds. and including 50 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 35 yds. and including 50 yds. water level)	15.09	2.03	1.96	1.40	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DW 10's, 20's, 21's and other similar Cat type, Terra Cobra, LeTourna Pulls, Tournarocker, Euclid and similar type equipment while pulling Aqua/Pak or water Tank Trailers	$15.19	$2.03	$1.96	$1.40	
BULK CEMENT SPREADER (w/wo Auger, over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter Pilot (when transporting men or materials); Skids (Debris Box, over 50 yds. and under 65 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 50 yds. and under 65 yds. water level)	15.24	2.03	1.96	1.40	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo Auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (Debris Box, 65 yds. and including 80 yds. water level); Trucks (Dry Pre-batch Concrete Mix, 65 yds. and including 80 yds. water level)	$15.39	$2.03	$1.96	$1.40	
BULK CEMENT SPREADER (w/wo Auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (Debris Box, over 80 yds. and including 95 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 80 yds. and including 95 yds. water level)	15.54	2.03	1.96	1.40	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

AREA DESCRIPTIONS
FOR
POWER EQUIPMENT OPERATORS
AREAS I and II

**AREA I: All areas included in the description defined below which is based upon Township and Range Lines of Areas I and II.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo Meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo Base Line and Meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly Line of Kings County, thence Easterly along the Southerly Boundary of Kings County and the Southerly Boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the S.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to teh N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,

AREA DESCRIPTIONS (Cont'd)
For
POWER EQUIPMENT OPERATORS
AREAS I and II

AREA I: (Cont'd)

Thence Northerly crossing the Mt. Diablo Baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.E. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.E. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 14E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern Line to township 12N to the Eastern Boundary of the State of California,
to the State of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 20E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 27N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo Meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,

AREA DESCRIPTIONS (Cont'd)
For
POWER EQUIPMENT OPERATORS
AREAS I and II

AREA 1: (Cont'd)

Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 12W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line to range 12W, to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the folloiwng line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo Baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.

AREA 1: also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line to township 2N; Humboldt Baseline and Meridian:
Thence Easterly along the Southerly line of township 2N, to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,

AREA DESCRIPTIONS
For
POWER EQUIPMENT OPERATORS
AREAS I and II

AREA 1: (Cont'd)

Thence Easterly along the Humboldt Baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E. corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Tehnce Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt Baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt Baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, range 1E,
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.

AREA I; Also includes that portion of Northern California included within the following lines:
Commencing at the Northerly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo Baseline and Meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

AREA II: All areas not included within AREA I as defined.

STATE: Mississippi COUNTY: Hinds
DECISION NUMBER: MS81-1264 DATE: Date of Publication
Supersedes Decision Number MS80-1084, dated July 25, 1980 in 45 FR 49815
DESCRIPTION OF WORK: Building Construction Projects (does not include residential construction consisting of single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.69	.45	.50		
BOILERMAKERS	12.90	1.375	1.20		.04
BRICKLAYERS:					
Bricklayers	11.15	.25	.10		.05
Stone,Block, & Marble Masons	11.15	.25	.10		.05
Caulkers, Pointers, & Cleaners	11.15	.25	.10		.05
Tile & Terrazzo Setters	11.00	.25	.10		.05
CARPENTERS:					
Carpenters	10.05	.45	.40		.10
Power Saw Operators (1 hp. or over)	10.30	.45	.40		.10
Fiber Glass Insulation Application	10.20	.45	.40		.10
Millwrights	10.65	.45	.40		.10
Piledrivermen	10.40	.45	.40		.10
CEMENT MASONS:					
Cement Masons	8.90	.45	.50		.05
Float Machine Operator	9.10	.45	.50		.05
ELECTRICIANS:					
Electricians	12.25	.35	3%+.50		.04
Cable Splicers	12.50	.35	3%+.50		.04
ELEVATOR CONSTRUCTORS	10.92	1.195	.95	a+b	.035
GLAZIERS	9.84				
IRONWORKERS	11.50	.60	.95		.04
LABORERS:					
Laborers	6.65	.25	.20		.05
Wrecking & Demolition	6.65	.25	.20		.05
Mason Tenders	6.80	.25	.20		.05
Plasterer Tenders	6.80	.25	.20		.05
Pipelayers	6.80	.25	.20		.05
Mortar Mixer	6.90	.25	.20		.05
Mechanical Tools, Motorized (GA) Buggy Operators	6.90	.25	.20		.05
LATHERS	8.65				.01
LINE CONSTRUCTION:					
Linemen	11.63	.45	3%	c+2%	½%
Cable Splicers	11.93	.45	3%	c+2%	½%
Groundman	7.05	.45	3%	c+2%	½%

DECISION NO. MS81-1264

	Basic Hourly Rates	Fringe Benefits Payments			
PAINTERS:		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Brush and Roller	8.50	.50	.10		
Spray	9.00	.50	.10		
Sandblast	9.50	.50	.10		
PLASTERERS	9.85	.55	.50		.05
PLUMBERS, STEAMFITTERS, & PIPEFITTERS	12.50	1.05	1.00		
ROOFERS:					
Roofers	11.30		.40		
Kettlemen	8.60		.40		
Paper Roller	8.60		.40		
SHEET METAL WORKERS	12.05	.45	.50		.10
SPRINKLER FITTERS	12.80	.85	1.20		.08

FOOTNOTES:

a. Paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day, Thanksgiving Day; Christmas Day.

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee with more than 5 years service; 6% for employees with less than 5 years.

c. One week vacation after one year's service.

DECISION NO. MS81-1264

	Basic Hourly Rates	Fringe Benefits Payments			
POWER EQUIPMENT OPERATORS:		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	11.53	.50	.30		.05
GROUP II	10.65	.50	.30		.05
GROUP III	10.38	.50	.30		.05
GROUP IV	9.72	.50	.30		.05
GROUP V	7.93	.50	.30		.05

Boom including jib:
$.50 above regular rate - 100 ft. thru 200 ft.
$1.00 above regular rate - 201 ft. thru 300 ft.
$2.00 above regular rate - 301 ft. thru 400 ft.
$3.00 above regular rate - 401 ft. thru 500 ft.
$3.25 above regular rate 501 ft. and above

GROUP I - Engineer operating under air pressure.

GROUP II _ Mechanic

GROUP III - Asphalt Plant, Backhoe, Blacksmith, Boom Tractor, Bulldozer, Central Mixing Plant, Cherry Picker, Clamshell, Crane, Derrick Car, Derrick, Derrick Boat, Dragline, Dredge Elevating Grader, End Loader, Excavator (power belt), Fork Lift (5 tons & over), Hoists (2 drums in active use), Locomotive Engineer, Marine Engineer (chief), Master Pilot, Mixer-Mobile, Motor Patrol and similar Equipment, Paver (21 c.f. or larger), Pile Driver, Recharger, Scoop (skimmer), Scraper, Shovel, Trenching Machine (over 18" bucket line width), Turnapull (DW-10 and similar pull type scrapers), Traxcavator and similar Endloaders, Welder, Welding Machines and Pumps (operating 2 to 6 Machines, Well Driller, Well Point Pumps

GROUP IV - Asphalt spreader (bituminous distributor), Asphalt Spreader (bituminous mixer), Backfilling Machine, Conveyor, Drill (earth), Finishing Machine, Fireman, Forklift (over 2 tons and less than 5 tons), Heating Plant, Hoist (one drum), Marine Engineer's Assistant, Mixer Payloader and similar Endloaders, Pilot, Power Generating Plant, Pump (concrete), Roller, Scoopmobile, Tractor (with power take-off), Trenching Machines (19" or smaller bucket line width), Tugboat, Winch Truck and Tractor, Small Rubber Tired with Backhoe Attachment.

DECISION NO. MS81-1264

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP V - Air Compressor, Batch Scale, Deckhand, Forklift (2) tons & under), Form Grader Locomotive Hostler, Motorboat (in or out-board), Oiler, Pump, Roughneck, Scowman, Tractor (with attachments), Welding Machine

Booms including jib:
$.50 above regular rate - 100 ft. thru 200 ft.
$.75 above regular rate - 201 ft. thru 300 ft.
$1.00 above regular rate - over 300 ft.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Missouri COUNTY: Pulaski
DECISION NO.: MS81-4055 DATE: Date of Publication
Supersedes Decision No. MS80-4094 dated November 28, 1980 in 45 FR 79284
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.07	.50	1.25		.04
BOILERMAKERS	14.02	1.375	1.10		.05
BRICKLAYERS, Stonemasons & Tile Layers	12.80		.35		
CARPENTERS:					
Projects under $250,000.00	13.16	.75	.90 -		.02
Projects $250,000.00 and over	13.66	.75	.90		.02
CEMENT MASONS	12.30				
ELECTRICIANS:					
Electricians	13.89	.47	3%+1.00	6%	.02
Cable splicers	14.29	.47	3%+1.00	6%	.02
IRONWORKERS, Structural, Ornamental, Reinforcing	13.475	.65	1.05		.06
LABORERS:					
Laborers, general	10.15	.60	.50		.10
Plumbers laborers, hod carriers, plaster tenders & mason tenders	10.50	.60	.50		.10
Powderman	11.15	.60	.50		.10
LATHERS	11.45				
PAINTERS:					
Brush & roller	11.00	1.00	.70	.50	
Taping, paperhanging & floor work	11.50	1.00	.70	.50	
Spray, structural steel & sand-blasting	12.25	1.00	.70	.50	
PIPEFITTERS	15.45	2.435	1.64		
PLUMBERS	14.005	.90	1.10	.90	.20
SHEET METAL WORKERS	14.03	3%+.87	.96	1.13	.06
TILE WORKERS FINISHERS	11.70	.85	.755		
TRUCK DRIVERS:					
GROUP 1	8.50	.50	.50		
GROUP 2	8.90	.50	.50		
GROUP 3	8.97	.50	.50		
GROUP 4	9.02	.50	.50		
GROUP 5	9.17	.50	.50		
GROUP 6	10.00	.50	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Ft. Leonard Wood Only:					
GROUP 1	9.50	.50	.50		
GROUP 2	9.65	.50	.50		
GROUP 3	9.72	.50	.50		
GROUP 4	9.77	.50	.50		
GROUP 5	9.92	.50	.50		
GROUP 6	10.75	.50	.50		

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP 1 - flat bed drivers; pick-ups and station wagons; tireman & station attendant; dump, single axle
GROUP 2 - Flat bed, tandem axle; dump, tandem; tank trucks, single axle
GROUP 3 - Agitator & transit-mix
GROUP 4 - Winch trucks; steel haulers, derrick & A-trucks; distributors drivers & operators; tank truck; tandem & semi-tractors; wheel tractors; oilers, greasers & mechanic helpers; heavy excavating & hauling euclids, dumpsters, etc.
GROUP 5 - Fork lifts & high lifts, etc., when unloading or carrying
GROUP 6 - Mechanics

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	14.32	1.05	1.25		
GROUP 2	14.32	1.05	1.25		
GROUP 3	13.07	1.05	1.25		
GROUP 4	12.62	1.05	1.25		
GROUP 5:					
(a)	15.02	1.05	1.25		
(b)	15.87	1.05	1.25		
(c)	16.32	1.05	1.25		
(d)	17.07	1.05	1.25		
(e)	14.82	1.05	1.25		
GROUP 6	15.32	1.05	1.25		
GROUP 7	15.82	1.05	1.25		
GROUP 8	16.32	1.05	1.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic truck or cruiser mounted 16 tons & over; crane, locomotive, derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powers; piledriver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric or other powers); switch boat; whirley
GROUP 2 - Air tugger w/air compressor; anchor placing barge; asphalt spreader; athey force feeder loader (self-propelled); backfilling machine; boat oper. push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressor (when operator runs throttle); compressors, two not more than 50' apart; compressor-generator combination; compressor pump combination; compressor welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumpcrete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick & concrete into, or into & on floor level, one or both; crane, hydraulic rough terrain, self-propelled; crane, hydraulic truck or cruiser mounted under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills & any hand drills obtaining power from other sources including concrete breakers, jackhammers & barco equipment no engineer required); elevating grader, engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; fork lift; grader, road with power blade; highlift; hoist, concrete & brick (brick cages or concrete skips operating in or on tower, tower mobile, or similar equipment); hoist, stack; hydro hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as Barber-Greene); mechanic, on job site; mixer, paving; mixer-mobile; mucking machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix job site; plant, heating job site; plant, mixing job site; plant, power, generating job site; pumps, two self-power over 2" through 6"; pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop, tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take offs, & attachments regardless of size; trenching machine, tunnel boring machine, vibrating machine, automatic, propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine
GROUP 3 - Air tugger w/plant air; boiler, for power or heating shell of buildings or temporary enclosures in connection with construction work; boiler, temporary; compressor, air one; compressor, air (mounted on truck); concrete saw, (self-propelled); conveyor, large (not self-propelled) conveyor, large (not self-propelled) moving brick & concrete (distributing) on floor level; curb finishing machine, ditch paving machine;elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (Cont'd)

GROUP 3 CONTD:
KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one Employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixers, with side loader, 2 bag capacity or more; mixer,with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; scissor lift (used for hoisting); sweeper, street; tractor small wheel type 50 h.p. & under with grader blade & similar equipment; welding machine, one over 400 amp.; winch operating from truck; mechanic in shop

GROUP 4 - Boat operator outboard motor (job site); conveyors, such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP 5 (a) - Air pressure; oiler engineer operating under ten pounds
(b) - Air-pressure, oiler engineer operating over ten pounds
(c) - Air pressure engineer operating under ten pounds
(d) - Air pressure oiler engineer operating over ten pounds
(e) - Crane, climbing (such an linden); crane, pile driving & extracting; crane, using rock socket tool; derrick, diesel, gas or electric, hoisting material erecting steel (150" or more above ground); dragline, 7 cu. yds. & over; hoist, three or more drums in use; scoop, tandem; shovel, power 7 cu. yds. & over; tractor, tandem crawler, tunnel man assigned to work in tunnel or tunnel shaft; wrecking, when machine is working on second or higher; crane-booms (including jib) 100 ft. to 150 feet

GROUP 6 - Crane, boom (including jib) 150 feet to 200 feet

GROUP 7 - Crane, boom (including jib) 200 feet to 250 feet

GROUP 8 - Crane, boom (including jib) 250 feet to 300 feet

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: OKLAHOMA COUNTY: PITTSBURG
DECISION NO. OK81-4051 DATE: Date of Publication
SUPERSEDES DECISION NO. OK80-4060 dated July 18, 1980 in 45 FR 48439
DESCRIPTION OF WORK BUILDING PROJECTS (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.39	.55	1.00		.03
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS-Stonemasons	11.75	.60	.40		.05
CARPENTERS:					
Carpenters	9.80	.55	.85		.05
Millwrights-Piledrivermen	11.15	.55	.85		.05
CEMENT MASONS	8.00				
ELECTRICIANS:					
Electricians	14.35	.63	3%+.61		.10
Cable splicers	14.60	.63	3%+.61		.10
GLAZIERS	12.62	.70	.30		.01
IRONWORKERS	13.35	.80	1.15		.12
LABORERS:					
Group I	7.45	.25	.40		
Group II	7.75	.25	.40		
Group III	7.95	.25	.40		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I
All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tending lathers, mason or plasterers; water boys, when used, carpenter tenders, and common laborers.

GROUP II
All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers & handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 ft. from the ground or floors; cement finisher tender; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe dope treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pumpcrete machines, and gunnite mixing machines, including placing of concrete; handling creosoted or treated materials,

LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running drier, and feeding operating sand blaster, except nozzle; signal men and cutting torch operators in connection with laborers' work; concrete grader

GROUP III

Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
LINE CONSTRUCTION		H & W	Pensions	Vacation	Education and or Appr. Tr.
Linemen	$12.50		3%		½%
Cable splicers	13.25		3%		½%
Hole digger operator	11.33		3%		½%
Heavy equipment operator (or pole cat equivalent)	11.33		3%		½%
Line truck driver (winch op	10.27		3%		½%
Jackhammerman	9.35		3%		½%
Powderman	11.33		3%		½%
Truck driver (flat bed, ton and half and under)	8.91		3%		½%
PAINTERS:					
Brush and roller	11.05		.40	.20	.10
Highwork and stage	11.65		.40	.20	.10
Sandblasting and spray painting	11.90		.40	.20	.10
Hot or bituminous	12.55		.40	.20	.10
Sheet rock power tools	11.65		.40	.20	.10
PLUMBERS-PIPEFITTERS	15.60	.80	1.10		.20
POWER EQUIPMENT OPERATORS:					
GROUP I	13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I

All crane type equipment with 300' of boom or over (including jib)

GROUP II

All crane type equipment with 200-300' of boom (including jib)

GROUP III

All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more

GROUP IV

Sideboom (booms 30' and over); Guy Derrick

GROUP V

Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline; shovel; clamsbell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' and longer mast); motor patrol (blade)

GROUP VI

Fork lift (35' and over); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator of hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump - boom type

GROUP VII

Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist - when operating one drum; welding machine, 3 to 6; air compressor, 3 to 5, 500 cu. ft. ft and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with A-Frame; roller; all types; outside elevator or building type of personnel hoist; concrete buster or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvinixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed operator; concrete pump; form grader; screening plant; well point pump operator; drilling machines when operated from console or machines

GROUP VIII

Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); greaser; tilt top trailer operator; fuelman; truck drane oiler driver or crane oiler; conveyor-single-continuous belt bulk handling; asphalt lay machine back end man

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$11.40	.60	.50		.04
SHEET METAL WORKERS	13.50	.50	.72		.10
SOFT FLOOR LAYERS	11.46	.70	.70	8%	.03
PAID HOLIDAYS: Six paid holidays - New Years Day, Memorial Day, July 4th, Labor Day; Thanksgiving Day and Christmas Day.					
SPRINKLER FITTERS	13.71	.85	1.20		.08
TERRAZZO WORKERS	12.74	.70	.50		
TILE SETTERS	12.74	.70	.50		
TILE S TERRAZZO FINISHERS	11.63	.90			
TRUCK DRIVERS:					
Group I	10.43				
Group II	10.53				
Group III	10.63				
Group IV	10.58				
Group V	10.73				

TRUCK DRIVERS CLASSIFICATION DEFNINTIONS

GROUP I
Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses

GROUP II
3 tons or 4 yards and up to but not including 4 tons or 6 yards

GROUP III
5 tons or 6 yards and over including heavy equipment such as pole trucks, euclids, Mississippi wagons, semi-dumps, tournapulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers

GROUP IV
Ready-mix concrete trucks up to but not including 3 yards

GROUP V
Ready-mix concrete trucks 3 yards and over

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: OKLAHOMA COUNTY: Muskogee, Adair, Cherokee & Okmulgee

DECISION NO. OK81-4054 DATE: Date of Publication

Supersedes Decision No. OK80-4061 dated July 18, 1980 in 45 FR 48449

DESCRIPTION OF WORK: Building Projects (excluding single family homes & apartments up to and including 4 stories), and heavy construction within the City of Muskogee

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$15.19	.75	1.00		.03
Boilermakers	14.80	1.275	1.00		.04
BRICKLAYERS:					
Muskogee, Adair & Cherokee Counties	13.25	.70	.40*		.05
Okmulgee County	11.75	.60	.40		.05
CARPENTERS (AREA I)	10.38	.55	.75		.08
CARPENTERS (AREA II)	9.80	.55	.85		.05
MILLWRIGHTS-PILEDRIVERMEN:					
Area I	10.88	.55	.75		.08
Area II	11.15	.55	.85		.05

CARPENTERS-MILLWRIGHTS-PILEDRIVERMEN AREA DEFINITIONS

AREA I - Muskogee, Adair and Cherokee Counties
AREA II - Okmulgee County

CEMENT MASONS (AREA I):					
Cement masons	9.90				
Power tool operator	10.15				
CEMENT MASONS (AREA II):					
Cement masons	12.29		.40		.16
Power tool operator	12.54		.40		.16

CEMENT MASONS & POWER TOOL OPERATORS AREA DEFINITIONS

AREA I - Adair, Cherokee, Muskogee and Southern portion of Okmulgee Okmulgee Counties
AREA II - Northern portion of Okmulgee County

ELECTRICIANS:					
ZONE I - 30 mile radius from Post Office of City of Muskogee					
ZONE II - Area outside Zone I					
ZONE III - Okmulgee County					
ZONE I					
Electricians	12.55	.60	3%		½%
Cable splicers	12.95	.60	3%		½%
ZONE II					
Electricians	12.95	.60	3%		½%
Cable splicers	13.35	.60	3%		½%
ZONE III					
Electricians	14.35	.63	3%+.61		.10
Cable splicers	14.60	.63	3%+.61		.10
ELEVATOR CONSTRUCTORS	12.44	1.195	.82	a+b	.035
ELEVATOR CONSTRUCTORS HELPER	70%JR	1.195	.82	a+b	.035
GLAZIERS	12.62	.75	.30		.01
IRONWORKERS	13.35	.80	1.15		.12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (AREA I)					
Muskogee, Adair and Cherokee Counties					
GROUP I	$ 7.85	.25	.40		
GROUP II	8.15	.25	.40		
GROUP III	8.35	.25	.40		
GROUP IV	8.35	.25	.40		
LABORERS (AREA II)					
Okmulgee County					
GROUP I	8.85	.25	.40		
GROUP II	9.15	.25	.40		
GROUP III	9.25	.25	.40		
GROUP IV	9.70	.25	.40		

LABORERS CLASSIFICAION DEFINITIONS

GROUP I
All digging and dirt work, firing of salamanders and smudge pots; loading & unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures; cleaning when the man is directly tenders; and common laborers

GROUP II
All machine tool operators; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to 4 inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher laborer; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar & plaster mixing machine, pump-crete machines, and gunite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials, when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale man on batch plants; all laborers screening snad, running sand drier, and feeding operating sand blaster, except nozzle; signalmen and cutting torch operators in connection with laborers work; concrete grader

GROUP III
Wagon drill operator

GROUP IV
Powderman or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Lineman	$12.50		3%		½%
Cable splicers	13.25		3%		½%
Hole digger operator	11.33		3%		½%
Heavy equipment operator (pole or cat equivalent)	11.33		3%		½%
Jack hammerman	9.35		3%		½%
Line truck (winch operator)	10.27		3%		½%
Powderman	11.33		3%		½%
Groundman	8.34		3%		½%
Truck driver (flat bed ton and half and under)	7.55		3%		½%
Marble, Tile & Terrazzo Workers	12.74	.70	.60		
Painters (Okmulgee):					
Brush	12.85		.60		.10
Highwork and stage	13.25		.60		.10
Spray and sandblasting	13.85		.60		.10
Hot or bituminous	14.15		.60		.10
Sheetrock hand tools	12.85		.60		.10
Sheetrock power tools	13.85		.60		.10
Painters (Adair, Muskogee & Cherokee Counties):					
Brush painting & roller	11.05		.40	.20	.10
Highwork & stage	11.65		.40	.20	.10
Sandblasting & Spray	11.90		.40	.20	.10
Hot or Bituminous	12.55		.40	.20	.10
Plumbers & Pipefitters	15.60	.80	1.10		.20
Plasterers	10.15				.01
POWER EQUIPMENT OPERATORS:					
GROUP I	13.40	.70	.75		.12
GROUP II	12.90	.70	.75		.12
GROUP III	12.40	.70	.75		.12
GROUP IV	12.15	.70	.75		.12
GROUP V	11.90	.70	.75		.12
GROUP VI	11.65	.70	.75		.12
GROUP VII	11.40	.70	.75		.12
GROUP VIII	10.40	.70	.75		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 300' of boom or over (including jib)
GROUP II - All crane type equipment with 100-200' of boom (including jib)
GROUP III - All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more
GROUP IV - Sideboom (booms 30' and over); Guy Derrick

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP V

Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant op.; piledriver engineer; dragline; shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' & longer mast); motor patrol (blade)

GROUP VI

Fork lift (35' & over); dozer (engine h.p. 65 or over); Fordson tractor or like quipment with hoe or loader equipment or ditcher; scraper type equipment; loader op. of hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump - boom type

GROUP VII

Locomotive engineer; boring machine; tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist-when operating one drum; welding machine, 3 to 6; air compressor, 3 to 5, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with a Frame; roller, all types; outside elevator or building type of personnel hoist; concrete buster or tamper; heaters under jurisdiction of operating engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed op.; concrete pump; form grader; screening plant; well point pump op.; signal man on large whirleys when & if required; operator for rotary drilling machines when operated from console or machines

GROUP VIII

Permanent elevator-building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. & under (1 or 2); welding machine (1 or 2); pump (1 or 2); greaser; tilt top trailer op.; fuelman; truck crane oiler driver or crane oiler; conveyor op.-single-continuous belt bulk handling; asphalt lay machine back end man;

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ROOFERS	$11.40	.60	.50		.04
SHEET METAL WORKERS	13.50	.50	.72		.10
SOFT FLOOR LAYERS	11.46	.70	.70	8%	.08
SPRINKLER FITTERS	13.71	.85	1.20		.08
TERRAZZO WORKERS FINISHER	11.63	.90			
TERRAZZO WORKERS FLOOR OP.	11.80	.90			
TERRAZZO WORKERS BASE MACHINE OPERATOR	12.10	.90			
TRUCK DRIVERS:					
GROUP I	10.43				
GROUP II	10.53				
GROUP III	10.63				
GROUP IV	10.58				
GROUP V	10.73				

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I

Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.

GROUP II

3 tons or 4 yards and up to but not including 4 tons or 6 yds.

GROUP III

5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, cuclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment; tractor trialer drivers and similar equipment, such as tractors, ten wheelers

GROUP IV

Ready-mix concrete trucks up to but not including 3 yards

GROUP V

Ready-mix concrete trucks 3 yards and over

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a--1st 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate.

b--Paid Holidays - A through G

PAID HOLIDAYS:

A-New Years Day; B-Memorial Day; C-Indepedence Day; D-Labor Day; E-Thanksgiving Day; F-Friday after Thanksgiving Day; G-Christmas Day

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(ii).

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Blair
DECISION NO.: PA81-3029 DATE: Date of Publication
Supersedes Decision No. PA78-3037, dated April 21, 1978, in 42 FR 17239.
DESCRIPTION OF WORK: Building Erection and Foundation (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$14.12	.95	1.85		
Bricklayers	11.35	.75	1.00		.01
Carpenters	11.50	6%	8%	10%	1/4%
Cement masons	12.85	9%	7%		
Electricians	14.95	1.55	3%+.50		.10
Elevator Constructors	11.635	.745	.56	a+b	.025
Elevator Constructors Helpers	8.14	.745	.56	a+b	.025
Elevator Constructors Helpers (Prob.)	5.82				
Glaziers	12.44	1.02	1.35	1.23	.02
Ironworkers:					
Structural	13.59	1.22	1.67		.04
Reinforcing	13.59	1.22	1.67		.04
Laborers	10.34	10%	9%		
Painters	11.74	1.10	1.10		.02
Plasterers	12.85				.01
Plumbers & pipefitters	13.36	1.07	1.22	.75	.27
Roofers	15.96	.77	1.50		.16
Soft floor layers	11.50	6%	8%	10%	1/4%
Stone masons	11.35	.75	1.00		.01
Sheet metal workers	11.66	1.44	1.18		.14
Terrazzo workers	11.35	.75	1.00		.01
Tile setters	11.35	.75	1.00		.01
Truck Drivers:					
Service, dump, flat top, jeep, fuel & water	8.42	c	d		
Transit mix, dump trailer, winch truck	8.35	c	d		
Euclid & tractor trailer	8.42	c	d		
Helper	8.17	c	d		
POWER EQUIPMENT OPERATORS:					
Backhoe	14.625	1.05	1.15		.09
Cranes	14.125	1.05	1.15		.09
Welders - Rate for craft					

FOOTNOTES:

a. Employers contributes 8% basic hourly rate for 5 years or more of service as vacation pay credit.
b. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day, plus the Friday after Thanksgiving Day.
c. $59.90 per month.
d. $14.00 per week.

SUPERSEDEAS DECISION

STATE: TEXAS COUNTY: Bexar
DECISION NO.: TX81-4045 DATE: Date of Publication
Supersedeas Decision No.: TX81-4005, dated January 6, 1981 in 46 FR 1545
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to and including 4 stories). (Use current heavy & highway general wage determination for Paving & utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.45	.70	.90		.08
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS	12.48	.67	.30	.25	.05
CARPENTERS:					
Carpenters	11.64	.48	.80	.40	.05
Millwrights	11.94	.48	.80	.40	.05
CEMENT MASONS	11.72	.45		.65	.05
ELECTRICIANS:					
Electricians	13.74	.60	5%		1%
Cable splicers	13.99	.60	5%		1%
ELEVATOR CONSTRUCTORS:					
Mechanics	12.30	1.195	.95	a+b	.035
Helpers	70%JR	1.195	.95	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	6.80				
IRONWORKERS	11.60	.55	1.45	.50	.12
LABORERS:					
GROUP 1 - General laborers	7.77	.57	.60		.05
GROUP 2 - All power tools & equipment operators; cutting torch man; power buggy op.; wagon drill op.; well driller; drilling rig tender; cement finisher tender; handling creosoted materials; scale man on batch plants asphalt raker; concrete & clay & all non-metallic pipe laying; plasterer tender; brick tender; lather tender	8.02	.57	.60		.05
GROUP 3 - Mortar mixer man; grout machines; pumpcrete machines; gunnite mixing machines; running sand dryer & loading; operating sand blaster; bell hole man; blaster, powderman; gunnite nozzleman	8.27	.57	.60		.05

DECISION NO. TX81-4045 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman	$14.63	.60	3%		½%
Cable splicer	14.88	.60	3%		½%
Groundman	8.05	.60	3%		½%
MARBLE SETTERS	11.07	.57	.30	.25	
MARBLE SETTERS' FINISHERS	8.17				
PAINTERS:					
Brush; paperhanger; taper & floater; hand roller	10.45		.50		.05
Brush on all structural steel; spray on any other surface other than steel	10.70		.50		.05
PLUMBERS & PIPEFITTERS	14.80	.60	.55		.10
ROOFERS:					
Roofers; deckman	9.24	.50			
Kettlemen	8.19	.50			
Waterproofers	8.69	.50			
SHEET METAL WORKERS	13.67	3%+.45	1.20		.09
SOFT FLOOR LAYERS	6.35				
SPRINKLER FITTERS	14.68	.95	1.40		.08
TERRAZZO WORKERS	11.07	.57	.30	.25	
TERRAZZO WORKERS' FINISHERS:					
Terrazzo finishers	8.17				
Floor machine operators	8.37				
Base machine operators	8.52				
TILE SETTERS	11.07	.57	.30	.25	
TILE SETTERS' FINISHERS	8.17				
TRUCK DRIVERS	3.64				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; C-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 years. - 6%; over 5 yrs. - 8% of basic hourly rate
b - Paid Holidays A thru G

DECISION NO. TX81-4045

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$12.12	.75	1.25		
GROUP 2	10.79	.75	1.25		
GROUP 3	9.09	.75	1.25		
GROUP 4	8.72	.75	1.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All foundation drilling rigs; all rollers (5 tons or over); backfiller; backhoe; blade graders (self-propelled); bull clam; bulldozers; cableway; clamshell operator; crane (power operated, all types); derricks (power operated, all types); draglines; DW-10 caterpillar and similar tractors; elevating graders (self-propelled); euclid; fork lift used on construction; gasoline or diesel-driven welding machines (7 to 12); gradall; heavy duty mechanic; high lifts; hoist (two drums or more); locomotives; mixer (14 cu. ft. or over); mixmobile; paving mixers (all sizes); piledriver; pumpcrete machine operator; rock crusher operator on job; scoopmobile; scrapers; shovel (power operated); turnapulls; trenching machines (all sizes); winch truck

GROUP 2 - Air compressor (any time there are three or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); blade graders (towed); building elevator used on construction; flex planes; form graders; hoist (single drum); mixer (less than 14 cu. ft.); pneumatic roller; pulsometers; pump (2½ or larger shall require a light equipment operator); three to six welding machines or any three pieces or equipment of equal or similar nature

GROUP 3 - Fireman

GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX81-4050
Supersedes Decision No. TX81-4001, dated January 6, 1981 in 46 FR 1535
COUNTIES: Statewide
DATE: Date of Publication
DESCRIPTION OF WORK: See "Area Covered by Various Zones"

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -	$ -	$ 4.25	$ -	$ 3.70
Asphalt Heaterman	5.45	5.15	3.95	4.00	4.00
Asphalt Raker	5.90	5.10	4.80	4.30	5.10
Asphalt Shoveler	-	-	-	-	4.00
Batching Plant Scaleman	5.80	5.00	5.80	5.25	5.00
Batterboard Setter	-	-	-	-	4.50
Carpenter	5.50	5.50	5.60	5.50	5.10
Carpenter Helper	5.00	4.75	4.55	4.25	4.00
Concrete Finisher (Paving)	7.00	6.50	6.00	6.00	5.40
Concrete Finisher Helper(Paving)	5.35	5.00	4.25	4.00	4.50
Concrete Finisher (Structures)	6.40	5.75	5.25	5.00	5.30
Concrete Finisher Helper (Structures)	5.00	4.85	4.20	4.25	4.35
Concrete Rubber	-	-	4.60	-	4.50
Electrician	8.20	8.10	7.50	9.00	9.85
Electrician Helper	-	-	-	6.05	5.20
Fireman	-	-	-	-	-
Form Builder (Structures)	5.90	6.00	6.40	4.65	6.00
Form Builder Helper(Structure)	5.30	4.20	4.50	4.30	4.75
Form Liner (Paving & Curb)	6.25	5.60	4.00	4.75	4.45
Form Setter (Paving & Curb)	6.30	5.00	6.10	4.45	5.50
Form Setter Helper(Paving & Curb)	4.85	-	-	-	4.45
Form Setter (Structures)	7.00	6.65	6.00	5.00	5.45
Form Setter Helper (Structures)	5.35	4.60	4.00	4.40	4.30
Laborer, Common	4.25	4.15	3.95	3.60	3.70
Laborer, Utility Man	4.90	4.80	4.60	4.00	4.15
Manhole Builder, Brick	4.25	4.50	-	-	4.45
Mechanic	7.45	6.20	5.80	6.05	6.25
Mechanic Helper	5.60	5.35	4.00	4.40	4.70
Oiler	5.50	5.00	4.55	4.00	4.85
Serviceman	6.00	5.25	4.55	4.80	4.50
Painter (Structures)	-	-	6.00	6.75	4.90
Painter Helper (Structures)	-	-	-	4.35	-
Piledriverman	-	-	-	4.25	4.35
Pipelayer	6.00	-	4.45	4.25	4.85
Pipelayer Helper	-	-	-	-	4.25
Powderman	6.15	5.50	5.50	5.00	5.25
Powderman Helper	-	-	3.95	-	5.00

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Reinforcing Steel Setter(Paving)	$ -	-	5.50	-	5.15
Reinforcing Steel Setter(Structures)	5.85	6.30	5.25	4.70	5.70
Reinforcing Steel Setter Helper	5.25	-	4.55	4.25	4.50
Steel Worker (Structural)	-	-	-	-	6.15
Steel Worker Helper(Structural)	-	-	-	-	4.50
Sign Erector	-	4.55	-	5.85	5.30
Sign Erector Helper	-	-	-	-	-
Spreader Box Man	5.80	4.95	5.25	4.60	5.05
Swamper	4.85	4.50	4.25	3.75	4.25
Power Equipment Operators:					
Asphalt Distributor	6.20	5.45	5.20	4.55	4.50
Asphalt Paving Machine	7.00	5.55	4.95	4.95	5.00
Broom or Sweeper Operator	4.50	4.35	4.75	3.60	3.70
Bulldozer 150 HP & Less	5.75	4.95	5.00	5.15	5.20
Bulldozer, over 150 HP	6.50	6.00	5.85	5.50	5.70
Concrete Paving Curing Machine	6.00	-	-	-	4.65
Concrete Paving Finishing Machine	7.00	5.30	-	4.65	-
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Gang Vibrator	-	-	-	-	-
Concrete Paving Grinder	-	-	-	-	5.75
Concrete Paving Joint Machine	-	-	-	-	5.50
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Mixer	7.25	7.00	-	-	-
Concrete Paving Saw	6.00	-	5.25	4.50	-
Concrete Paving Spreader	-	-	-	-	-
Paving Sub Grader	-	5.25	-	-	5.50
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	6.00	5.60	5.65	5.40	5.50
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	7.00	6.25	6.35	6.10	6.20
Crusher or Screening Plant Operator	6.00	4.85	4.70	4.90	5.00
Elevating Grader	6.00	-	4.60	5.35	-
Form Loader	-	-	-	5.75	-
Foundation Drill Operator (Crawler Mounted)	-	-	8.00	-	7.70

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd):					
Foundation Drill Operator (Truck Mounted)	$ 8.00	$ 7.00	$ 8.25	$ 5.00	$ 7.50
Foundation Drill Op. Helper	5.00	5.50	5.00	-	5.00
Front End Loader (2½ CY & Less)	5.60	5.25	4.90	4.85	4.75
Front End Loader (Over 2½ CY)	6.45	5.65	5.65	5.45	5.55
Hoist (Double Drum & Less)	-	-	-	-	4.70
Mixer (Over 16 CF)	5.50	-	-	-	5.25
Mixer (16 CF and Less)	-	-	-	-	5.00
Motor Grader Op., Fine Grade	7.00	7.00	7.15	6.35	6.70
Motor Grader Operator	6.65	6.20	5.75	5.95	5.90
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	5.65	5.05	4.25	4.25	4.35
Roller, Steel Wheel (Other Flat Wheel or Tamping)	5.15	4.70	4.35	3.60	4.20
Roller, Pneumatic (Self-Propelled)	4.40	4.65	4.00	4.05	4.05
Scrapers (17 CY and Less)	5.25	5.00	4.25	5.00	4.50
Scrapers (Over 17 CY)	6.15	6.00	5.55	5.50	5.50
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	4.15	-	-	4.50
Tractor (Crawler Type) 150 HP and Less	5.50	4.15	4.55	4.50	4.00
Tractor (Crawler Type) over 150 HP	5.65	4.75	5.70	5.25	4.55
Tractor (Pneumatic) 80 HP and Less	5.00	4.25	3.95	4.00	4.50
Tractor (Pneumatic) over 80 HP	5.35	5.35	5.25	5.00	5.25
Traveling Mixer	4.75	-	5.35	4.15	-
Trenching Machine, Light	5.45	-	4.50	4.50	4.00
Trenching Machine, Heavy	5.45	-	5.75	4.75	5.00
Wagon Drill, Boring Machine or Post Hole Driller Operator	5.05	4.50	4.50	4.50	4.50

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Truck Drivers:					
Single Axle, Light	$ 5.00	$ 4.50	$ 4.00	$ 4.20	$ 4.20
Single Axle, Heavy	5.35	4.65	4.50	4.55	4.30
Tandem Axle or Semitrailer	5.60	4.50	4.65	-	4.35
Lowboy-Float	5.50	4.80	5.00	4.85	4.95
Transit-Mix	-	-	-	-	-
Winch	-	-	-	-	4.60
Vibrator Man (Hand Type)	-	-	-	-	-
Welder	7.00	6.00	5.40	5.85	5.65
Welder Helper	-	4.50	4.70	4.80	4.35

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ 3.50	$ -	$ -	$ 4.50	$ 4.50
Asphalt Heaterman	4.00	4.75	4.35	5.15	6.75
Asphalt Raker	4.45	5.15	4.95	5.65	6.40
Asphalt Shoveler	4.40	4.50	4.50	-	5.00
Batching Plant Scaleman	4.00	5.75	5.60	5.50	6.50
Batterboard Setter	-	5.35	-	-	6.00
Carpenter	4.65	5.75	6.00	6.50	6.35
Carpenter Helper	3.90	4.70	5.00	4.00	4.80
Concrete Finisher (Paving)	5.50	-	5.60	6.45	6.75
Concrete Finisher Helper (Paving)	4.00	-	4.50	4.75	5.25
Concrete Finisher (Structures)	5.05	5.70	5.50	6.00	6.40
Concrete Finisher Helper (Structures)	3.60	4.50	4.50	4.00	4.25
Concrete Rubber	-	-	5.25	-	-
Electrician	7.50	9.25	11.00	10.00	8.95
Electrician Helper	-	5.50	8.25	-	5.00
Fireman	-	-	-	-	-
Form Builder (Structures)	5.80	5.95	5.50	4.75	6.65
Form Builder Helper (Structures)	-	4.90	4.95	4.50	5.80
Form Liner (Paving and Curb)	-	4.75	4.50	-	7.25
Form Setter (Paving and Curb)	4.25	5.50	4.25	5.15	5.80
Form Setter Helper (Paving and Curb)	3.50	4.50	4.05	4.10	4.75
Form Setter (Structures)	4.95	5.70	5.25	5.55	6.30
Form Setter Helper (Structures)	3.85	4.50	3.85	4.50	5.10
Laborer, Common	3.50	4.00	3.85	4.00	4.25
Laborer, Utility Man	4.35	4.55	4.60	4.00	4.75
Manhole Builder, Brick	4.35	5.15	-	-	-
Mechanic	5.00	6.00	7.05	5.00	6.55
Mechanic Helper	4.50	4.50	4.50	4.10	5.00
Oiler	4.50	5.50	5.00	5.50	5.35
Serviceman	4.25	4.80	5.00	4.50	5.20
Painters (Structures)	5.95	5.00	6.95	-	-
Painter Helper (Structures)	-	-	-	-	-
Piledriverman	7.70	6.75	5.25	-	7.00

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Pipelayer	$ 3.90	$ 5.40	$ 4.75	$ 5.00	$ 5.75
Pipelayer Helper	3.60	4.00	4.00	4.25	5.15
Powderman	5.00	6.00	6.00	5.50	5.50
Powderman Helper	-	4.25	-	-	-
Reinforcing Steel Setter (Paving)	-	4.50	5.50	-	5.00
Reinforcing Steel Setter (Structures)	4.70	5.50	5.50	5.40	6.25
Reinforcing Steel Setter Helper	3.85	4.25	4.00	4.20	4.80
Steel Worker (Structural)	-	5.75	-	-	5.25
Steel Worker Helper (Structural)	-	-	-	-	-
Sign Erector	4.70	-	4.75	4.65	5.75
Sign Erector Helper	4.05	-	4.00	-	5.25
Spreader Box Man	4.70	4.75	4.35	5.00	5.40
Swamper	-	-	4.35	4.90	-
Power Equipment Operators:					
Asphalt Distributor	4.50	5.35	5.25	5.50	6.05
Asphalt Paving Machine	4.60	6.65	5.80	5.55	6.40
Broom or Sweeper Operator	-	4.00	4.00	4.80	4.50
Bulldozer, 150 HP and less	4.25	5.25	4.80	5.35	6.00
Bulldozer, over 150 HP	5.75	6.25	6.20	6.00	6.50
Concrete Paving Curing Machine	-	-	-	5.00	5.55
Concrete Paving Finishing Machine	4.75	-	-	-	6.60
Concrete Paving Form Grader	-	-	-	-	7.00
Concrete Paving Gang Vibrator	-	-	-	-	6.00
Concrete Paving Grinder	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	7.00
Concrete Paving Joint Sealer	-	-	-	-	6.50
Concrete Paving Longitudinal Float	5.50	-	-	-	5.00
Concrete Paving Mixer	-	-	-	-	7.25
Concrete Paving Saw	-	-	-	-	5.90
Concrete Paving Spreader	-	-	-	-	5.50

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd):					
Paving Sub Grader	$ -	$ -	$ -	$ -	$ 5.65
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	5.05	5.10	6.00	5.25	6.80
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	6.70	7.00	7.60	6.10	7.15
Crusher or Screening Plant Operator	-	4.25	5.00	-	-
Elevating Grader	-	-	5.00	-	-
Form Loader	-	-	-	-	6.40
Foundation Drill Operator (Crawler Mounted)	7.75	-	-	-	-
Foundation Drill Operator (Truck Mounted)	7.75	-	8.00	8.00	6.75
Foundation Drill Operator Helper	4.25	-	5.35	4.50	4.80
Front End Loader (2½ CY and less)	4.08	5.15	4.90	5.00	6.10
Front End Loader (Over 2½ CY)	5.10	5.55	5.50	6.00	6.50
Hoist (Double Drum & Less)	-	-	-	-	-
Mixer (Over 16 CF)	-	-	-	-	7.00
Mixer (16 CF and Less)	-	-	-	-	5.00
Motor Grader Operator, Fine Grade	6.00	7.25	7.45	7.35	7.15
Motor Grader Operator	5.20	6.00	6.40	5.65	6.85
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	4.20	5.25	4.55	4.80	6.00
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.10	5.25	4.95	4.75	5.35
Roller, Pneumatic (Self-Propelled)	4.00	4.65	4.15	4.10	4.85
Scrapers (17 CY and less)	4.00	5.45	5.25	5.00	5.75
Scrapers (Over 17 CY)	4.65	6.10	6.00	5.60	6.25
Self-Propelled Hammer	-	-	-	-	5.50
Side Boom	-	4.00	-	-	-
Tractor (Crawler type) 150 HP and less	-	4.50	4.00	-	5.70

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd):					
Tractor (Crawler type) over 150 HP	$ 4.95	$ 5.55	$ 5.00	$ 4.60	$ 6.00
Tractor (Pneumatic) 80 HP and less	-	4.50	4.00	4.75	4.90
Tractor (Pneumatic) over 80 HP	4.25	5.40	4.50	5.00	6.00
Traveling Mixer	4.50	4.00	-	4.50	6.05
Trenching Machine, Light	-	5.10	4.90	-	5.00
Trenching Machine, Heavy	-	5.50	6.50	-	5.75
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.75	4.50	5.00	-	5.00
Truck Drivers:					
Single Axle, Light	3.95	4.15	4.50	4.45	4.95
Single Axle, Heavy	-	4.50	-	-	5.35
Tandem Axle or Semitrailer	-	4.50	4.60	4.85	-
Lowboy-Float	4.35	4.50	-	4.50	6.00
Transit-Mix	-	-	-	-	5.50
Winch	5.00	4.50	-	-	5.30
Vibrator Man (hand type)	-	-	5.00	-	-
Welder	5.55	5.25	6.10	5.00	6.50
Welder Helper	4.30	-	5.50	-	5.00

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ 4.10	$ -	$ 4.50	$ -	$ 5.00
Asphalt Heaterman	6.50	4.65	4.75	-	5.00
Asphalt Raker	7.25	5.30	5.25	4.95	6.15
Asphalt Shoveler	5.00	4.05	4.00	-	4.50
Batching Plant Scaleman	6.30	5.00	4.50	-	5.80
Batterboard Setter	-	-	-	-	6.10
Carpenter	6.40	6.20	6.95	7.00	7.00
Carpenter Helper	4.70	5.10	4.75	5.25	5.55
Concrete Finisher (Paving)	6.80	6.80	6.00	6.00	7.10
Concrete Finisher Helper (Paving)	5.10	5.30	5.25	5.50	5.80
Concrete Finisher (Structures)	6.40	6.00	6.55	6.50	6.55
Concrete Finisher Helper (Structures)	5.25	5.00	5.00	5.70	5.60
Concrete Rubber	5.00	4.85	4.50	-	5.50
Electrician	9.00	8.60	5.00	10.15	11.30
Electrician Helper	5.00	-	-	6.50	7.25
Fireman	-	-	4.00	-	-
Form Builder (Structures)	6.30	6.00	5.90	5.50	6.50
Form Builder Helper (Structures)	5.60	4.50	5.00	4.85	5.65
Form Liner (Paving and Curb)	5.95	6.25	6.00	-	6.60
Form Setter (Paving and Curb)	6.40	6.20	5.40	5.00	6.25
Form Setter Helper (Paving and Curb)	5.00	5.50	-	4.00	5.15
Form Setter (Structures)	5.85	6.00	6.50	7.05	6.60
Form Setter Helper (Structures)	4.95	5.25	5.00	5.00	4.50
Laborer, Common	4.10	4.05	3.95	4.00	4.00
Laborer, Utility Man	4.60	4.75	4.00	4.65	5.20
Manhole Builder, Brick	5.50	-	6.50	-	6.40
Mechanic	7.20	6.45	6.75	7.00	7.55
Mechanic Helper	5.40	4.90	5.50	5.00	5.95
Oiler	5.45	4.50	5.95	4.75	6.45
Serviceman	5.75	4.50	4.80	4.00	6.35
Painter (Structures)	5.50	5.25	-	-	7.00
Painter Helper (Structures)	-	-	-	-	6.00
Piledrivermen	-	5.25	7.35	5.00	6.75

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Pipelayer	$ 5.20	$ 5.00	$ 4.65	$ 4.25	$ 6.10
Pipelayer Helper	4.50	4.05	-	4.00	5.10
Powderman	5.00	-	-	-	-
Powderman Helper	-	-	-	-	-
Reinforcing Steel Setter (Paving)	4.60	4.75	-	-	6.15
Reinforcing Steel Setter (Structures)	5.80	5.65	5.00	4.50	6.40
Reinforcing Steel Setter Helper	4.10	4.50	4.00	-	4.95
Steel Worker (Structural)	6.15	6.65	-	-	6.85
Steel Worker Helper (Structural)	5.00	5.00	-	-	6.00
Sign Erector	6.50	-	-	-	-
Sign Erector Helper	6.00	-	-	-	-
Spreader Box Man	5.00	5.50	5.25	5.35	6.50
Swamper	-	4.05	4.00	-	-
Power Equipment Operators:					
Asphalt Distributor	6.50	5.55	5.75	4.25	5.75
Asphalt Paving Machine	6.75	5.85	6.40	5.00	6.95
Broom or Sweeper Operator	4.10	4.05	4.50	4.85	5.20
Bulldozer, 150 HP & less	6.00	5.55	6.00	5.00	6.55
Bulldozer, over 150 HP	6.95	6.20	6.60	5.75	7.00
Concrete Paving Curing Machine	6.50	6.00	6.00	-	6.15
Concrete Paving Finishing Machine	6.80	5.10	-	-	7.00
Concrete Paving Form Grader	6.35	6.00	-	-	-
Concrete Paving Gang Vibrator	-	5.25	-	-	-
Concrete Paving Grinder	6.00	-	-	-	-
Concrete Paving Joint Machine	5.50	-	-	-	6.00
Concrete Paving Joint Sealer	6.00	5.25	-	-	-
Concrete Paving Longitudinal Float	6.00	5.35	-	-	6.00
Concrete Paving Mixer	6.00	7.00	-	-	6.75
Concrete Paving Saw	7.00	5.75	-	-	6.50
Concrete Paving Spreader	-	-	-	-	6.95
Paving Sub Grader	-	-	-	-	6.75

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd)					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$ 6.30	$ 6.35	$ 6.10	$ 6.50	$ 7.30
Crane, Clamshell Backhoe, Derrick, Dragline, Shovel (1½ CY and over)	6.95	7.00	7.25	7.50	7.80
Crusher or Screening Plant Operator	-	4.50	-	5.25	6.75
Elevating Grader	-	4.25	-	-	-
Form Loader	5.75	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	6.50	-	-	-	10.00
Foundation Drill Operator (Truck Mounted)	7.75	7.75	7.25	-	-
Foundation Drill Operator Helper	5.50	6.45	-	-	5.25
Front End Loader (2½ CY and less)	5.85	5.40	5.00	5.05	6.20
Front End Loader (Over 2½ CY)	6.55	6.15	6.15	5.50	6.90
Hoist (Double Drum & Less)	-	-	-	-	-
Mixer (Over 16 CF)	5.85	-	-	-	6.40
Mixer (16 CF and less)	-	-	-	-	5.55
Motor Grader Operator, Fine Grade	7.45	7.25	7.00	7.40	7.85
Motor Grader Operator	6.30	6.10	6.50	5.95	7.20
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	6.60	5.20	5.15	4.25	6.05
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	5.50	4.75	5.10	4.70	5.40
Roller, Pneumatic (Self-propelled)	5.40	4.70	4.85	4.00	5.50
Scraper (17 CY and less)	5.70	5.25	5.75	5.25	5.30
Scrapers (over 17 CY)	6.25	5.90	6.30	6.25	6.50
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	4.05	5.00	-	-
Tractor (Crawler type) 150 HP and less	5.00	4.50	4.45	-	5.50
Tractor (Crawler type) over 150 HP	5.80	6.00	5.60	-	6.50

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd)					
Tractor (Pneumatic) 80 HP and less	$ 4.65	$ 4.05	$ 4.50	$ -	$ 5.00
Tractor (Pneumatic) over 80 HP	5.35	4.50	5.25	4.70	5.25
Traveling Mixer	6.00	6.50	5.00	4.50	5.50
Trenching Machine, Light	-	-	-	-	6.00
Trenching Machine, Heavy	7.50	5.00	-	-	6.50
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.50	6.50	-	-	5.65
Truck Drivers:					
Single Axle, Light	5.40	4.50	5.05	4.65	5.20
Single Axle, Heavy	5.50	5.40	5.20	4.70	5.90
Tandem Axle or Semitrailer	6.00	-	5.50	-	-
Lowboy-Float	5.50	5.45	6.00	-	6.00
Transit-Mix	5.80	-	-	-	5.50
Winch	-	-	-	-	-
Vibrator Man (hand type)	-	4.50	-	-	5.50
Welder	7.00	6.50	6.25	6.50	7.00
Welder Helper	6.00	5.00	5.00	4.35	6.00

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -				
Asphalt Heaterman	-				
Asphalt Raker	6.50				
Asphalt Shoveler	-				
Batching Plant Scaleman	-				
Batterboard Setter	-				
Carpenter	6.50				
Carpenter Helper	6.15				
Concrete Finisher (Paving)	7.75				
Concrete Finisher Helper (Paving)	6.00				
Concrete Finisher (Structures)	7.35				
Concrete Finisher Helper (Structures)	5.80				
Concrete Rubber	-				
Electrician	9.50				
Electrician Helper	5.25				
Fireman	-				
Form Builder (Structures)	5.75				
Form Builder Helper (structures)	5.50				
Form Liner (Paving and Curb)	-				
Form Setter (Paving and Curb)	8.00				
Form Setter Helper (Paving and Curb)	-				
Form Setter (Structures)	6.50				
Form Setter Helper (Structures)	5.05				
Laborer, Common	5.05				
Laborer, Utility Man	5.45				
Manhole Builder, Brick	-				
Mechanic	9.00				
Mechanic Helper	6.00				
Oiler	6.00				
Serviceman	-				
Painter (Structures)	8.50				
Painter Helper (Structures)	-				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Piledrivermen	$ 6.00				
Pipelayer	6.50				
Pipelayer Helper	5.50				
Powderman	-				
Powderman Helper	-				
Reinforcing Steel Setter (Paving)	6.00				
Reinforcing Steel Setter (Structures)	7.00				
Reinforcing Steel Setter Helper	-				
Steel Worker (Structural)	6.50				
Steel Worker Helper (Structural)	-				
Sign Erector	-				
Sign Erector Helper	-				
Spreader Box Man	6.70				
Swamper	5.05				
Power Equipment Operators:					
Asphalt Distributor	6.10				
Asphalt Paving Machine	6.80				
Broom or Sweeper Operator	6.00				
Bulldozer, 150 HP and less	7.00				
Bulldozer, over 150 HP	8.00				
Concrete Paving Curing Machine	-				
Concrete Paving Finishing Machine	7.50				
Concrete Paving Form Grader	-				
Concrete Paving Gang Vibrator	-				
Concrete Paving Grinder	-				
Concrete Paving Joint Machine	-				
Concrete Paving Joint Sealer					
Concrete Paving Longitudinal Float					
Concrete Paving Mixer					
Concrete Paving Saw	6.50				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd):					
Concrete Paving Spreader	$ 8.00				
Paving Sub Grader	-				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	6.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and over)	8.55				
Crusher or Screening Plant Operator	-				
Elevating Grader	-				
Form Loader	-				
Foundation Drill Operator (Crawler Mounted)	-				
Foundation Drill Operator (Truck Mounted)	-				
Foundation Drill Operator Helper	-				
Front End Loader (2½ CY and less)	5.50				
Front End Loader (Over 2½ CY)	7.50				
Hoist (Double Drum & Less)	-				
Mixer (Over 16 CF)	-				
Mixer (16 CF & less)	-				
Motor Grader Operator Fine Grade	8.00				
Motor Grader Operator Pump Crete	7.00				
Roller, Steel Wheel (Plant-Mix Pavements)	6.25				
Roller, Steel wheel (other Flat Wheel or Tamping	6.65				
Roller, Pneumatic (Self-Propelled)	6.35				
Scrapers (17 CY and less)	6.00				
Scrapers (Over 17 CY)	6.50				
Self-Propelled Hammer	-				
Side Boom	-				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Ops. (Cont'd):					
Tractor (Crawler type) 150 HP and less	5.90				
Tractor (Crawler type) over 150 HP	6.50				
Tractor (Pneumatic) 80 HP and less	-				
Tractor (Pneumatic) over 80 HP	-				
Traveling Mixer	7.25				
Trenching Machine, Light	-				
Trenching Machine, Heavy	-				
Wagon Drill, Boring Machine or Post Hole Driller Operator	-				
Truck Drivers:					
Single Axle, Light	6.10				
Single Axle, Heavy	-				
Tandem Axle or Semi-trailer	-				
Lowboy-Float	8.35				
Transit-Mix	7.10				
Winch	-				
Vibrator Man (hand type)	-				
Welder	8.85				
Welder Helper	-				

AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 4 - Brewster, Culberson, El Paso*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & Sewer Lines and Highway Projects (does not include building structures in rest area projects)

*Not to be used for Heavy Projects in El Paso County

ZONE 5 - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 6 - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work.

ZONE 7 - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 9 - Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant* & Wise Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & Sewer Lines and Highway Projects (does not include building structures in rest area projects)

*Not to be used for Heavy Projects in Tarrant County

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Water & sewer lines & Highway construction projects only

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 15 - Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Highway Construction projects only

ZONE 16 - Chambers, Hardin, Jefferson*, Liberty & Orange* Counties

DESCRIPTION OF WORK: Heavy Projects (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

*Not to be used for Heavy Projects & Incidental Shore Work in Jefferson & Orange Counties

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: TEXAS

COUNTIES: Cameron, Hidalgo, Starr & Willacy

DECISION NO.: TX81-4052

DATE: Date of Publication

Supersedeas Decision No. TX80-4018, dated March 14, 1980, in 45 FR 16828

DESCRIPTION OF WORK: Building Projects (does not include single family homes & garden type apartments up to & including 4 stories). (Use current heavy& highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$13.24	.70	1.00		
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS	6.00				
CARPENTERS	5.11				
CEMENT MASONS	3.50				
ELECTRICIANS	6.425				
GLAZIERS	3.55				
IRONWORKERS:					
Structural & Ornamental	3.50				
Reinforcing	4.02				
LABORERS:					
Common Laborers	3.35				
Air Tool Operators	3.35				
Mason tenders	3.35				
Mortar Mixers	3.35				
Plasters' tenders	3.35				
PAINTERS	4.19				
PLASTERERS	7.00				
PLUMBERS & PIPEFITTERS	10.30	.57	.30		.07
ROOFERS:					
Roofers	4.06				
Kettlemen	4.40				
SHEET METAL WORKERS	4.23				
SPRINKLER FITTERS	14.68	.95	1.40		.08
TILE SETTERS	3.75				
TRUCK DRIVERS	3.35				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: TEXAS

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX81-4048

DATE: Date of Publication

Supersedes Decision No. TX80-4099 dated December 5, 1980 in 45 FR 80640

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to & including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls	$15.45	.70	.90		.08
ZONE 2 - Bosque, Hill & McLennan	13.675	.835	1.20		.045
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS	12.80	.70	.55		.03
CARPENTERS:					
ZONE 1 - Bell & Coryell Cos.					
Carpenters	11.00				
Millwrights	11.25				
ZONE 2 - Bosque, Falls, Hill & McLennan:					
Carpenters	10.91	.42			
Millwrights	11.68	.42			
CEMENT MASONS	12.34	.60	.55		
ELECTRICIANS:					
ZONE 1 - Bell (that part which is nearer to Waco than Austin but excluding that part of Ft. Hood, the boundary which presently is located approx. 2 mile inside the Bell Co. line & the City of Killeen), Bosque, Coryell, (except that part of Ft. Hood south of Cowhouse Creek), Falls, Hill & McLennan Cos.					
Electricians	11.50	.60	3%		4%
Cable splicers	12.50	.60	3%		4%
ZONE 2 - Bell (that part which is nearer to Austin than Waco & not to exceed more than 2 miles into Bell Co. from the southeast boundary line of Coryell Co., Gray Field & the City of Killeen)					

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS ZONE 2 CONT'D: & Coryell (that part south of Cowhouse Creek) Counties					
Electricians & Cable splicers	$12.80	.60	8%		.8%
ELEVATOR CONSTRUCTORS:					
Mechanics	12.87	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	7.50	-			
IRONWORKERS	12.70	.55	1.45		.12
LABORERS:					
Unskilled	3.35				
Mason tenders & mortar mixers	3.55				
LATHERS	11.10			1.00	.05
LINE CONSTRUCTION:					
ZONE 1 - Bell (that portion which is nearer to Waco than Austin but excluding that part of Ft. Hood, the boundary which presently is located approx. 2 miles inside the Bell Co. line & the City of Killeen); Bosque, Coryell (portion except part of Ft. Hood south of Cowhouse, Creek),Falls, Hill & McLennan Counties:					
Linemen	11.06	.60	7%		½%
Cable splicers	12.17	.60	7%		½%
Groundman	7.74	.60	7%		½%
Operators	11.61	.60	7%		½%
ZONE 2 - Bell (that portion which is nearer to Austin than Waco) & Coryell (that portion south of Cowhouse Creek) Cos.:					
Linemen	12.91	.60	7%		½%
Cable splicers	14.20	.60	7%		½%
Groundmen	9.04	.60	7%		½%
Operators	13.56	.60	7%		½%

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
GROUP 1 - Brush	$ 9.40				.04
GROUP 2 - Boiler Pipe & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	9.90				.04
GROUP 3 - Ames tools for dry wall	10.00	-			.04
GROUP 4 - Spray work & self-feeding rollers	10.15	*			.04
GROUP 5 - Steam cleaning, sandblasting & hazardous work	10.50				.04
PLASTERERS	13.29	.60	.55		.01
PLUMBERS & PIPEFITTERS:					
ZONE 1- McLennan County Basic rate	12.25	.30	.55		.04
ZONE 2 - 20 to 45 miles from McLennan Court House including towns of Temple, Marlin, Clifton, Hillsboro & Belton	12.75	.30	.55		.04
ZONE 3 - All other areas	13.75	.30	.55		.04
ROOFERS:					
GROUP 1 - Slate, tile, asbestos, roofing & siding	6.95				.03
GROUP 2 - Composition, built-up damp & waterproofing	6.80				.03
GROUP 3 - Kettlemen	5.10				.03
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan Co. Court House	10.40	3%+.45	.60		.09
ZONE 2 - Over 20 miles up to & including 45 miles	10.90	3%+.45	.60		.09
ZONE 3 - Over 45 miles	11.40	3%+.45	.60		.09
SPRINKLER FITTERS	14.68	.95	1.40		.08
TRUCK DRIVERS	3.35				
welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%
over 5 yrs. - 8% of basic hourly rate
b - Paid Holidays A thru G

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.24		.65		.05
Group 2	12.17		.65		.05
Group 3	10.95		.65		.05
Group 4	10.84		.65		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
GROUP 1 - Heavy duty mechanic; Blade grader - self-propelled; Crawler dozers or loaders; Derricks, power operated (all types); Draglines; Cableway; Backhoe; Crane, power operated (all types); Elevating grader, self-propelled; Hoist, motor driven, two drums or more; Mix mobile; High-lifts and loaders, over 1/3 cu. yd. capacity; Winch truck; Locomotive; Mixer, 14 cu. ft. or over; Paving mixer (all sizes); Scraper; Trenching machine (all sizes); Gradall; Foundation boring machine; Scoopmobile; Shovel, power operated; Pump crete machine; Rock crusher operated on job; Well points including installations; Riding compactor; Forklift over 1500 lb. capacity; Flat wheel rollers (60" & over); Pneumatic rollers (10 tons & above)
GROUP 2 - Blade grader, towed; Flex plane; Form grader; Mixer, less than 14 cu. ft.; Pulsometer; Conventional truck crane driver and oiler; Combination man; Hoist, single drum; Pneumatic roller; High-lifts and loaders, 1/3 cu. yd. or less; Foklift, 1500 lb. capacity or less
GROUP 3 - Fireman
GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 4.50				
Asphalt Heaterman	5.15				
Asphalt Raker	5.65				
Batching Plant Scaleman	5.50				
Carpenter	6.50				
Carpenter Helper	4.00				
Concrete Finisher (Paving)	6.45				
Concrete Finisher Helper (Paving)	4.75				
Concrete Finisher (Structures)	6.00				
Concrete Finisher Helper (Structures)	4.00				
Electrician	10.00				
Form Builder (Structures)	4.75				
Form Builder Helper (Structures)	4.50				
Form Setter (Paving & Curb)	5.15				
Form Setter Helper (Paving & Curb)	4.10				
Form Setter (Structures)	5.55				
Form Setter Helper (Structures)	4.50				
Laborer, Common	4.00				
Laborer, Utility Man	4.00				
Mechanic	5.00				
Mechanic Helper	4.10				
Oiler	5.50				
Serviceman	4.50				
Pipelayer: Bosque, Falls, Hill & McLennan Cos.	5.00				
Pipelayer (Concrete & Clay) Bell & Coryell Cos.	5.00				
Pipelayer Helper: Bosque, Falls, Hill & McLennan Cos.	4.25				
Pipelayer Helper (Concrete & Clay): Bell & Coryell Cos.	4.25				

DECISION NO. TX81-4048

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers (Bell & Coryell):					
Zone 1 - 20 to 45 miles from McLennan Court House including towns of Temple & Belton	$12.75	.30	.55		.04
Zone 2 - all areas not including in Zone 1	13.75	.30	.55		.04
Powderman	5.50				
Reinforcing Steel Setter (Structures)	5.40				
Reinforcing Steel Setter Helper	4.20				
Sign Erector	4.65				
Spreader Box Man	5.00				
Swamper	4.90				
Power Equipment Operators:					
Asphalt Distributor	5.50				
Asphalt Paving Machine	5,55				
Broom or Sweeper Op.	4.80				
Bulldozer, 150 HP & Less	5.35				
Bulldozer, over 150 HP	6.00				
Concrete Paving Curing Machine	5.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	5.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	6.10				
Foundation Drill Operator (Truck Mounted)	8.00				
Foundation Drill Op. Helper	4.50				
Front End Loader (2½ CY & Less)	5.00				
Front End Loader (Over 2½ CY)	6.00				
Motor Grader Op., Fine Grade	7.35				
Motor Grader Operator	5.65				

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DECISION NO. TX81-4048

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Op. (Cont'd):					
Roller, Steel Wheel (Plant-Mix Pavements)	$ 4.80				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.75				
Roller, Pneumatic (Self-Propelled)	4.10				
Scrapers (17 CY & Less)	5.00				
Scrapers (Over 17 CY)	5.60				
Tractor (Crawler Type) over 150 HP	4.60				
Tractor (Pneumatic) 80 HP & Less	4.75				
Tractor (Pneumatic) over 80 HP	5.00				
Traveling Mixer	4.50				
Truck Drivers:					
Single Axle, Light	4.45				
Tandem Axle or Semitrailer	4.85				
Lowboy-Float	4.50				
Welder	5.00				

Unlisted classifications needed for work not included within the scope of the sclassifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

Reader Aids

Federal Register

Vol. 46, No. 132

Friday, July 10, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
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Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JULY

34303-34556.....1
34557-34790.....2
34791-35078.....6
35079-35250.....7
35251-35474.....8
35475-35628.....9
35629-35906.....10

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
July 2, 1910 (Revoked in part by PLO 5973).....35509
September 5, 1914 (Revoked in part by PLO 5973).....35509
October 17, 1916 (Revoked by PLO 5974).....35510
March 8, 1920 (Revoked in part by PLO 5969).....35509
June 13, 1925 (Revoked in part by PLO 5964).....35508
October 23, 1937 (Revoked in part by PLO 5977).....35506
5339 (Revoked in part by PLO 5976).....35504
5534 (Revoked in part by PLO 5975).....35510
11888 (Amended by EO 12311).....34307, 35251
12311.....34307
12312.....35251

Proclamations:
4768 (Amended by EO12311).....34307
4849.....34303
4850.....34791

4 CFR

20.....34309
27.....35475
28.....35475

5 CFR

213.....35079
315.....35079
733.....35080
831.....35080
890.....35080

Proposed Rules:
316.....35108
831.....35658

7 CFR

6.....35518
27.....35105
210.....35629
235.....35629
725.....34793
908.....34557, 35629
910.....34557, 35630
1011.....35264

Proposed Rules:
272.....35658
273.....35658
924.....34346
1125.....34805
1133.....34805
1446.....35520
1701.....35109

9 CFR

75.....34793

Proposed Rules:
51.....34805
201.....35279
203.....35279
319.....35660

10 CFR

2.....34794, 35486
205.....34558
210.....34558
211.....34558
212.....34558
214.....34558
220.....34558
376.....35614
620.....34558
622.....34558
623.....34558
624.....34558
1060.....35630

Proposed Rules:
20.....35662
30.....35522, 35662
40.....35662
50.....34595
60.....35280
70.....35662
417.....35468

12 CFR

618.....35082
701.....34794

Proposed Rules:
Ch. II.....35109
613.....35663
614.....35109, 35663
615.....35117

13 CFR

101.....34309
107.....34309

14 CFR

39.....34796, 34797, 35487-35490
47.....35491
71.....34560, 34561, 34797, 34798, 35492
75.....34798
95.....35492
97.....35497
121.....35611
202.....35498
221.....35632
249.....35498

385 34561
Proposed Rules:
Ch. 1 34598
39 ..... 34347, 34596, 34806, 35523
71 ..... 34597, 34808, 34810, 35523–35528
75 34810
297 35664
380 35664

15 CFR

930 35253
Proposed Rules:
806 34812

16 CFR

13 34563
Proposed Rules:
Ch. I 35118
438 35668
1610 34816
1611 34816
1700 35296

17 CFR

1 34799
4 ..... 34310, 34799
90 34310
240 ..... 35633, 35634
Proposed Rules:
1 35682
17 35682
33 35682

18 CFR

271 35082
1300 35498
Proposed Rules:
8 35298
141 35298
157 35529
271 35119
375 35529

19 CFR

103 35084
152 35084
175 35084
Proposed Rules:
12 34598
101 35682

20 CFR

653 34800

21 CFR

50 ..... 35084, 35085
74 35085
81 35085
82 35085
155 35086
176 35086
178 35087
Proposed Rules:
Ch. I 35120
610 35121
660 35122
1308 35529

23 CFR

450 34564
625 34564
630 34564
655 34564
665 35502

26 CFR

1 34567
6a 34311
Proposed Rules:
1 34348
6 34348

27 CFR

Proposed Rules:
4 34816
5 34816
7 34816

28 CFR

2 ..... 35635, 35637, 35639
527 34548
541 34546
545 34548
570 34550
Proposed Rules:
16 35301
540 34554

29 CFR

Proposed Rules:
1910 35683

30 CFR

Proposed Rules:
715 34784
717 34784
730 34348
731 34348
732 34348
816 34784
817 34784

31 CFR

535 35106

32 CFR

70 34574
199 ..... 34325, 34328
298a 35640
505 35258
706 35502
888 35642
2200 34328
Proposed Rules:
199 34351

33 CFR

100 34574
117 34575–34579
161 34579
Proposed Rules:
117 ..... 34600, 35531, 35532
209 ..... 34583, 35123

34 CFR

206 35072

36 CFR

Ch. 1 34328
Ch. 12 34328
13 35258
701 35088
Proposed Rules:
1190 34353

37 CFR

201 34329
202 34329

38 CFR

3 34800
Proposed Rules:
36 35123

39 CFR

2 34329
111 34330
211 34329
221 34329
224 34329
225 34329
232 34329
233 34329
310 35503
601 35503
Proposed Rules:
111 34600

40 CFR

52 ..... 34584, 34801, 35089, 35259, 35642
81 34801
122 ..... 35090, 35246
123 35259
162 34345
180 ..... 34345, 34585, 34586
256 34802
260 35246
261 ..... 34587, 35246
264 35246
265 35246
Proposed Rules:
52 ..... 34815–34818, 35301, 35684–35686
81 34819
86 35126
180 ..... 34353, 34603

41 CFR

Ch. 1 34803
60–1 34804
60–2 34804
60–4 34804
60–20 34804
60–30 34804
60–50 34804
60–60 34804
60–250 34804
60–741 34804
101–26 35643
101–30 35644
Proposed Rules:
16 35688

43 CFR

Ch. I 34345
Public Land Order:
1778 (Revoked by PLO 5966) 35507
5963 35503
5964 35508
5965 35509
5966 35507
5967 35507
5968 35504
5969 35509
5970 35504
5971 35508
5972 35507
5973 35509
5974 35510
5975 35510
5976 35504
5977 35506

44 CFR

64 35261
65 35263
Proposed Rules:
67 ..... 35127, 35303–35310

45 CFR

1176 35647
1210 35511

46 CFR

531 35091
536 ..... 35091, 35092

47 CFR

0 35450
13 35450
73 ..... 34587–34590, 35094, 35450
74 35450
83 35450
Proposed Rules:
0 35532
73 ..... 34603–34609, 35127–35133, 35534
74 35532

49 CFR

Ch. X 35098
613 34564
1002 35648
1003 35516
1043 35516
1128 35648
1300 ..... 34804, 35516
1303 34804
1304 34804
1306 34804
1307 34804
1308 34804
1310 ..... 34804, 35516
1033 ..... 34591, 34593
1051 34594
1104 34594
1109 35105
Proposed Rules:
1005 35134
1008 35134
1051 35134
1127 35137
1307 34819

50 CFR

674 35517
Proposed Rules:
20 35316
611 ..... 35535, 35536

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DOT/SLSDC			DOT/SLSDC	
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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.

List of Public Laws

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